

**POMFRET PLANNING AND ZONING COMMISSION  
SPECIAL MEETING AND PUBLIC HEARING  
JUNE 16, 2008 AT 7:00 PM  
POMFRET COMMUNITY SCHOOL AUDITORIUM**

In Attendance: Commission Members Walter Hinchman, Phil Allegretti, Robert Blackmer, Michael Wolchesky, Maureen Nicholson, Leah Schad, Ted Tsanjoures. Staff James Rabbitt-Town Planner, Ryan Brais-ZEO. Approximately 22 citizens.

**I. Public Hearing** – Opened at 7:15 PM by W. Hinchman

- 1. Judy't Kitchen, LLC, Text Amendment, Expansion of Nonconforming Use** – Attorney Bill St.Onge was present to represent applicant. Their primary focus was to request a text amendment that would allow them to continue with an existing business and meet health and safety requirements. They would like to expand Pete's footprint and take down the second building. On May 29<sup>th</sup> they filed with the Town Hall a proposed text change the same as what was previously submitted. Mr. St.Onge provided a brief overview of language and read a statement that was included. The new draft has three additional safeguards that should address staff concerns. He requested that if the Commission votes on this tonight that the first amendment be considered first and if it was unacceptable to then consider the draft with additional safeguards. Charles Boster requested a copy of the proposed language and asked about the set-backs from the existing building. James Rabbitt had concerns with use of right and the expansion of the larger of two nonconforming buildings. Property with more than two buildings have not been specifically addressed. Bev Champany asked about the number of nonconforming properties with two or more buildings in town. There could not be that many. James Rabbitt recommended using the Special Permit process with this proposed language. Bob Blackmer had concerns about a later situation that might differ slightly yet would seem reasonable. The use of a Special Permit may allow for such a situation without having to go to another text amendment. Barry Jesserun stated that as a small business owner in the town he would like to see the Commission do what it could to help small businesses. Charles Boster suggested additional language to address access and egress and to ensure public safety and to have the Town Engineer review the same. James Rabbitt provided some suggestions to revision of proposed text that would include Special Permit requirements. Phil Allegretti made a motion to close the Public Hearing. M. Nicholson seconded. All in favor with Leah Schad abstaining.

**II. Regular Meeting**

- 1. Current Business**
  - a. Approve minutes of May 19, 2008 and May 28, 2008** – M. Nicholson motioned to approve as presented. L. Schad seconded. All in favor with B. Blackmer abstaining as absent May 19<sup>th</sup>.
  - b. Items to Add to Agenda** – None
  - c. CT Laborer’s Training Academy, 37 Deerfield Road, Text Amendment** - J. Rabbitt distributed to Commissions some suggestions to changes in text. He reviewed the same and recommended a Special Permit process. The applicant is aware of his recommendations. M. Nicholson motioned to approve text amendment as recommended by J. Rabbitt. M. Wolchesky seconded. W. Hinchman stated a Special Permit seemed appropriate way to go. Some discussion. W. Hinchman called for vote on the motion. All in favor. W. Hinchman motioned to make the amendment effective June 24, 2008. T. Tsanjoures seconded. All in favor.
  - d. Judy’s Kitchen, LLC, Text Amendment, Expansion of Nonconforming Use** – M. Nicholson made a motion to approve as first proposed, dated May 29, 2008. T. Tsanjoures seconded. Discussion. J. Rabbitt cautioned against considering two proposals. M. Nicholson withdrew motion. T. Tsanjoures withdrew second. M. Nicholson moved to approve text amendment dated June 10, 2008 with changes to reflect deletion of use as of right, that reconfiguration must comply with site plan review, and when two nonconforming structures are being combined to a single structure, no addition to either structure can exceed 1,000 sq ft.. Amendment to be effective June 24, 2008. T. Tsanjoures seconded. All in favor with Leah Schad abstaining.

### **III. New Business**

- 1. Acceptance of New Applications** – None
- 2. Citizen’s Comments** – None
- 3. Correspondence** – None
  - a. ZEO Report** – No inspections to date this month.

