

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
MINUTES – PUBLIC HEARING & REGULAR MEETING
MONDAY, MAY 21, 2007 AT 7:00 PM
POMFRET COMMUNITY SCHOOL CAFETERIA**

In Attendance: Commission Members – Walter Hinchman, Robert Blackmer, Charles Boster, Phil Allegretti, Leah Schad, Maureen Nicholson, Alternate Carolyn Hopkins. Staff- James Rabbitt, Town Planner; Ryan Brais, ZEO; First Selectman James Rivers. Approx. 17 citizens. Commission Member not present-Michael Wolchesky

- I. Public Hearing** – Public Hearing opened at 7:09 PM by W. Hinchman
- 1. Juanita Cristina & Sheila Nabozny, 23 Woods Hill Road, Map Change** – Donna Navarro from Partner Properties was present to represent applicant. The Commission had previously requested a line be drawn into the existing A2 survey and that a property history be done. These have both been completed and were distributed to Commission for review. D. Navarro has spoken with Mark Sullivan who recommended the lot changes be a boundary line adjustment as the 9.5 acres and the acre where Sheila lives are two existing parcels. Discussion to clarify location of parcel in question. They are proposing that acreage is added to the existing one acre lot which would then equal 8.2 acres. The remainder of the 9.5 acres would be the second lot. Charles Boster stated he had a problem with the history. A one lot subdivision seems to be a cleaner way to go about this based upon the history provided. He also stated the application presented is just an extension of the existing Rural Residential zone. He had no objections to this. There were no further questions. Charles Boster made a motion to close the Public Hearing. Walter Hinchman seconded. All in favor.
- 2. Christian and Rachel Sarantopoulos, 325 Wrights Crossing Road, 3 lot resubdivision** – Bob Messier was present to represent the applicants. The property is just south of Ken Loiselle's property. Information received previously from Mr. Loiselle to intervene has been removed. This is a 55 acre parcel with an existing house. The house would remain on a 3 acre lot with one new 45 acre lot and a rear lot of 7 acres. Mr. Messier provided NDDH review and approval and a copy of Natural Diversity that was required by Wetlands but they wanted to present here as well. Wetlands has approved this application. He reviewed a 30' strip to the north noted on plan where Mr. Loiselle will take possession of strip and it is not shown as a separate lot. There is a 3 acre private conservation easement proposed around the pond. The applicants are also proposing to provide the Town with a fee in lieu of Open Space in the amount of \$6,000 per lot for each of the two new lots for a total of \$12,000. They would also ask for a waiver of the typical well and septic review as no construction is proposed. J. Rabbitt stated that the private conservation easement was required by Wetlands. This provides ownership to the individuals but is deeded to the Town for preservation purposes. Charles Boster asked about the 50' Right of Way that is lined by the stone wall. Will this be on Town or the Sarantopoulos' property. The line falls down the middle of the stone wall. This gives the Town some extra land but was done with the intent of preserving the stone wall. C. Boster asked about circumstances where the additional 40+ acres could be developed. Mr. Messier stated that the plan was done as presented in an effort to keep the integrity of the property. The location of proposed buildings would make it difficult to further subdivide. James Rabbitt reviewed some administrative questions he had. He stated the application met the requirements for zoning and he had a draft motion prepared. Leah Schad asked how the \$6,000 was arrived at. Mr. Messier stated a recent fee accepted by the Commission, with similar acreage matched this amount. Jaimie had suggested that

value paid over time be looked at. The applicant provided the Commission with a written request for a waiver of Sections 4.5.13, and 4.5.14, and Section 10. J. Rabbitt had a report listing outstanding items, most of which have already been addressed by applicant. There were no further questions. Walter Hinchman made a motion to close the Public Hearing. Charles Boster seconded. All in favor.

3. Christian and Rachel Sarantopoulos, 325 Wrights Crossing Road, Special Permit, Interior Lot – Mr. Messier was present for applicants. This application is for the rear lot of the just discussed 3-lot resubdivision. He asked that all testimony just heard be part of this record as well. When the plan was created it was attempted to create a rear lot that limited any further development. This is intended as an estate lot. Walter Hinchman read a letter from Jamie Rabbitt stating the proposal meets the regulation requirements. There were no questions from the public. W. Hinchman asked about underground utilities. Mr. Messier stated that is what is proposed. The poles seen on plan are old existing poles that went to the pump house. They will not be used. C. Boster asked if any old cemeteries or gravestones have been found. None have. Walter Hinchman made a motion to close the Public Hearing. Robert Blackmer seconded. All in favor.

