

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND SPECIAL MEETING MINUTES
WEDNESDAY, JANUARY 19, 2011 AT 7:00 PM
POMFRET SENIOR CENTER**

In Attendance: Commission Members Walter Hinchman, Phil Allegretti, Robert Blackmer, Richard DiBonaventura, Martha Paquette; Staff - James Rabbitt, Town Planner and Ryan Brais, ZEO. Absent: Ted Tsanjoures, Beverly Champany, Kimberly Bergendahl, Antonio Amaral, and Leah Schad.

- I. Public Hearing – W. Hinchman opened the Public Hearing at 7:05 pm.**
 - A. Kevin Huff, Big Boys Toys, LLC, 341 Orchard Hill Road,** proposed building addition for retail sales of farm equipment. In attendance to speak for the application were Terry Chambers of KWP and Kevin Huff. T. Chambers submitted revised plans to the commission along with architectural renderings and a letter going over item by item in response to Jamie’s request. Terry read the letter, items 1-13, and noted those where they were requesting a waiver. W. Hinchman stated that some of the waivers are pretty straight forward, but for any other issues that need to be dealt with, we should ask Jamie. Jamie asked for an A2 rendering. There was discussion among the commission members regarding landscaping and buffers. Jamie mentioned that it is hard to condition something on a future date as it becomes complicated. M. Paquette said that she thinks we should have something that states existing vegetation remains; if removed, then replace in kind or buffer. W. Hinchman then said there are a number of places where waivers were requested. He asked if anyone had a problem with the waivers. Jamie said he had issues with items 8 and 13. He said the buffering requirements can be modified. W. Hinchman said that if there’s a change of ownership or in use, then we would follow through with current buffering practices. Jamie said that discretion is left to the commission regarding landscaping and buffering. Walter stated the commission has the authority to interpret the regulations. Jamie mentioned that if anything is not waivable, then you need to work towards why it’s not necessary to implement it. Walter asked if there was any more discussion or questions. B. Blackmer said that Kevin has offered to do what needs to be done. Walter made a motion to close the Public Hearing. M. Paquette seconded the motion and it was approved unanimously.

- II. Regular Meeting – W. Hinchman, Chairman, opened the meeting at 7:30 pm.**
 - A. Current Business –**
 - 1. Approve Minutes of December 20, 2010 –** P. Allegretti made a motion to approve the minutes as submitted. W. Hinchman seconded the motion and it was approved unanimously. There were three abstentions.
 - 2. Items to Add to Agenda –** N/A
 - B. Pending Applications –**
 - 1. Kevin Huff, Big Boys Toys, LLC, 341 Orchard Hill Road,** proposed building addition for retail sales of farm equipment. This item will ultimately be approved with conditions. Table this item for now.

- III. New Business**
 - A. Acceptance of New Applications –** N/A
 - B. Citizen’s Comments –** none
 - C. Correspondence**
 - 1. ZEO Report –** Ryan said there were no permits this month. He said he still has not received a response to the certified letter he sent on the Day Rd. property. He said that regarding the structure on Tyott Rd. that was

built without any permits, he needs to get together with L. Post, the Building Official and police officers to go out there and check it out. He said the First Selectman advised him to bring the state police into this situation. Bob asked if a small hunting structure could be built without a permit. Ryan said no, that all structures need permits. It also depends on what the deed states. Bob then asked if someone owns 20 acres and wants to put up a hunting building, can it be done? Ryan said yes.

2. **Correspondence** – Walter read a letter from Bonnie Duncan, Tax Assessor to Ridgewood Farms, LLC regarding a penalty for violating PA 490. The penalty has not be paid on the property as of yet. PA 490 (Open Space) protects land from development and is at the discretion of the Tax Assessor. Bob asked if the Assessor could invalidate the permit to which Jamie said no. P. Allegretti said he felt it was the local Assessor’s responsibility.

At this point, Bob asked to go back to the property on Tyott Rd. He wanted to know if we have an address on the owner and whether it would make sense to track down the owner and make an appointment to meet with the owner, but have a police escort there. Ryan said he usually looks at a property before sending out any letters, etc. He said he’s going to look at the deed and possibly contact the Town Attorney for his opinion.

At this point we returned to Pending Applications and the motion and conditions of approval for Kevin Huff, Big Boys Toys. Walter said we need to identify and approve the waivers prior to making the approval motion. Waivers were requested for items 3, 4, 5, 7, 8 and 11. Walter made a motion to grant the waivers. It was seconded by M. Paquette and approved unanimously. Jamie said the commission needs to make an educated decision based on their discussion regarding the issue of landscaping. It was decided that there was a need to add a benchmark of existing vegetation to the motion. Jamie then read a draft motion to the commission which stated, *“Motion to approve an application for a special permit for a new retail building at 341 Orchard Hill Road as shown on plans prepared by KWP dated 10/5/2010 and revised 1/19/2011, as well as architectural plans (elevations) prepared for Big Boys Toys (submitted 1/19/2011) with the following conditions: 1) the applicant shall submit a landscape plan for the building (foundation plantings) to be reviewed and approved by staff; 2) if the property owned by Charlotte Ann Carter (Map 41, Block C, Lot 2.00) requests that a landscape buffer be established per the regulations as of January 19, 2011, the owner of the parcel N/F known as Big Boys Toys, LLC and owned by Merilis A. Huff is hereby obligated to install all necessary landscaping to comply with the regulations within 6 months of the written request to install said buffer; 3) that existing vegetation along the southern property line common to Carter and Huff shall remain. Existing vegetation shall be shown on the plans; and 4) the applicant shall be allowed to adjust the building location to a point that is no closer to Route 169 than the existing lean-to located on the west side of the existing retail building. The angle of the building as displayed on the site plan may also be adjusted by no more than 10%.”* Bob made a motion to approve the application as read by Jamie. P. Allegretti seconded the motion and it was approved unanimously

III. Commission Business

- A. Citizen’s Comments – None

IV. Adjournment

- A.** Bob made a motion to adjourn. Motion was seconded by M. Paquette and duly approved. The meeting adjourned at 8:50 PM.
- B.** After the adjournment, it was brought to the attention of the commission that the correspondence was overlooked. Walter read a letter from Atty. Fraser to the commission. He asked that we add 109 and 79 Cherry Hill Road to our February agenda.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date approved _____