

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
MINUTES – PUBLIC HEARING AND REGULAR MEETING
AUGUST 27, 2007 AT 7:00 PM
POMFRET COMMUNITY SCHOOL CAFETERIA**

In Attendance: Commission Members – Michael Wolchesky, Robert Blackmer, Maureen Nicholson, Leah Schad, Charles Boster, Phil Allegretti, Carolyn Hopkins; Staff James Rabbitt, Town Planner, Ryan Brais, ZEO; First Selectman James Rivers. Approximately 6 citizens. Commission Members not present – Walter Hinchman, Alternate Tony Amaral.

- I. Public Hearing** – Hearing opened at 7:00 PM by Michael Wolchesky
1. Sabrina Putnam, Special Permit, Service Business in Village Zone – Sabrina Putnam was present. A diagram of the parking area and photos and drawings of the building had been submitted to file. The Commission reviewed file contents. She would like to open a personal service business. There will be no employees and the business will service only one client at a time. Chris Surdam, citizen, stated the application seemed straightforward and he hoped the Commission would move quickly on their decision. James Rabbitt stated he has completed a site visit and the parking was adequate and the intended waiver requests should be permissible. C. Boster asked about signs. There is nothing in the application for signs. M. Wolchesky read the request for a waiver of section 14.4.2. J. Rabbitt reviewed the items to be waived and stated he had no issues with any of the items. C. Boster asked for clarification of this Special Permit being for use of a specific room, for a specific use. If in a number of years from now someone else plans to use the room for a different business, will they need to apply for another permit. J. Rabbitt stated that a similar use would be acceptable but something non-similar would be considered a change of use and a new permit would be required. There were no further questions. Phil Allegretti moved to close the Public Hearing. Maureen Nicholson seconded. All in favor. Hearing closed at 7:15 PM.
- II. Regular Meeting** – M. Wolchesky opened the meeting at 7:16 PM.
1. Current Business
 - a. **Approve Minutes of May 31, 2007, July 23, and July 25, 2007** – R. Blackmer made a motion to approve the minutes of May 31, 2007. P. Allegretti seconded. All in favor. P. Allegretti made a motion to approve the minutes of July 23, 2007. M. Nicholson seconded. All in favor with R. Blackmer abstaining. P. Allegretti made a motion to approve the minutes of July 25, 2007. M. Nicholson seconded. All in favor.
 - b. **Items to Add to Agenda** – L. Schad stated she would like to add Executive Session to discuss pending litigation. Discussion regarding Commission's ability to go to Executive Session to discuss litigation not directly against the Commission. L. Schad agreed to add the item as an open meeting item. M. Wolchesky stated he would like to add Miller Family, LLC request for further extension of filing of mylars and a request for release of bond from Paul Bulat,

owner of Colonial and Federal Development for Brooklyn Road 4-lot subdivision. C. Boster stated he would like to add discussion of Cemetery Zoning Regulations going to the next workshop meeting, and Railroad Street property discussion. All items added to Commission Business.

c. Sabrina Putnam, Special Permit, Service Business in Village Zone – M. Nicholson made a motion to accept the request for waivers of section 14.4.2 P. Allegritti seconded. All in favor. M. Nicholson made a motion to approve the application as submitted. L. Schad seconded. All in favor.

III. New Business

1. **Acceptance of New Applications** – None

2. **Citizen's Comments** – Ford Fay asked if Carolyn Hopkins were to be seated. P. Allegritti made a motion to seat Carolyn Hopkins. R. Blackmer seconded. All in favor. Chris Surdam stated he would like to see no more items added to the Workshop meetings until the current ones were resolved. He also asked about the date for the next workshop meeting.

3. **Correspondence** – M. Wolchesky distributed copies of an article submitted by A. Hennen regarding In-Law apartments. An upcoming Land Use Seminar was reviewed. Review of Notice from the Town of Brooklyn regarding upcoming Public Hearings. M. Wolchesky read letter received from Retriever Club regarding the complaint against the Dean property.

a. **ZEO Report** – R. Brais reviewed applications from the past month. He provided a follow-up report on the complaints filed regarding the Dog Trials on the Dean property and the activity at the Simpson property on Deerfield Road. Both cases were determined to be legal non-conforming uses and the files will be closed. M. Wochesky, P. Allegritti, and R. Blackmer voiced support of this finding.

IV. Commission Business

1. **Discussion – Policies and Procedures** – J. Rabbitt stated he had nothing as yet to report.

2. **Property Line Adjustment Notice – Update** – J. Rabbitt stated that the advice coming from Attorney Zizka was not to issue such notices. He will check into the possibility of the Town Clerk issuing a notice to those who file a property line adjustment to be kept on file in that office.

3. **Miller Family, LLC, 90 Day Extension for Mylars** – CME submitted a letter for the Miller Family, LLC requesting an additional 90 day extension for filing the Mylars for the Tyott Road resubdivision. C. Boster moved to approve the additional 90 day extension. M. Nicholson seconded. All in favor.

4. **Colonial and Federal Development Release of Remaining \$5,000 Bond for Brooklyn Road** – J. Rabbitt stated that the site at Brooklyn and Jericho Road has been inspected by staff. All requirements have been met and there is no concerns in returning this bond. L. Schad moved to release the bond. M. Nicholson seconded. Six in favor: M. Wolchesky, L. Schad, M. Nicholson, R. Blackmer, P. Allegritti, C. Hopkins. One opposed: C. Boster. Request approved.

5. Workshop Meeting – It was determined that Monday, September 17, 2007 will be scheduled for the next Workshop Meeting. This will be at the Town Hall from 7:00 PM – 9:00 PM. Review of the Cemetery Regulations will be added to the agenda.

6. Railroad Street Property – C. Boster stated he wanted to establish status of this property. J. Rivers stated that the closing will take place any day. C. Boster asked about any permits issued by zoning or wetlands to excavate gravel from this property. He has been by the property and it appears that materials are being taken from the ground. There is a large hole and he feels a cease and desist should be issued. Discussion. J. Rivers will visit the property tomorrow to confirm what is being done and verify with the State, who is purchasing the property, of their awareness or approval of this earth removal.

7. Pending Litigation – Discussion – L. Schad stated she would like to have some discussion of the ZBA litigation. She understands the Town has retained Attorney Zizka for the ZBA. She feels discussion on how the PZC feels is warranted as the ZBA overturned R. Brais and the PZC had agreed with R. Brais. Discussion. J. Rabbitt recommended he consult with staff and council to clarify whether or not it is appropriate for the PZC to enter Executive Session to discuss this litigation as the appeal is not against this Commission. This item will be tabled to the September meeting as an Executive Session item or an Open Meeting item, dependant upon clarification received.

8. Citizen's Comments – Ford Fay asked how many Commission members had read Attorney Zizka's motion to dismiss the Lussier appeal. He encouraged all to read it.

V. Adjournment – C. Boster motioned to adjourn. R. Blackmer seconded. All in favor. Meeting adjourned at 9:01 PM.

Respectfully submitted,

Bonnie Ryan, clerk

Date approved _____