4. CT Audubon Society, Text Amendment, Nature Center – Sarah Hemingway from Audubon was present to ask for a text change that would allow for a Nature Center. She has reviewed options for handling Special Events with Jamie Rabbitt. Discussion of height restrictions and how language should be handled if they plan to rebuild the silo. Walter Hinchman suggested adding language that heights would not exceed existing structures. J. Rabbitt reviewed main points of proposed language. Discussion of Special Permits for events. The current wording would allow for annual renewal or a longer period of time at the Commission's discretion. M. Nicholson stated she is comfortable with the language but wonders about their ability to revoke. Non-renewal would be the best way to handle it. There were no public comments. Walter Hinchman made a motion to close the public hearing. Maureen Nicholson seconded. All in favor.

II. Regular Meeting

1. Current Business – R. Blackmer made a motion to seat Carolyn Hopkins for Michael Wolchesky. M. Nicholson seconded. All in favor.

a. Approve minutes of April 23, 2007 and April 30, 2007 – C. Boster noted that the Street Acceptance Procedures were not mailed as noted and requested that they go out. R. Blackmer made a motion to approve minutes. W. Hinchman seconded. All in favor.

b. Items to Add to Agenda – Charles Boster wanted meeting attendees to know that a Workshop will be held regarding Abandoned Cemeteries on Friday, May 25 from 3:30 – 5:00 PM in the Centennial Building at the Pomfret School. Walter Hinchman had a number of items to add: 1. A second Citizens Comments at the end. 2. Pomfret School Building Addition. 3. Home Occupation Workshop Date and Time. 4. June Meeting Date. 5. Executive Session at end for Personnel matter. Items 2 thru 4 to be added to Commission Business. Maureen Nicholson stated that she would like to add a Proposed Text Amendment to Commission Business. R. Blackmer moved to add all listed items. M. Nicholson seconded. All in favor. Items d. and e. under Current Business will be reversed.

c. Juanita Cristina & Sheila Nabozny, 23 Woods Hill Road, Map Change – Phil Allegretti made a motion to approve the change with an effective date of June 1, 2007. Maureen Nicholson seconded. Walter Hinchman asked if an amendment to motion would be considered to reflect 23 Woods Hill Road as shown on map dated 05/18/07 as prepared by Mark Sullivan. Phil agreed to amended motion

and Maureen to the second. All in favor to approve the application of Juanita Cristina and Sheila Nabozny for a map change to Rural Residential.

d. Christian and Rachel Sarantopoulos, 325 Wrights Crossing Road, Special Permit, Interior Lot - C. Boster recused himself from discussion of items d. and e. Leah Schad moved to approve application for interior lot. M. Nicholson seconded. J. Rabbitt stated that the application conforms to requirements. All in favor to approve application.

e. Christian and Rachel Sarantopoulos, 325 Wrights Crossing Road, 3 lot resubdivision – W. Hinchman read to record draft motion written by J. Rabbitt dated 5/21/07 with 10 items of conditions and agreement of waiver requests. W. Hinchman made a motion to waive the well report before approval. Maureen Nicholson seconded. All in favor. W. Hinchman made a motion to accept the NDDH finding of suitable septic on the site in lieu of septic report. M. Nicholson seconded. All in favor. Walter asked if there was a motion to approve the application as suggested in J. Rabbit's draft motion of 5/21 with the 10 noted items. So moved by R. Blackmer. M. Nicholson seconded. L. Schad voiced concern over how the fee in lieu of open space was arrived at. The property is in an area of higher values and she had concerns over accepting the lesser \$6,000 per lot. The fee should be based on appraised value not on amount of fees accepted in the past. Vote on motion-Four in favor: W. Hinchman, R. Blackmer, P. Allegretti, C. Hopkins. Two against: M. Nicholson, L. Schad. Motion passes.

f. CT Audubon Society, Text Amendment, Nature Center – P. Allegretti stated that annual renewal dates for Special Permits seems to be cumbersome. He felt things should be simplified. J. Rabbitt stated a revision would be added regarding height restrictions. Revisions reviewed and discussed. M. Nicholson made a motion to approve amendment as discussed to be effective June 1, 2007. C. Boster seconded. All in favor.

