

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
MINUTES – PUBLIC HEARING & REGULAR MEETING
MONDAY, MARCH 26, 2007 AT 7:00 PM
POMFRET COMMUNITY SCHOOL CAFETERIA**

In Attendance: Commission Members-Walter Hinchman, Michael Wolchesky, Robert Blackmer, Maureen Nicholson, Phil Allegretti, Charles Boster, Leah Schad, Alternates-Carolyn Hopkins, Antonio Amaral. First Selectman James Rivers, ZEO Ryan Brais, Town Planner James Rabbitt. Attorney St. Onge, Scott Young, CME, Bruce Woodis, approx. 30 citizens.

- I. PUBLIC HEARING** – Hearing opened at 7:05 PM by W. Hinchman who noted that a quorum was present. P. Allegretti made a motion to seat Carolyn Hopkins for Leah Schad, who had not yet arrived. R. Blackmer seconded. All in favor.
- 1. Miller Family, LLC, Tyott Road, Resubdivision** – Attorney St. Onge referenced letter received from Attorney Zizka dated March 26, 2007 and reviewed contents of same. Scott Young referenced letter received from Town Engineering dated March 23, 2007. He reviewed and responded to the six points outlined by Town Engineering and submitted written response of the same. S. Young stated the applicant would accept installation of a 36” replacement pipe as a condition of approval. He also noted in point five a travelway from 35’ from center of road. As a letter received from Town Engineering dated January 18, 2007 states a 25’ travelway the applicant has kept with that and made no change in this area. He also stated that the plans and application show Miller Family Partnership. It should be formally changed to reflect Miller Family, LLC. S. Young stated they had removed the Open Space lot as the consensus seemed to be fee in lieu of. J. Rabbitt noted site line from driveway on lot 4.2 and asked about the assumed regraded elevation. Some discussion. S. Young stated some additional grading would be needed. C. Boster referenced letter from Attorney Zizka and asked if this was now a 4 lot subdivision without the Open Space line. S. Young stated this was a 3 lot subdivision and the Open Space lot would be part of a lot line adjustment to remaining land. Attorney St. Onge spoke of road improvement stating the applicant agrees to a travelway of 25’ from center line and a larger pipe would be put in. There will be minimal impact with 3 lots on a dirt road. The last hearing made it apparent that others that live on the road don’t want the road improved. He also stated for the record that the lot line adjustment does not create a new building lot and the applicant will not seek a building permit for the lot or adjoined piece without a formal resubdivision request to this Commission. W. Hinchman asked for clarification regarding the 4th, or Open Space, lot regarding where it is to be added to. Page PH3 on plans shows that it will merge with a 20+ acre lot. C. Boster asked if a possible driveway can be shown to this lot. He

stated he would like language from St. Onge to Zizka concerning intentions with this lot. Attorney St. Onge read for the record from Attorney Zizka's letter that pertained to this question. J. Rabbitt stated that the Commission has reviewed the 3 lots and what is required on the plans for each of them. A rear lot would require an application with site plan and a special permit. A lot line adjustment will create a rear lot without a special permit. He has had discussion with CME regarding elimination of lot line and merger of Open Space lot with lot 4.1 or 4.2. R. Blackmer stated that if Commission were to approve the proposal and later denied a rear lot, would the applicant not then have a case for the ZBA regarding hardship for access. P. Allegretti stated it did not appear to him that a rear lot was being created as there is already a rear lot there. J. Rabbitt stated that the current 20+ acre rear lot has no access. Attorney St. Onge stated that the applicant would prefer conditions to approval rather than an extension of the public hearing. J. Rabbitt cautioned that if the hearing is closed and a vote is taken with conditions then information can be received from staff but no response can be received from the applicant. P. Allegretti made a motion to close the Public Hearing. M. Nicholson seconded. Six in favor. C. Boster opposed. Public Hearing closed. C. Boster stated that as all regular members are now present that any alternates be unseated so regular member can take seat. M. Nicholson made a motion to unseat C. Hopkins in order to seat regular member L. Schad. W. Hinchman seconded. All in favor.

