

**TOWN OF POMFRET
PLANNING & ZONING COMMISSION
MINUTES – PUBLIC HEARING & REGULAR MEETING
MONDAY, FEBRUARY 26, 207 AT 7:00 PM
POMFRET COMMUNITY SCHOOL CAFETERIA**

In Attendance: Commission Members – Michael Wolchesky, Phil Allegretti, Charles Boster, Robert Blackmer, Maureen Nicholson, Alt. Tony Amaral. Ex-Officio Member James Rivers, First Selectman. Staff – Jamie Rabbitt, Planner, Ryan Brais ZEO. Approx. 30 citizens. Commission Members not present – Walter Hinchman, Leah Schad, Alt. Carolyn Hopkins.

- I. Public Hearing** – Hearing opened at 7:10 PM by M. Wolchesky. P. Allegretti made a motion to seat Tony Amaral. M. Nicholson seconded. All in favor.
- 1. The Miller Family, L.P., Tyott Road, Resubdivision** – Attorney William St. Onge was present for applicant. He presented a formal opinion letter for the record. He stated the issue at hand was if it was equitable to impose Town road improvements on Tyott Road and if this would make sense for the Town. This 3-lot subdivision will have a minimum impact on traffic. The applicant's position is that it does not make sense to upgrade the road believing this will impact the rural character of the area, increase traffic and traffic speed. CT courts have determined that a developer building on a Town road is allowed to believe the road will meet certain standards. The applicant feels road improvements would not meet the wishes of residents. His client will meet the Town half way providing land to widen the road if that becomes necessary. Scott Young with CME presented some minor revisions to the plan. He reviewed points listed in review letter from Don Aubrey, Town Engineer, dated January 18th. An Open Space proposal was discussed, noting the area that would be proposed as Open Space. A fee of \$6200.00 per lot was also proposed. Paul Miller spoke, stating he owns Fairview Farms in Woodstock and has maintained a family-run farm locally for years. Two of the proposed lots would be for his children who would like to help keep open crop land and continue to farm. He stressed the family commitment to Open Space and the promotion of agriculture. James Rabbitt addressed parcel A on the plan. He stated this parcel needs to be part of the subdivision process and shown as part of the parcel being divided. He recommended combining lot A with lot 4.3 instead of merging with the abutting lot. He also addressed Attorney St. Onge's comments regarding road improvements. The courts decided that Commissions can not require something outside of their regulations. Section 9.6 of the Subdivision Regulations state that the Commission can require an applicant to improve an existing street if the road does not meet subdivision standards. Mr. Rabbitt recommended the issue be reviewed by Attorney Zizka for opinion. Chris Surdam, citizen stated that he felt the proposal seemed fair. How much could putting in a cement culvert cost the Town? He was in favor of the subdivision. Tom Garrett, citizen, asked if school buses currently go down Tyott Road. He felt this should be considered as improvements would be needed to accommodate school buses. Bob Lussier, citizen, asked if Tyott Road had been deeded to the Town. If so, the improvements should be the Town's responsibility. He stated that the applicant wanted two of the lots for family members, the family has been in Town for a long time, and should be shown some appreciation. Attorney St. Onge stated that a Planning Commission can only determine the division of land. The applicant will donate width of land if needed for the road and drainage improvements. Mr. Miller asked about Jamie's comments on the merged lot. He is currently paying taxes on two lots. Charles Boster asked Scott Young to review changes made to plan as he did not see marked revisions. These were reviewed by Mr. Young. Mr. Boster also stated he could not determine from plan if the proposal was for 3

