

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
PUBLIC HEARING & REGULAR MEETING MINUTES
MONDAY, MAY 26, 2009 AT 7:00 PM
POMFRET TOWN HALL**

In Attendance: Commission members Walter Hinchman, Chairman; Michael Wolchesky, Vice Chairman; Phillip Allegretti, Robert Blackmer, Maureen Nicholson, Ted Tsanjoures, Leah Schad, Alternate Beverly Champany, and Staff Member Ryan Brais, ZEO. Commission members not present: Alternates Antonio Amaral, and Carolyn Hopkins and Staff Member James Rabbitt, Town Planner.

I. Public Hearing – Opened at 7:05 pm by W. Hinchman

- A. **Town of Pomfret, 207 Mashamoquet Road**, one-story addition to western side of existing building per the site plan. Members of the senior center as well as Town Engineer Syl Pauley were in attendance. First Selectman Jim Rivers spoke regarding this application. A new modified site plan was submitted and shown to commission members. J. Rivers mentioned that this modification shows less asphalt, more grass, evergreens and other trees to try to accommodate the zoning regulations and requirements. The B100 received by J. Rivers was given to the clerk and submitted into record. J. Rivers went back and stated that this is a 20' x 30' addition to the western side of the existing grange/senior center. The purpose of the addition is to move what is now the basement, which entails the kitchen, restrooms, and additional storage, up to the same level as the main meeting area. A handicapped ramp is also being installed. In addition, there will be a repair to the septic system located to the rear of the gravel parking surface. There will also be an installation of a new, hand-dug well. At the front of the lot, they are trying to save the two large maples. A tree line pretty much surrounds three sides of the property and there will be no disturbance of vegetation or wetlands to the rear of the property. Mr. Rivers then submitted a 3-page waiver request covering anything that might be deficient with the application. Mr. Rivers then gave the floor over to others. Betty Morin of 116 Murdock Road, was concerned if anything could be done to get this renovation accomplished, because the seniors are ready to help. This renovation will bring the senior center in ADA compliance and she'd like it to be done yesterday or tomorrow, or whenever it can get done. She would also like to know about the list of waivers J. Rivers submitted to the commission tonight. J. Kern, President of the Senior Association also spoke regarding the modifications to the parking lot because of the population with restrictions on walking (i.e., walkers, canes, etc.). He also said that this lot at the Senior Center will be very similar to the lot at the new CVS in Brooklyn. P. Allegretti then asked why not pave the back lot? J. Rivers stated that due to budget constraints, it can't be done now, but it will eventually be paved. Right now there are 4 handicapped spots on the lot. P. Allegretti then asked where a person would be dropped off. J. Rivers replied that there are two places. One would be in front of the building, at wider area for wheelchairs near the ramp, and others near the stairs at the front entrance. S. Pauley then spoke stating that the reason for the 4 handicapped spots, when only 2 were necessary, was because they took into consideration having the two extra spots for a drop off area. There is 1 large handicapped spot for van/wheelchair accessibility. W. Hinchman then stated that there will be 20 paved parking spaces including the handicapped spots. B. Champany then asked about the grade difference between

the two lots. J. Rivers said that they were going to follow the existing contour and that there is no parking close to the building in back due to the steep grade. He also stated that they are leaving room on the east side for future expansion. B. Morin stated that they do drive around the building when they have something heavy to bring into the basement and it is soft during the spring. B. Champany wanted to know if it was too much of a grade for seniors to handle. B. Morin stated that it was not too much for them, only if they were really close to the building. W. Hinchman then read the waiver requests submitted by J. Rivers. W. Hinchman stated that he had spoken to J. Rabbitt earlier and that it was with J. Rabbitt's help that J. Rivers drew up this request for waivers. J. Rivers stated that there are reasons given for all of the waivers requested. W. Hinchman then asked if anyone had any further questions. B. Blackmer asked J. Rivers if there was any lighting on the plan. J. Rivers said that there is one new light proposed, which shows up as a large black dot in the rear lot. He said he would like to see more, but J. Rabbitt said that the regulations had to be followed. S. Pauley then said that the lighting is going to be about 5-6' below the street grade. It will be cut-off lighting controlled from inside of the building. W. Hinchman asked if there was a street light on the CL&P post in the front of the building. B. Morin responded saying that there is a light on that pole and that CL&P offered to put in another one out back off of that existing light. There are also flood lights on the building, which lights up the area well. She believes that with the new light in back, there will be sufficient lighting of the area. W. Hinchman then asked what luminair means, and a few people responded saying it's a French word for light. He then asked if anyone saw a reason not to close the public hearing at this time. T. Tsanjoures made a motion to close the Public Hearing. M. Nicholson seconded the motion. It was approved unanimously.

II. Regular Meeting

A. Current Business – Regular meeting opened at 7:30 pm.

1. Approve Minutes of April 27, 2009 –A motion was made by M. Nicholson to approve the minutes with three amendments: 1) put in roll call vote regarding the Abbott application, 2) re-word the motion correctly stating the application should have been a 3 lot resubdivision, and 3) add L. Schad to the attendance. Motion was seconded by B. Blackmer. It was approved unanimously.
2. Items to Add to Agenda – W. Hinchman asked to add discussion of the date for the June meeting, which became item II.A. 3. He also said he would like to add under Commission Business reports he has regarding the Bosworth property, which is item IV.B. and also an appeal to one of the decisions made by the commission, which is item IV.C. M. Nicholson made a motion to add these three items to the agenda in those three places. B. Blackmer seconded the motion. It was approved unanimously. J. Rivers then asked that two other items be placed on the agenda. He requested that 207 Mashamoquet Road be added and discussion of sign regulations be added, too. M. Nicholson made a motion to add 207 Mashamoquet Road as item II.A.4 and the discussion of sign regulations is added as item IV.D. B. Blackmer seconded the motion. It was unanimously approved.
3. Discussion of June meeting date – Our regular date for the June meeting is the 22nd and W. Hinchman can't be hear that date. He would like to see if the meeting could be moved to the 15th. The clerk stated that she would have a conflict if this meeting moved to the 15th. Discussion regarding this issue ensued and it was decided that someone else to could come in to clerk one of the meetings. M. Nicholson made a motion that the June meeting be moved from the 22nd to the 15th, with the location to be

determined. L. Schad seconded the motion. It was approved unanimously. J. Rivers then mentioned that the grange may be under construction by the time of the next meeting.