2. C. Pritchard, 94 Hampton Road, Resubdivision – Bruce Woodis reviewed plans. The property is 13 acres, the new proposed lot will be 2+ acres. Both pieces will have frontage on Hampton Road. All other permits are in hand. A Conservation Easement is proposed for the rear 8 acres. This area is currently a hayfield and classified as prime farmland. There were no comments from the public. J. Rabbit noted 3 points he would recommend as conditions of approval: 1. Pins/Monuments set before signing of the mylars or provide surety for pins as approved by Town's legal Counsel. 2. 3 paper copies submitted with live signatures along with the mylars to be signed. 3. Pay a fee-in-lieu of Open Space of \$6,000. for the new lot being created, to be paid in lump sum or if the ownership is transferred to a non-family member. He also stated that a Conservation Easement is reasonable. Bruce Woodis stated that the Conservation Easement seemed to meet Pomfret's Open Space requirements perfectly. He did not feel a fee plus the easement was reasonable. W. Hinchman made a motion to close the Public Hearing. Leah Schad seconded. All in favor to close the hearing.

II. **Regular Meeting** – Opened at 8:35 PM.

1. Current Business

- a. Approve Minutes of February 26, 2007 – R. Blackmer made a motion to approve minutes with a correction to page 2, section II,

to read Scott Young with CME. Seconded by Maureen Nicholson. All in favor.

- b. Items to Add to Agenda – W. Hinchman stated he would like to add under New Business – Public Informational Meeting in April. So moved by R. Blackmer. All in favor. C. Boster moved to add Discussion of Draft of Policies and Procedures to Commission Business. W. Hinchman seconded. All in favor. M. Nicholson moved to add to Commission Business Discussion – Re: Correspondence Received by Commission from Selectmen. W. Hinchman seconded. All in favor.
- c. Miller Family, LLC, Tyott Road, Resubdivision – W. Hinchman suggested a review of issues the Commission might have for proper wording for a possible motion. Discussion of pipe and installation, final plan review, and fee-in-lieu of Open Space. W. Hinchman stated the conditions as follows: **1.** Language to be provided on map and land records to restrict land to the north, stating that any future development will go before the Planning and Zoning Commission for a Special Permit. Language to be reviewed and approved by Attorney Zizka. **2.** Engineering and installation of pipe will be completed by the applicant. 36” pipe is deemed adequate, but the size is subject to review by Town Engineering. The Town will provide the pipe. Applicant to submit final cost estimate for drainage for proposed improvements and have amount approved by the Town Engineer. Applicant to provide surety before mylars are filed in a form acceptable to the Town Treasurer. **3.** A fee-in-lieu of Open Space to be paid in the amount of \$6,200.00 per lot to be paid upon transference of title/ownership. **4.** Site lines to be improved if staff deems necessary. W. Hinchman made a motion to approve the Miller Family, LLC application for a 3 lot subdivision on Tyott Road with the four conditions stated. R. Blackmer seconded. All in favor. C. Boster abstained. W. Hinchman noted the applicants request to change the name on the application to reflect Miller Family, LLC.
- d. C. Pritchard, 94 Hampton Road, Resubdivision – W. Hinchman made a motion to approve the application of C. Pritchard with the following three conditions: **1.** The applicant shall pin/monument lots prior to the signing of mylars or provide surety for pins/monuments as approved by the Town’s legal Counsel for the installation of all monumentation. **2.** The applicant shall submit 3 paper copies with live signatures along with the mylars to be signed. **3.** The applicant shall pay the Town of Pomfret a fee-in-lieu of Open Space payment of \$6,000 for the new parcel being created. This amount shall be paid in a lump sum or if the ownership/title is transferred to a non-family member before March 26, 2017. A caveat shall be placed on the