or 4 lots. J. Rabbitt reviewed the land owned by Mr. Miller and the land subject to the application. There are clearly 3 lots proposed – 4.1, 4.2, 4.3. His concern was with parcel A which must conform to zoning. The proposal asks not to review this piece but that they will merge it with Mr. Miller's second parcel. Attorney St. Onge stated that he believed this application could be approved this evening with conditions. J. Rabbitt cautioned that no further testimony could be heard if the Public Hearing were closed. Charles Boster requested the question of merging parcel A be reviewed by Attorney Zizka. Attorney St. Onge stated that his client would agree to asking for a 30 day extension and request that Attorney Zizka responds before that time so they could answer any concerns. His feeling was that they were not compelled to merge parcel A with one of the proposed lots. J. Rabbitt will review the question with Attorney Zizka as well as the question regarding road improvements. Charles Boster made a motion to have the Planner request Attorney Zizka's opinion of these issues. Robert Blackmer seconded. All in favor. Fee in lieu of Open Space was discussed and reviewed. The Commission felt comfortable with the offer of \$6200.00 per lot. A request for an extension thru April 3, 2007 was submitted by applicant. M. Wolchesky stated the Public Hearing will be continued to the next meeting of March 26, 2007 at 7:00 PM at the Pomfret Community School.

2. C. Pritchard, 94 Hampton Road, ReSubdivision – Bruce Woodis from KWP was present for the applicant. The application will create a new 2 acre lot. The current house will be on the remaining 10 acre lot. Plans were presented and reviewed. Health Department, DOT, and Inland Wetlands applications are underway and approvals are expected soon. Due to these pending approvals Mr. Woodis requested the Public Hearing remain open until next month. There were no questions from the public. Public Hearing will continue to the meeting of March 26, 2007 at 7:00 PM at the Pomfret Community School.

II. Regular Meeting

1. Current Business

- a. Approve Minutes of January 22, 2007 – Maureen Nicholson made a motion to approve the minutes as presented. Phil Allegretti seconded. All in favor.
- b. Items to Add to Agenda – Jim Rivers stated he would like to have added under Commission Business a Selectmen's Report covering: Schedule Citizen's Forum – Zoning Issues, Discussion – Improvements and Enhancements to Regulations, Corrective Action Discussion – Complaint Process. M. Wolchesky stated these will be shown as items 1a, 1b, 1c under Commission Business. Charles Boster stated he would like to add Policies and Procedures for Complaints and a review of a draft he has prepared. This will be combined with item 1c. Maureen Nicholson asked that a discussion of Open Space plans be added to a future agenda.
- c. The Miller Family, L.P., Tyott Road, Resubdivision – Continued to March
- d. Lloyd Davies & Hilda Mosely, 176 Paine Road, 4 lot subdivision – Scott Young will CME was present for the applicant. He stated that the outstanding issues were the fee in lieu of Open Space. They were proposing \$24,800.00 or \$6,200.00 per lot. Lots 1.04 and 1.03 will be combined to make lot 1.03 an 8+ acre lot. J. Rabbitt distributed his report with comments to Commission. He reviewed each of his 9 comments proposed to be included in a motion. (ATTACHMENT A) Discussion. Charles Boster made a motion to approve the application with each of James Rabbitt's 9 recommendations as conditions. Maureen Nicholson seconded. All in favor.
- e. C. Pritchard, 94 Hampton Road, Resubdivision – continued to March.

