

**TOWN OF POMFRET  
PLANNING AND ZONING COMMISSION  
PUBLIC HEARING & REGULAR MEETING MINUTES  
WEDNESDAY, JANUARY 21, 2009 AT 7:00 PM  
POMFRET TOWN HALL**

In Attendance: Commission members Walter Hinchman, Michael Wolchesky, Phillip Allegretti, Maureen Nicholson, Alternate Antonio Amaral and ZEO Ryan Brais.

Commission members not present: Robert Blackmer, Ted Tsanjoures, Leah Schad, Alternates Carolyn Hopkins, Beverly Champany, and Town Planner James Rabbitt.

**I. Public Hearing** – Opened at 7:10 pm by W. Hinchman.

1. Laurelwood Acres/William and Claudia Abbott, Angel Road, Resubdivision – Bob Messier, Atty. Bruce Fader and applicant were present. B. Messier was given a letter sent by J. Rabbitt prior to meeting. Mr. Messier submitted revised plans to the commission, reflecting a 12’ driveway with house, well and septic remaining the same. Atty. Fader spoke regarding the open space issue and distributed letters to the commission entitled, “Declaration of Easement and Restrictive Covenants Regarding Shared Driveway and Utilities”, “Declaration of Restrictive Covenants Regarding Lot Preservation and Conservation Restrictions”, and a deed that shows that a lot has been taken out of building lot status. This deed will be shown to the Town Attorney to see if it is a deed of merger. Mr. Abbott spoke regarding his property. After discussion was over, it was decided that two issues remain: 1) is the deed a merger deed, and 2) the restrictive covenant document might be more of an Inland Wetlands issue. P. Allegretti asked if there was any offer to the commission for fee in lieu of open space or open space, which Atty. Fader responded to. As J. Rabbitt wasn’t in attendance as the technical adviser and the issue couldn’t be resolved, Mr. Abbott wrote a letter requesting that the Public Hearing be continued until the February 23<sup>rd</sup> meeting and submitted it to the commission. A motion was made by M. Nicholson to continuing the Public Hearing to the February 23<sup>rd</sup> meeting and was seconded by M. Wolchesky. Motion was approved unanimously.

**II. Regular Meeting**

- a. Current Business – Regular meeting opened at
  1. Approve Minutes of November 24, 2008 – Motion made by M. Nicholson to approve the minutes as submitted and was seconded by P. Allegretti. Approved unanimously.  
Approve Minutes of December 8, 2008 – Motion made by M. Nicholson to approve the minutes as submitted and was seconded by P. Allegretti. Approved unanimously.
  2. Items to Add to Agenda – Chairman Hinchman made a motion to add two items under Commission Business: 1) Annual Budget and 2) Annual Report. Seconded by M. Nicholson. Approved unanimously.

3. Laurelwood Acres/William and Claudia Abbott, Angel Road, Resubdivision - continued to February 23, 2009

### III. New Business

1. Acceptance of New Applications
  - a. Judy's Kitchen, 405 Mashamoquet Road, Expansion of Commercial Non-conforming Use – Engineer from J&D Civil Engineers spoke regarding this application. Applicant requires a site plan approval. Issue regards putting in a parking lot. Engineer stated that 100' of buffering of parking lot is not possible. A letter from Mr. Rich, an abutter of Pete's Drive In, stated that he is comfortable with the vegetation between his property and applicant. W. Hinchman then read into record part of a memo from J. Rabbitt. W. Hinchman said the site plan and parking are all right and off the table. Discussion of bond recommendation. J. Laliberte was agreeable to bond issue. P. Allegretti made a motion to approve the application with the four recommendations from J. Rabbitt: 1) Pre-construction (earth moving) meeting is held with site contractor and owner/owner representative. 2) Performance surety in the amount of \$5,000 to insure compliance with site plan approval. Surety type to be reviewed and approved by Planning and Zoning Commission staff. Note: Surety would be returned at completion of project or issuance of full certification of zoning compliance. Any costs associated with review and compliance would be the responsibility of the applicant and may be deducted from the surety amount. 3) Staff to inspect parking lot construction and landscaping (installation). 4) All cost associated with the application pre and post reviews shall be paid by the client. Motion was seconded by M. Nicholson. Motion was approved unanimously.
2. Citizen's Comments – None.
3. Correspondence
  - a. ZEO Report – nothing going on right now. Ryan will submit written documentation that there are no new items under this issue.

### IV. Commission Business

1. Chris & Cindy Surdam – clarification of Home Occupation conditions – Due to an error in the August 2008 meeting minutes, this issue was brought before the Commission by the applicant. Commission discussed a copy of P. Allegretti's notes from the August meeting regarding this issue. P. Allegretti's motion, as worded, was not in the August minutes. Chris Surdam said that the zoning regulations specifically state that you can have up to two (2) employees. Per W. Hinchman, using reasonableness, it was the intent when the motion was made to allow number of employees the regulations allowed and not to limit them. There was an error in the minutes that evening due to recorder not working properly and person taking minutes was doing so for the first time. W. Hinchman stated the following: *for the record, it was not the intention of the Planning & Zoning Commission to limit the number of employees in the Surdam Class 2 Home Occupation.*
2. Citizen's Comments – none.

3. Annual Budget – W. Hinchman suggested that the same budget as last year be submitted for this year.
4. Annual Report – W. Hinchman has print out regarding number of applications, withdrawals, and approvals. He will submit a letter stating that the Commission meets every 4<sup>th</sup> Monday of the month and that the number of the above mentioned items occurred.

Commission went into executive session at 8:55 pm to discuss the FOI ongoing litigation. Executive session ended at 9.20 pm.

- V. Adjournment** – Motion was made to adjourn, duly seconded and approved unanimously. Meeting adjourned at 9:21 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date approved: \_\_\_\_\_