

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
MINUTES - REGULAR MEETING & PUBLIC HEARING
MONDAY, APRIL 28, 2008 AT 7:00 PM
POMFRET COMMUNITY SCHOOL CAFETERIA**

In Attendance: Commission Members Walter Hinchman, Leah Schad, Robert Blackmer, Phil Allegretti, Michael Wolchesky, Ted Tsanjoures, Maureen Nicholson, Alternate Carolyn Hopkins. Staff James Rabbitt, Town Planner, Ryan Brais, ZEO. Approximately 30 citizens.

I. Public Hearing

1. CT Laborer's Training Academy, 37 Deerfield Road, Text

Amendment – Nancy Frasier was present for applicant. They are proposing a change to the text relating to the Pomfret Street Residential zone relating to private schools. The proposal is to create a new category that includes private educational institutions, allowing them use within the PSR zone as written. They maintain that the CT Laborer's Training Academy is a private educational institution. Copies of the proposal were distributed to Commission members to review. NELTA currently does not qualify under the stringent definitions in the current regulations. Discussion regarding use of right vs. Special Permit. Ray Liston stated he was an abutter and had not received Registered Mail notice of this hearing. He felt the meeting should therefore be suspended. Abutters have not been notified in this case as it presents a text amendment to the whole PSR zone. Charles Boster stated he agreed with the recommendation of a Special Permit required. He stated that zoning was written carefully to not open the door to anything calling themselves a school. Walter Hinchman made a motion to continue the Public Hearing until the next regular meeting, scheduled for May 28, 2008 at 7:00 PM at the Pomfret Community School. M. Nicholson seconded. All in favor.

II. Regular Meeting

1. Current Business

1. **Approve Minutes of March 24, 2008 and March 31, 2008** – M. Nicholson moved to approve minutes of March 24. L. Schad seconded. All in favor. R. Blackmer moved to approve minutes of March 31. M. Nicholson seconded. All in favor. W. Hinchman moved to approve minutes of February 20 which were overlooked previously. M. Nicholson seconded. All in favor, L. Schad abstained.
2. **Items to Add to Agenda** - None
3. **Judy's Kitchen, LLC, 405 Mashamoquet Road, Commercial Expansion** – Attorney Bill St. Onge was present for applicant. The original application has been modified to reduce the change to 192 sq. ft. J. Rabbitt has reviewed the preliminary plan. The addition is for a bathroom. Wetlands approve has been received. T. Tsanjoures moved to approve a 192 sq. ft. addition to the building. M. Nicholson seconded. All in favor.
4. **CT Laborer's Training Academy, 37 Deerfield Road, Text Amendment** – Tabled to May meeting.

III. New Business

1. Acceptance of New Applications

a. Hull Forest Products, 101 Hampton Road, Signage – Ryan Brais stated they are looking to increase the size of the sign in front of the property on Route 97. It is in compliance with the current regulations – just larger than what is there now. P. Allegretti moved to approve application for signage. L. Schad seconded. All in favor.

b. Judy's Kitchen, LLC, Text Amendment, Expansion of Nonconforming Use – The proposed text relates to some changes of Nonconforming use. W. Hinchman recommended the Commission accept the application tonight and schedule a Public Hearing for the meeting of May 28, 2008 at 7:00 Pm at Pomfret Community School.

c. CT Audubon, Demolition and Special Permit, Nature Center – J. Rabbitt stated that the applicant is waiting for Wetlands approval and advised the Commission to schedule the public hearing to the meeting of May 28, 2008 at 7:00 PM at Pomfret Community School.

2. Citizen's Comments – Charles Boster stated that the Change of Zone applications used bold and quotes. The Commission may want to review and clarify for future applicants.

3. Correspondence

a. ZEO Report – Ryan Brais distributed his report to Commission and reviewed activity for the month. He asked for guidance regarding the vinyl hoop garages. There is no permanent foundation – do they need permits. J. Rabbitt will get an opinion from counsel and advise Ryan. Mr. Brais also had correspondence from Yankee Gas regarding an upcoming project from which they are zoning exempt.

IV. Commission Business

1. Miller Family, LLC, Request for release of excess Cost Based Fees – R. Blackmer moved that all but \$250.00 be returned. The \$250.00 to be returned after the mylars are filed. M. Nicholson seconded. All in favor.

2. Miller Family, LLC, Request for Mylar 90 Day Extension – M. Nicholson moved to approve the request for a 90 day extension for filing the mylars. L. Schad seconded. All in favor.

3. Commission Applications

a. Pomfret Planning and Zoning Commission, Zoning Regulations Text Change, Historic Resources - - J. Rabbitt reviewed some final language recommendations made by Attorney Zizka. He submitted a memo from himself dated April 28, 2008 that incorporated these recommendations. Review and discussion. W. Hinchman moved to approve the text change regarding Historic Resources with Attorney Zizka's recommendations. L. Schad seconded. Some discussion. L. Schad withdrew her second. W. Hinchman made a new motion to approve the proposed language for Historic Resources as revised by Attorney Zizka, with an effective date of May 9, 2008. L. Schad seconded. All in favor.

b.Pomfret Planning and Zoning Commission, Zoning Regulations Text Change, In-Law and Caretaker Apartments – J. Rabbitt distributed a letter from Attorney Zizka dated April 28, 2008 and a memo from himself dated February 22, 2008 and revised to April 28, 2008. Review and discussion. M. Nicholson made a motion to approve text amendment for in-law and caretaker apartments as reworded this evening, with an effective date of May 9, 2008. R. Blackmer seconded. All in favor.

c. Pomfret Planning and Zoning Commission, Zoning Regulations Text Change, Home Occupations – R. Blackmer had some considerations regarding this amendment that he shared in writing with Commission. He suggested the removal of the specific references to loggers and contractors, equipment allowances, and changing the idle time from 10 to 3 minutes. Discussion regarding keeping low-impact Home Occupations as a use of right but requiring the Special Permit for higher impacts. J. Rabbitt will get an opinion from Attorney Zizka as to whether or not a change such as this would stay consistent with the legal notice or if a new application would be required. W. Hinchman stated that if all were in agreement a Special Meeting will be scheduled on May 19, 2008 at 7:00 PM at the Pomfret Community School Library to further consider once Attorney Zizka's opinion has been received. All were in agreement.

d.Pomfret Planning and Zoning Commission, Zoning Regulations Text Change Home Based Business – Tabled to next regular meeting of May 28, 2008.

3. Citizen's Comments - None

V. Adjournment – M. Wolchesky moved to adjourn. T. Tsanjoures seconded. Meeting adjourned at 10:15 PM.

Respectfully submitted,

Bonnie Ryan, clerk

Date approved_____