III. New Business

1. Acceptance of New Applications

a. Rebecca Loos, 40 Modock Road, 4-lot Resubdivision – Leah Schad and Maureen Nicholson recused themselves from discussion. Bruce Woodis from KWP was present to represent the applicant. He distributed maps for review and confirmed that this is a resubdivision, located a few hundred feet south of Stickney Road. Four lots are being created and moving the boundary lines of 2 lots. They are reconfiguring the 2 lots to better meet the current regulations. Department of Health and Wetlands applications are underway. Some discussion. Walter Hinchman moved to accept the application and the accompanying application from Rebecca Loos for a Special Permit, Interior Lot and hold two Public Hearings just before the June regular meeting for these applications. R. Blackmer seconded. All in favor.

b. Rebecca Loos, 40 Modock Road, Special Permit, Interior Lot – Accepted and Public Hearing scheduled for June meeting as noted in motion under item a.

c. Jason Lavallee, 320 Underwood Road, Special Permit, excavation – Mr. Lavallee submitted plans for review. Material needs to be removed in order to fit the house. He anticipated approximately 5,000 yards will be removed, 3,000 of which is in Pomfret, the remainder is in Putnam. Walter Hinchman made a motion to accept the application tonight and schedule a Public Hearing for the June meeting, to follow the first two Public Hearings scheduled. Maureen Nicholson seconded. All in favor.

2. Citizen's Comments – None

3. Correspondence

a. ZEO Report – Ryan Brais distributed and reviewed report of any permits issued during the past month. He stated that Tyrone Farm has requested a liquor permit and Ryan asked for guidance on how to proceed with that. Discussion. Ryan will ask them to provide a written statement of past use.

IV. Commission Business

1. Miller Family, LLC, Tyott Road Resubdivision, Request for 90 day extension of the period for filing mylars – M. Nicholson moved to approve the requested 90 day extension. R. Blackmer seconded. All in favor.
 2. Pomfret School Building Addition – Walter Hinchman stated that the school has inquired about a 18' x 8' foot single story addition to an existing building. The question is if this will need a Special Permit or not. This is a building across from the main campus, adjacent to the Church. Discussion. A site plan review will need to come before the Commission.
 3. Home Occupation Workshop – The Annual Town Meeting has been scheduled for the same date. Discussion of date of workshop – it will be scheduled immediately following the Town Meeting at the Pomfret Community School with an adjournment time of 9:00 PM.
 4. June Meeting Date – W. Hinchman will be out of town on the regularly scheduled date. Discussion of date for meeting. It was proposed to be held on June 18 at the Pomfret Community School, if available.
 5. Text Amendment – Maureen Nicholson submitted a Text Amendment for Commission consideration regarding Forestry Equipment Storage. She submitted and read into the record an accompanying letter stating she was responding to the Wetherbee Road issues. Discussion. J. Rabbitt recommended the proposed language be reviewed at the upcoming Workshop meeting. The Commission was in agreement to take this up at the May 31st Workshop, following the discussion of Accessory Apartments.
 6. Citizen's Comments – Bill Wentworth stated his displeasure with the proposed text amendment. He feels the statement that there is dissention between Boards is untrue. Gary Kendall stated he was one of the four ZBA members who voted to overturn the ZEO decision regarding Wetherbee Road. He stated he was disappointed and believed they would be as well. Mrs. Champany stated that the ZBA did not vote on the ZEO's decision but on other considerations.
Walter Hinchman stated he had further correspondence he would like to present. He read a letter from Robert Lussier into the record dated May 6, 2007; a letter from Cindy Sullivan dated May 6, 2007, and a letter from Attorney Mark Branse dated May 14, 2007. All three letters were referencing 34 Wetherbee Road and the recent ZBA decision.
- Items 7, 8, and 9 – Policies & Procedures, Property Line Adjustment Notices, Open Space Discussion – all tabled.

V. Executive Session – W. Hinchman made a motion to adjourn to Executive Session to discuss personnel matters with Commission members, Jamie Rabbit, Ryan Brais, and James Rivers to remain present. M. Nicholson seconded. All in favor. Meeting adjourned to Executive Session at 11:00 PM.

VI. Adjournment – Meeting came out of Executive Session and duly adjourned at 11:45 PM with no action being taken.

Respectfully submitted,

Bonnie Ryan, clerk

Date approved _____