### **IV. Commission Business**

- 1. Lloyd Davies & Hilda Mosely, Release of Bond, Paine Road subdivision** – J. Rabbitt visited the site with the First Selectman. The Town had requested applicant not seed at this time due to upcoming road work. The Selectmen’s office is to write a letter to the Commission outlining intent of Town. Some discussion. W. Hinchman motioned to await receipt of letter from Selectmen’s office with assurances, estimated completion dates

of seeding, and Wetlands agreement – at which time the bond may be released. T. Tsanjoures seconded. All in favor.

## **2. Commission Applications**

### **a. Pomfret Planning and Zoning Commission, Zoning Regulations Text Change, Home Occupations – J.**

Rabbitt distributed for review a slightly revised amendment with two separate classifications. W. Hinchman made a motion to adopt the proposed amendment as Jamie has presented it with Class I and Class II to be effective June 24, 2008. M. Nicholson seconded. Some discussion. Class II will apply to more intense uses and require a Special Permit. Definitions reviewed. Discussion. W. Hinchman called for a vote on the motion. All in favor.

### **b. Pomfret Planning and Zoning Commission, Zoning Regulations Text Change, Home Based Business – W.**

Hinchman motioned to table this proposal until related lawsuits are settled and revisiting language at future date. B. Blackmer seconded. M. Nicholson stated the Commission has been reviewing this for 18 months and now was the time to act. She felt resolution was necessary. P. Allegretti, L. Schad, and T. Tsanjoures were in agreement with this. M. Wolchesky felt the Commission should move forward with some revisions. Vote on motion: Two in favor – W. Hinchman, B. Blackmer. Five opposed – M. Nicholson, M. Wolchesky, L. Schad, P. Allegretti, T. Tsanjoures. Motion fails. M. Nicholson made a motion to approve the text amendment for Home Based Business with the following changes: up to 10 vehicles, minimum of 15 acres, and change the idling time from 10 to 3 minutes. P. Allegretti seconded. Discussion regarding Special Permits. M. Wolchesky felt up to 7 vehicles would be more reasonable. Discussion of number of vehicles and acreage. R. Blackmer restated his opposition to this amendment. He felt the Home Occupation text is appropriate but he feels this is not. M. Wolchesky moved to amend the motion to increase the acreage to 20 acres. L. Schad seconded. M. Nicholson and P. Allegretti accepted the amendment. Four in favor: L. Schad, T. Tsanjoures, P. Allegretti, M. Wolchesky. Three opposed: R. Blackmer, W. Hinchman, M. Nicholson. Motion carries. M. Wolchesky motioned to amend the original motion again to state up to 7 vehicles. W. Hinchman seconded. Some discussion. Three in favor: M. Wolchesky, R. Blackmer, W. Hinchman. Four opposed: P. Allegretti, M. Nicholson, T. Tsanjoures, L. Schad. Motion fails. W. Hinchman called to vote on original motion

clarifying the vote related to J. Rabbitt's draft dated February 22, 2008 as amended in M. Nicholson's motion as up to 10 vehicles, minimum of 20 acres, idling time changed to 3 minutes, and additions to definitions to stay consistent with Home Occupations. Effective date of amendment to be June 24, 2008. Five in favor: P. Allegretti, M. Wolchesky, M. Nicholson, T. Tsanjoures, L. Schad. Two opposed: W. Hinchman, R. Blackmer. Motion passes.

- c. **Citizen's Comments** – Richard Hall asked about the bonding release that was discussed earlier. Barry Jesserun thanked the Commission for all the time taken on these text amendments. He was concerned the Commission has acted hastily in tonight's vote. The reality of saying no to an unrealistic Special Permit application will be difficult.

- V. **Adjournment** – T. Tsanjoures moved to adjourn. L. Schad seconded. All in favor. Meeting adjourned at 10:20 PM.

Respectfully submitted,

Bonnie Ryan, clerk

Date approved\_\_\_\_\_