

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
MINUTES – PUBLIC HEARING & REGULAR MEETING
MONDAY, JANUARY 22, 2007 AT 7:00 PM
POMFRET COMMUNITY SCHOOL CAFETERIA**

In Attendance: Commission Members-Walter Hinchman, Robert Blackmer, Phil Allegretti, Michael Wolchesky, Maureen Nicholson, Leah Schad, Alternates Tony Amaral, Carolyn Hopkins. Staff-James Rabbitt, Town Planner, Ryan Brais, ZEO. Commission Members not present: Charles Boster. Approx. 60 citizens.

- I. **Public Hearing** – Opened at 7:00 PM by Walter Hinchman
 1. The Miller Family, L.P., Tyott Road, ReSubdivision – Eric Englart from CME was present to represent the applicant. Revised plans were distributed. The Wetlands Public Hearing has been closed but no decision has been rendered as yet. Mr. Englart reviewed this application was for a 3-lot resubdivision, each lot being 10 or more acres. Putnam water and control documentation have been submitted for file. State Archeological letter, Town Engineering recommendations were submitted as well. The issued outlined by Town Engineering have not yet been resolved but will be. A decision from Wetlands is expected before the February Planning and meeting and the applicant is requesting this Public Hearing be extended to February. Walter Hinchman asked if the public had any questions. Cindy Fayer stated she was a resident of Tyott Road and that the road is narrow, blind, and dangerous, especially at the entrance to East Quassett Road. Hopefully this would be addressed. James Rabbitt submitted a preliminary review letter of January 22, 2007. His recommendation was that the hearing be extended to February. Phil Allegretti made a motion to continue the Public Hearing to the meeting of February 26, 2007. Maureen Nicholson seconded. All in favor. The Public Hearing will be scheduled at the Pomfret Community School provided it is available.

- II. **Regular Meeting**
 1. Current Business
 - a. Approve Minutes of November 27 & December 18, 2006 – Phil Allegretti made a motion to approve the minutes of November 27 and December 18, as presented. Leah Schad seconded. All in favor.
 - b. Items to Add to Agenda – None
 - c. Cynthia Surdam, 194 Orchard Hill Road, Home Occupation - Walter Hinchman stated that the Surdam's had contacted him to discuss their application. He advised that he would be willing to do so but advised them that he would then not speak or vote concerning this application and therefore recused himself from discussion. Lee Surdam submitted checklist and photos

regarding the application. They want to display samples and photos of crafts, from which people can place orders. They would like to do this out of an outbuilding on their property. James Rabbitt stated that this would fall into the definition of retail sales. Mr. Surdam did not agree based on the definition of retail he had available. Discussion. Mr. Surdam stated he did not see a difference between a dressmaker type business and what they were proposing. Mr. Rabbitt stated a dressmaker is considered a service industry. Michael Wolchesky read into record two statements regarding businesses running previously on this property. Discussion of Home Occupations being run from a space in the home as opposed to any outbuildings. Phil Allegretti made a motion to deny the request of a waiver of site plan. Maureen Nicholson seconded. All in favor. Phil Allegretti made a motion to deny the application as it did not fit the current Regulations regarding Home Occupations. Maureen Nicholson seconded. All in favor. Application denied.

- d. The Miller Family, L.P., Tyott Road, Resubdivision – tabled to Feb. meeting.
- e. Lloyd Davies & Hilda Mosely, 176 Paine Road, 5-lot subdivision – Tim Gosselin from CME distributed plans for review. These plans reflect a 4-lot subdivision on 24 acres. Since the November meeting recommendations have been received from the Town Engineer and the Town Planner. The engineers recommendations have been addressed on the plans submitted. Mr. Gosselin reviewed these points and remedies taken. Some discussion regarding Open Space. The applicant would propose a 3 acre piece that abuts Natchaug State Forest. James Rabbit would recommend a fee in lieu of. He also proposed bonding in the amount of \$21,150.00. Discussion. CME will go back to applicant and determine a fee in lieu of Open Space that they feel is appropriate. James Rabbitt asked for Commission's consent for him to prepare a draft motion for the next meeting that addresses all points. Tim Gosselin submitted a request for an extension to the application of 65 days. Maureen Nicholson moved to accept the 65 day extension. Robert Blackmer seconded. All in favor. Application continued to February meeting.