4. Town of Pomfret, 207 Mashamoquet Road, one-story addition to western side of existing building per the site plan. W. Hinchman read the approval letter the commission received from the NDDH. M. Nicholson made a motion to approve the request for waivers as submitted 5/26 by J. Rivers. B. Blackmer seconded the motion. He did ask J. Rivers if J. Rabbitt wrote the waiver request and J. Rivers stated that J. Rabbitt did write it. Motion was approved unanimously After discussion of the proposed new well and repairs to be made to the septic, W. Hinchman asked if there were any further questions regarding this application. M. Nicholson made a motion to approve the application for the Town of Pomfret, 207 Mashamoquet Road, for a one-story addition to the western side of the building and the parking changes as submitted this evening. P. Allegretti seconded the motion. It was approved unanimously.

III. New Business

A. Acceptance of New Applications –

1. Ken Cardinal for Baker's Dozen, 28 Mashamoquet Road, addition to existing coffee shop. K. Cardinal submitted a new site plan dated 5/13/09 for the proposed addition to the east side of the building. Improvement is being made to the septic system. There will be a new façade to the building. The basement will be used for needed storage and there will be no traffic flow changes being made. He had already received a variance from the ZBA regarding the side-yard setback. He hasn't received a letter from the NDDH yet. Submission of Building/floor plan with operating gas fireplace. K. Cardinal then opened himself up to questions from the commission. W. Hinchman stated that his interpretation of Section 2.5 of the regulations says that if there isn't any change of use, no significant or materials changes, then the commission can instruct the ZEO to issue the permit. K. Cardinal said the seating is going from 18 to 30. W. Hinchman then stated that if the commission felt that there is no change, they can let R. Brais issue the permit. R. Brais stated that there is no issue of drainage. W. Hinchman said that the site plan was submitted, and if the commission feels the site plan is satisfactory, the commission can move ahead. W. Hinchman state that the owner of the property is Gus Loos, which is now the Estate of Gus Loos. P. Allegretti felt that the commission can look at the site plan and feel comfortable voting on it without a Public Hearing or special permit. M. Nicholson said she felt that the commission could direct this issue to R. Brais to issue the zoning permit. W. Hinchman said he was satisfied with the site plan being all right and that R. Brais should be directed to issue the zoning permit. He asked how the commission felt about this. M. Nicholson made a motion to direct R. Brais to review application at his discretion and issue zoning permit when all appropriate requirements are met. B. Blackmer seconded the motion. It was approved unanimously.

B. Citizen's Comments – None.

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1. ZEO Report – Ryan Brais followed through on the property at 88 Wrights Crossing Road. The owners have not applied for any permits and a NOV will be issued.

The issue regarding 411 Valentine Road has been taken care of.

2. Chairman Hinchman then mentioned seeing a shed being constructed on Rte. 44 across from Tyrone Road (Putnam Road). He asked the ZEO if he knew anything about it. The ZEO didn't at this time. He'll check into it.

IV. Commission Business

- A. Citizen's Comments – None.
 - B. Bosworth Property, corner of Routes 169 and 101. W. Hinchman read the legal opinion he requested from Atty. Ed Higgins, during the correspondence portion of the agenda, regarding Map #30, Block E, Lot 3 and Lot 3.01, with respect to the zoning status of the two aforementioned lots owned by James Ruane (Lot 3 – 6 Killingly Road) and Robert F. McGrath (Lot 3.01 – 26 Killingly Road). It is Atty. Higgins opinion that Lot 3 did not meet the minimum lot size required under Section 4.4 of the Pomfret Zoning Regulations (80,000) square feet) that became applicable as of February 26, 2003. Said Lot 3 is not in compliance with the Pomfret Zoning Regulations and does not fall within the definition of a legal "Nonconforming Lot" under said Regulations. Atty. Higgins thought that the commission may wish to consider formally notifying the current owners of the two properties of the above zoning noncompliance and afford them a reasonable period of time to voluntarily correct the present nonconformity. In the event that the present zoning noncompliance is not resolved to the satisfaction of the Commission, it may be appropriate to prepare, execute and record a caveat notice in the Pomfret Land Records.
 - C. Appeal to commission decision. An appeal was delivered to the Chairman at his home. It was dated 5/11/09 and it was in regard to the Abbott decision.
 - D. Discussion of sign regulations. J. Rivers received a verbal complaint regarding the sign at the Little League field. The sign was donated by NELTA and made last year. He had discussion with everyone involved regarding the regulations and the size. He suggested they move the sign back near the dugout. The sign should be 12 square feet. He mentioned that about 90% of properties are probably non-compliant due to the new zoning regulations. He thought by looking at the regulations that maybe they should be looked over again and possibly add some language to cover these issues. P. Allegretti made a comment that signs on buildings are so much larger.
- V. **Adjournment** – Motion was made to adjourn by M. Nicholson and seconded by B. Blackmer. Motion was approved unanimously. Meeting adjourned at 9:10 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date approved: _____