land records regarding this requirement. M. Nicholson seconded. Discussion. R. Blackmer motioned to amend the motion with the Open Space fees being cut in half and the Conservation Easement included. W. Hinchman accepted amendment. Discussion. W. Hinchman withdrew motion. R. Blackmer withdrew amendment. M. Nicholson motioned to approve 2 lot subdivision with same 3 conditions as original motion. W. Hinchman second. In favor: Three (3) – M. Nicholson, W. Hinchman, L. Schad. Opposed: Four (4) – R. Blackmer, C. Boster, M. Wolchesky, P. Allegretti. Motion defeated. M. Wolchesky made a motion to approve the 2 lot subdivision with condition 1 and 2 of W. Hinchman's original motion and condition 3 being a Conservation Easement on the rear eight acres. W. Hinchman seconded. In favor: Four (4) – R. Blackmer, W. Hinchman, M. Wolchesky, P. Allegretti. Opposed: Two (2) – L. Schad, M. Nicholson. Abstained: C. Boster. Motion passes, application approved with three conditions.

III. NEW BUSINESS

1. Acceptance of New Applications

a. Juanita Cristina & Sheila Nabozny, 23 Woods Hill Road, Zone Change – Ms. Navarro and Juanita Cristina were present. The property is 9.5 acres in a Commercial Zone and abuts Rural Residential. They would like to change this to RR zone. C. Boster moved to accept the application upon the Planner's review and his finding of it to be complete. M. Nicholson seconded. All in favor. W. Hinchman moved to continue the application to a public hearing on April 23rd at 7:00 PM at Pomfret Community School. R. Blackmer seconded. All in favor.

2. Citizen's Comments – Chris Surdam questioned the restrictions the Zoning Regulations put on the size of trees that can be planted. R. Brais stated that residential development is not subject to site plan review which would include landscaping. W. Hinchman stated that the Informational Meeting to be held in April is designed to answer these types of questions. He is announcing this public meeting now and notice of it will be published in the Pomfret Times. Mr. Surdam also asked about widening narrow roads in town. Anne Hennen asked if Citizen's Comments could be moved down in agenda. W. Hinchman read a request received from Ford Fay to add a second Citizen's Comments sections to the agendas. C. Boster motioned that Citizen's Comments be moved to item 6 under Commission Business. M. Nicholson seconded. All in favor.

3. Correspondence – W. Hinchman reviewed a memo from Ford Fay regarding a DVD available from a Land Use seminar he attended.

a. ZEO Report – R. Brais reviewed inspections from the past month. Only one zoning application has come in. The ZBA appeal regarding 34 Wetherbee Road is ongoing.

IV. COMMISSION BUSINESS

1. Paul Lehto – Bond Release – Searles Road – W. Hinchman made a motion to release all but the amount due to the town of the surety bond held for Paul Lehto. M. Wolchesky seconded. All in favor.
2. Property Line Adjustment Update – None
3. Open Space – Discussion – None
4. Draft Policies and Procedures – R. Brais reviewed a draft he had put together regarding enforcement procedures. A copy will be mailed to Commission for review. Discussion will continue at next meeting.
5. Correspondence from Selectmen – M. Nicholson referenced the letter received by Commission from First Selectman Jim Rivers regarding the H&H complaint that indicated information was known by C. Boster and not disclosed. If Commission members have information regarding an issue it should be shared. Discussion. W. Hinchman stated that written procedures will be helpful in the future for complaints. No action taken.
6. Citizen's Comments – Bob Lussier stated that the issue brought up in item 5 was clouded with discussion of procedure. D. Abbamonte stated the drawn out issue with H&H was due to the ZEO. T. Garrett stated he attended those meetings and the ZEO was seeking guidance and was not receiving it. He feels there is the look of impropriety on the part of Mr. Boster and this needs to be addressed. Katerina Witkowski stated that many people in town like zoning. Regarding the recently denied Home Occupation application she stated that the regulations don't necessarily need to change but that stretch of Route 169 might be better suited as Village zoned. Anne Hennen stated that the upcoming Pomfret Times will contain a survey and encouraged all to respond.

IV. ADJOURNMENT – R. Blackmer moved to adjourn. M. Nicholson seconded. All in favor. Meeting adjourned at 10:40 PM.

Respectfully submitted,

Bonnie Ryan, clerk

Date submitted_____