

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
MINUTES - REGULAR MEETING & PUBLIC HEARING
MONDAY, MARCH 24, 2008 AT 7:00 PM
POMFRET COMMUNITY SCHOOL CAFETERIA**

In Attendance: Commission Members Walter Hinchman, Michael Wolchesky, Maureen Nicholson, Ted Tsanjoures, Robert Blackmer, Phil Allegretti, Leah Schad. Alternates Tony Amaral, Carolyn Hopkins. Staff: Town Planner James Rabbitt, ZEO Ryan Brais, Counsel Attorney Michael Zizka. Approx. 300 citizens. Commission Members not present: Bev Champany recused.

- I. **Public Hearing** – Hearings opened at 7:00 PM by W. Hinchman.
 1. **Pomfret Planning and Zoning Commission, Zoning Regulations Text Change, Historic Resources** – W. Hinchman provided brief description of proposed text and then opened the floor for comments. Ann Hennen, representing the Conservation Commission, read a letter expressing support for the proposal, but stating it was felt the amendment was not sufficient to protect some of the historic, abandoned cemeteries in Town. James Rivers, First Selectman read a letter from the Board of Selectmen stating their support. There were no further comments. **M. Nicholson made a motion to close the Public Hearing. R. Blackmer seconded. All in favor.**
 2. **Pomfret Planning and Zoning Commission, Zoning Regulations Text Change, In-Law and Caretaker Apartments** – W. Hinchman gave a brief description, stating this was new language for the Regulations and then opened the floor for comments. Margie Huoppi stated she was in favor of the proposal and submitted an article relating to the subject she stated the benefits. Leigh Grossman asked for clarification of the caretaker apartment, asking if payment in lieu of rent was permitted. James Rivers, First Selectman, read a letter into the record stating the support of the Board of Selectmen. Brett Sheldon stated this was a positive amendment to the Town. Dave Rhue asked about how citizen questions would be addressed. J. Rabbitt recommended responses be given once all testimony has been heard. Richard Galante felt that the Planning and Zoning Commission and ZBA has maintained a good relationship and he hoped it continued. He would not want anyone to feel their questions were not answered. Larry Southman believed there were some defects in the language concerning apartments within a detached building. David Abbamonte commended the Commission for all the work that has gone into this and stated his support for this amendment. Gary Kendell stated families usually need something on a temporary basis. Gary Dupre asked why this change is necessary and has the Commission considered the doors this may open. Terry Bellman asked how this will be enforced. Attorney Zizka stated that the Regulations require a connection to the main house. This makes it less likely an outsider will move in. An affidavit will be required by the homeowner and if the property changes hand the new owner would have to re-apply for the permit. Angela Rainsford asked that once the in-law passes, people would then be left with 500 square feet that can't be used. Gary Ayers stated he agreed with much that had been said but felt this was a bit too much government control in people's homes. Diane Sheldon stated in-law apartments were a good idea for the Town. Leigh Grossman stated this would not detract from the character of the Town as many old historical houses were added onto over time and have similar apartments. There were no further

comments. **M. Nicholson moved to close the Public Hearing. R. Blackmer seconded. All in favor.**