II. New Business

1. Acceptance of New Applications

- a. J. Fahey, Route 44 & Wrights Crossing, 2-lot subdivision – Walter Hinchman stated that this application was submitted and approved in the past. However a quit claim deed from the road was not filed and the mylar extension ran out. Walter suggested the applicant re-apply so that the mylar can be signed within the appropriate time from approval. Mr. Hinchman asked for a motion to approve the

application with a waiver of all fees other than the cost of legal noticing. So moved by Robert Blackmer. Seconded by Maureen Nicholson. All in favor.

b. C. Pritchard, 94 Hampton Road, ReSubdivision – Terry Chambers with KWP was present to represent the applicant. He submitted copies of certified mailings and stated all abutters had been notified. The applicant is proposing a 2-lot resubdivision of 13 ½ acres, creating one 11 ½ acre lot and another 2 acre lot. Plans were available for review. They were requesting the application be received tonight and they knew a Public Hearing would be necessary. A Public Hearing will be scheduled for the meeting of February 26, 2007 at 7:00 PM at the Pomfret Community School.

2. Citizens Comments – Walter Hinchman asked for there were any comments from the public regarding items not on the agenda as there is no Public Hearing. There were none.

3. Correspondence

a. ZEO Report – Ryan Brais reviewed inspections completed and permits given or denied in the past month.

b. H & H Produce – Update – Ryan visited the store on January 22. He stated there have been no building changes. The fry-o-later in question is a home-type model. There is no violation on the property. The business has historically sold cold-cuts and there is no illegal extension. He feels the matter should now be dropped. Walter asked if the proprietor would submit a floor plan of the facility and how it's used to avoid any change of use questions if brought up in the future. Ryan will then send a letter to the proprietor agreeing with floor plan and stating there is no violation. Stacy Hattin, proprietor, was present and agreed to forward a floor plan to Ryan.

c. 34 Wetherbee Road – Update – Ryan reviewed the file and gave an overview of dates referenced in various statements as to when the trucks first appeared on the property. He is primarily trying to determine if trucks were parked there prior to zoning. Ryan stated there is a difficulty in trying to go back 4 years. He will present information to attorney Zizka before making a decision. Phil Allegretti stated he reviewed the full file and feels this is a legal non-conforming use and Mr. Lussier should be able to continue. Walter Hinchman stated it was clear some vehicles were there before zoning. Was the business there was the seconded question. Robert Blackmer and Michael Wolchesky both stated they felt some vehicles were parked on the property prior to zoning. Discussion regarding expansion of business in light of the gravel area parking Mr. Lussier has put in. Jim Rivers stated this file has created a long series of issues. He wanted to thank all of the Commission members for all of the added time to address this. He felt there was a need to move forward on this issue. Discussion regarding pre-existing use and expansion. Robert Blackmer asked if the Commission could agree this evening that there is a non-conforming use and to require Mr. Lussier to provide documentation of dates when other pieces of equipment were acquired. Ryan will clarify with Attorney Zizka any question regarding any additional equipment and expansion considerations regarding the gravel parking area. He will have a letter together by a week from this Friday for the Commission's review. Walter Hinchman stated he was handed three items

before the meeting regarding this file – a statement from Mr. Lussier's Attorney, and two letters from citizens. These will be kept in the correspondence file.

III. Commission Business

1. Jason LaValle – 320 Underwood Road – Preliminary discussion – Mr. LaValle had questions regarding a non-conforming lot and his ability to remove material from it in order to make it conforming. What would be needed in terms of permits to remove this material. Jamie Rabbitt will contact him to review.

2. RLB/PAB, Mashamoquet & Covell Road, Request for Bond release – Mr. Hinchman stated RLB is requesting all but \$5,000.00 be released. The \$5,000.00 to be held until spring. Walter Hinchman made a motion to return all but \$5,000.00 of the bond held by the Town for RLB/PAB. Maureen Nicholson seconded. All in favor.

3. Paul Lehto, 280 Searles Road, Request for Bond Release – Walter Hinchman stated there were 3 deposits of money. Wetlands deposit, public improvement bond, and Planning fees. Walter Hinchman made a motion to deny any release of bonding until the Commission was certain that all fees due to the Town have been paid. Phil Allegretti seconded. All in favor.

Items 4, 5, 6, and 7 under Commission Business were tabled to the February meeting. Robert Blackmer stated he would like an agenda item discussing Home Occupations to be added to a near future agenda.

IV. Adjournment – Maureen Nicholson made a motion to adjourn. Robert Blackmer seconded. All in favor. Meeting adjourned at 10:20 PM.

Respectfully submitted,

Bonnie Ryan, clerk

Date approved _____