III. New Business

1. Acceptance of New Applications – None
2. Citizen's Comments – Tom Garrett stated he has recently brought some zoning problems to the Selectmen's Office. He has agreed to hold off on his petition against zoning for 6 months. He then stated the following questions/concerns:
 - *Can an additional Citizen's Comments item be added at end of agendas.
 - *If something is not specifically allowed in the Regulations is it then explicitly denied?
 J. Rabbitt stated if not specific it could be grounds for denial.
 - *Is there a minimum house size? No.
 - *Does the ZEO and Commission members go around Town specifically looking for issues and violations. There are no scheduled drives to identify problems.
 - *Mr. Boster seemed involved with the recent issues concerning Wetherbee Road and H&H Produce. It seems he should have recused himself.
 - *The truck in question on Wetherbee Road was over 9,000 lbs. This location was the focus but there are many other trucks in town within this weight category.
 - *A process to notify people who are under review should be put into place.
 - *There are no in-law apartments or auxiliary housing allowed under current Regulations.
 - *Definitions from outside the U.S. should not be used over U.S. definitions.
 - *How many changes have been made to the Regulations since their inception. Revisions are listed inside of cover.
 - *Are there no provisions for one-way streets.
 - *How many Commission members are up for re-election in November. Two.
 - *Where does the money from the fees in lieu of Open Space go. Open Space/Land Acquisition fund.
 - *Can we put a moratorium on subdivisions.
 One person commented that the building code requires a 900 sq. ft. minimum for a single-family house. Bill Gould stated that he was aware of the petition to repeal zoning. It seemed to him the best way to handle is through discussion. Many problems seem to come from lack of communication and not knowing who your neighbor is. He feels the Commission should periodically go door to door and meet residents of the Town. Chris Surdam had a concern regarding regulating tree size. This reference in the Regulations is concerning Commercial property. Jim Potter asked if there was a town standard for unimproved roads. There was an unimproved road Ordinance. R. Blackmer noted that much time was taken in drafting the Zoning Regulations and the Commission tried to make them reasonable. It was known some things would come up. He was glad to see the citizen involvement. Chris Surdam stated he would like to see square footage specified for Home Occupations instead of a percentage to be used. He would also like to see retail allowed but limited to square footage and number of employees.
3. Correspondence – none
 - a. ZEO Report – Ryan Brais stated he had no inspections this month and therefore no report.

III. Commission Business

1. Paul Lehto – Bond Release – Searles Road – Attorney correspondence was received today for a pre-judgement hold on these funds. The judge's signature is expected tomorrow. Discussion regarding releasing bond contingent upon directive in pending notice. J. Rabbitt stated there will be some additional costs in the spring to clean the catch basin. Maureen Nicholson made a motion to table until the March meeting. Robert Blackmer seconded. All in favor.
2. Preliminary Discussion-Provost & Rivero-2-lot subdivision, Searles Road – David Held with Provost & Rivero was present. He reviewed the location of potential

subdivision. He was looking for input from Commission regarding design and Open Space. Some discussion regarding bridge over one driveway. No action taken.

3.a Jim Rivers reviewed the idea of holding a public forum to answer public questions and concerns regarding zoning. Discussion. Some dates in early April were discussed. J. Rivers will work on this and confirm a date. b. Workshops were discussed in order to review and improve current Regulations. Recent issues have been Home Occupations, Trucks, and In-Law apartments. A tentative date of April 30th was discussed as the first Workshop date so that information given at the public forum can be reviewed. c.

Complaint Procedures – Discussion of having complaints put in writing. There is a form in place. Discussion of how Commission members relay concerns to Commission.

Guidelines need to be established concerning how process works. C. Boster stated that section 2 in the Regulations outlines how the ZEO works. He presented a draft to Commission regarding procedures and policies to enforce zoning.

4. Home Occupations & Definitions – This will be discussed at the public forum.

5. Notification Process to Applicant – Public Act 06-53 Public Drinking Water – This is a new state requirement. J. Rabbitt will review procedure.

6. Caveat for Land Records – Open Space Fees – A sample caveat that was received from Ed Higgins was reviewed for use. This would be attached to the land records in order to capture the fee in lieu of open space at the time of transfer. R. Blackmer made a motion to use and attach caveats to land records to record the fee due on land. Phil Allegretti seconded. All in favor.

7. Property Line Adjustment Notice – update – J. Rabbitt recommended this item remain on agenda. He will be attending some meetings in the near future that will provide him with information on this that he can then bring to the Commission.

8. Cemetery Zoning Regulations – Update – C. Boster stated he has received no comments back from Commission regarding the proposal. He therefore requests it be taken to a Public Hearing to vote. He also stated that an offer was still on the table to have the State Archeologist speak. J. Rabbitts stated the proposed addition to the Regulations be looked at with the other regulatory changes that come out of the Workshops.

IV. Adjournment – Maureen Nicholson made a motion to adjourn. Mike Wolchesky seconded. All in favor. Meeting adjourned at 11:00 PM.

Respectfully submitted,

Bonnie Ryan, clerk