3. **Pomfret Planning and Zoning Commission, Zoning Regulations Text Change, Home Occupations** – W. Hinchman gave a brief description stating Home Occupations are currently in the Regulations but this is some new language. The floor was opened for comments. Chris Surdam stated he would like 'Retail Sales' clarified. There is no current definition in the Regulations. Gary Dupre asked if he fixed cars he could then sell ten cars in his front yard. Leigh Grossman stated there was a problem with Retail definition and there was no definition of the level below which a permit was not needed. He read some suggested language to record and submitted the same. Kate Cerrone asked about the regulation of signs. Larry Southam asked about produce from gardens. Ed Brewer spoke about maintaining property values. How can the Commission reconcile parking three large vehicles in locations such as Longmeadow with maintaining property values and consideration of a secondary use of the building. Ann Hennen, for the Conservation Commission read a letter into the record stating Home Businesses have always existed, however, they questioned the use of equipment and recommended deleting the reference to loggers and contractors. Dave Patenaude asked if the Board of Selectmen reviewed and voted on this amendment. Richard Hall requested the PZC hire an independent appraiser before considering these amendments. Albert Washburn stated opposition to involvement of large vehicles. Jim Pozerbra said he was a contractor and a realtor. There has been upscale growth in his neighborhood since he moved in and his values have gone up. Bob Lussier commended PZC for their efforts and stated the Town was built on small family businesses and now it seems permission and peer review is required to build a business. Charlie Dennismore stated he had moved here from a populous area for the quiet. Norman Eisler commended the Commission stating many people have accumulated equipment over the years and he supported the amendment. Attorney Ernest Cutmore was representing Paul Hennen and had documents to submit for the record regarding Statutory Citations, Appraiser and Realtor information. For the record he objected to the Commission not waiving the three minute rule. Brian Miller, a planning consultant there with Attorney Cutmore spoke about including economic activity but protecting the residential environment. It was good controls were in place but potential activities could be detrimental. Bob Stuart, independent real estate appraiser submitted report to Commission. Other towns with similar regulations offer a two year review period of the business. Brett Sheldon stated the Town was built on blue collar people. The newcomers moved here knowing what was here, people need to make a living. These businesses generate tax money. Jim Burns stated he had no problems with this just that common sense should be used. Richard Hall stated the effort here was to split the Town. His wife is not a newcomer and she is not in favor of this. Penny Foisey thanked the Commission for considering amendments. She feels the amendment was reasonable and would help many people in Town. Tom Nuccio stated he lives on Wetherbee Road and has never had a problem with trucks. The neighbors goats were noisier. Jim Robbins asked the PZC to explain existing businesses were grandfathered. Katarina Rutkowski had a power point presentation showing samples of truck sizes and the neighborhoods they could impact. Roger Grant stated he felt the amendments were needed and he supported them. Christine Durst stated that home based businesses are growing nationwide. Marjorie Holzer stated if Zoning were proposed to be taken away it

should go to a public vote. John Golduc stated most towns have Home-Based businesses but he has never seen a logger or contractor mentioned. Jim Rivers read letter into record stating the Board of Selectmen approved this amendment by a two to one vote. He stated everyone could win by compromise and that the PZC intends to keep the character and culture of Town intact. Chris Surdam stated small business owners probably won't flock to Pomfret to buy premium priced land to run their businesses. David Smutnick requested clarification of the definition of significant, substantial, reasonably, and unreasonably as referenced in sections 12.16.1, .2, .3, and .4. He was concerned about truck traffic into neighborhoods but felt with that eliminated the amendment was a good one. Rodney Hicks was concerned with Regulations if you could not have a backhoe, dump truck, etc. He did not own a business, did he have to sell his equipment. Carol Rogers read letter into record regarding the number of lots in town that would be effected, minimum lot sizes, high density, compatible development. Don Burton stated that when he needs a lot cleared or work done on his home, etc he would much rather hire a local contractor or logger than to have to hire someone from the outside. He felt this was a great amendment. Gary Kendell stated there were subtle differences between this and the next amendment. He felt this started when the ZBA overturned a decision regarding Bob Lussier. James Rabbitt clarified that the fuel storage is just what's associated with the home occupation, set-backs and screening are required. Parking on the property lines is already prohibited and will remain so. R. Blackmer made a motion to close hearing. M. Nicholson seconded. Discussion regarding the ability to compare this amendment with the next if hearing was closed. Motion and second withdrawn. **Phil Allegretti moved to continue the Public Hearing to Monday, March 31, 2008 at 7:00 PM at the Pomfret Community School cafeteria. Ted Tsanjoures seconded. All in favor.**

4. **Pomfret Planning and Zoning Commission, Zoning Regulations Text Change, Home Based Business** – W. Hinchman opened the public hearing and stated he anticipated a motion to continue the hearing to a later date. **M. Nicholson made a motion to continue the public hearing to Monday, March 31, 2008 at 7:00 PM at the Pomfret Community School. R. Blackmer seconded. All in favor.**

II. Regular Meeting – Opened at 10:00 PM

1. Current Business
 1. **Approve Minutes of February 25, 2008** – Motion was made and duly seconded to approve the minutes of February 25, 2008. All in favor.
 2. **Items to Add to Agenda** – W. Hinchman stated he would like to add 3 items to New Business: Suit regarding last month's Searles Road application, Request for bond release by Paul Bulat, and an Easement Workshop. All in favor.
2. **Juanita Cristina and Sheila Nabozny, Woods Hill Road, 2-lot subdivision** – Mark Sullivan, surveyor, was present for applicant. Plans were submitted and reviewed. This 8 ½ acre parcel would be split to a 2.83 acre parcel with remaining land to be added to existing lot with the house on it. Discussion. A conservation easement behind the wetlands was proposed and consideration of this was asked as this is an unusual subdivision. Fee in lieu of open space was discussed. The applicant, after discussion, proposed \$2,000.00 as fee in lieu of open space plus the easement. **Michael Wolchesky made a motion to approve**

the 2-lot subdivision with the conservation easement and \$2,000.00 to be paid as a fee in lieu of open space upon transference of the 2.83 acre lot and that a deed of merger be filed. Ted Tsanjoures seconded. All in favor.

III. New Business

1. Acceptance of New Applications

a. Judy's Kitchen, LLC, 405 Mashamoquet Road, Non-Conforming Expansion – Judy LaLiberte and Cindy Dunn were present. The property is formerly Pete's Drive-In. They are asking to put a 576 square foot addition on the back and take down the antique building. Review of square footage of the existing building and what was proposed. They wanted to reconfigure and modify what was there. Current regulations allow for only 25% expansion of the existing footprint for non-conforming use. Discussion. A bathroom could be added to the building if it were within the 25% allowed. This would allow Judy's Kitchen to open pending possible text amendment for other modifications. **Judy's Kitchen will revise application and further discussion was tabled until the Special Meeting to be held on March 31, 2008.**

b. CT Laborer's Training Academy, 37 Deerfield Road, Text Amendment – A proposed text amendment has been submitted regarding expansion of a non-private school within the Pomfret Street Residential zone. A public hearing will be needed. **W. Hinchman proposed scheduling the public hearing for the regular April 28, 2008 meeting. So moved by B. Blackmer and seconded by M. Nicholson. All in favor.**

2. Citizen's Comments – J. Rivers stated that he hoped the Commission would take a pro-active role in the Route 44 corridor. There are many other businesses along this stretch of road.

3. Correspondence

a. ZEO Report – R. Brais submitted report and reviewed for the Commission.

4. Paul Bulat – Request for release of bond – Walter will review this at the Town Hall. The Commission had not requested the additional \$2,000 from this applicant.

5. CT Real Estate – Searles Road – A suit has been filed regarding the Commission's decision for this applicant. Documentation is available.

6. Conservation Easement Workshop – W. Hinchman was looking for a consensus for some possible dates so that he may work with other Boards to schedule this. Wednesday, May 21 was one possible date that the Commission was in agreement on.

IV. Commission Business

1. Commission Applications

a. Pomfret Planning and Zoning Commission, Zoning Regulations Text Change, Historic Resources – Discussion tabled to Special Meeting of March 31, 2008.

b. Pomfret Planning and Zoning Commission, Zoning Regulations Text Change, In-Law and Caretaker Apartments – Discussion tabled to Special Meeting of March 31, 2008.

c. Pomfret Planning and Zoning Commission, Zoning Regulations Text Change, Home Occupations – Tabled to March 31, 2008.

d.Pomfret Planning and Zoning Commission, Zoning Regulations Text Change, Home Based Business – Tabled to March 31, 2008.

2. Citizen's Comments - None

V. Adjournment – T. Tsanjoures made a motion to adjourn. P. Allegretti seconded. Meeting adjourned at 12:05 AM.

Respectfully submitted,

Bonnie Ryan, clerk

Date approved_____