

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
MINUTES - REGULAR MEETING
WEDNESDAY, MAY 28, 2008 AT 7:00 PM
POMFRET COMMUNITY SCHOOL CAFETERIA**

In Attendance: Commission Members Walter Hinchman, Michael Wolchesky, Phil Allegretti, Ted Tsanjoures, Leah Schad, Maureen Nicholson, Bob Blackmer, Alternate Tony Amaral. Town Planner James Rabbitt, ZEO Ryan Brais. Approximately 25 citizens.

- I. Public Hearing** – Hearing opened at 7:15 PM by W. Hinchman
- 1. CT Laborer’s Training Academy, 37 Deerfield Road, Text Amendment** – Attorney Nancy Frasier represented the applicant. She stated that as this was a continued Public Hearing she would like her statements from April 28th to be incorporated into the record. They are seeking a Text Amendment for the Pomfret Street Residential zone. They are proposing a new category with Private Occupational Institutions added and uses as they currently exist to be allowed for this category. She addressed the notice requirements that were questioned at the last meeting and stated she had looked into this and the noticing was adequate. She asked the Commission to review the language and revise if warranted. Attorney Tim Bates, representing Ray Liston distributed a hand-out dated May 27, 2008. He stated his client had a few problems, relating to: breadth of definition, close proximity of residents, and setbacks proposed. Their suggestion was to allow the new category but to require a Special Permit to allow for consideration of residents. Other private schools in Town hold large amounts of acreage and do not surround residential properties. Michael Wolchesky made a motion to close the Public Hearing. Phil Allegretti seconded. All in favor. M. Nicholson abstained.
 - 2. Judy’s Kitchen, LLC, Text Amendment, Expansion of Nonconforming Use** – Attorney William St. Onge represented the applicant. They were proposing a limited amendment to reconfigure a commercial structure. There are three safeguards in their proposal; set-backs, total square footage, reconfiguration is limited to established use. Language would not allow for more nonconformity than what was started with. Due to the narrow nature of amendment they felt a Special Permit would be required. J. Rabbitt stated that the Special Permit criteria allows for some controls. Outside of a Special Permit the Commission would be acting administratively and an applicant meeting the regulations must be approved. Also, the permit would require notice to neighbors. He felt proportionality was not dealt with in the way proposal is written. He had concerns with converting a first building to the use of the second in terms of size. Attorney St. Onge stated they were proposing a situation where two nonconformances would be reduced into one. P. Allegretti made a motion to close the Public Hearing. M. Nicholson seconded. All in favor.
 - 3. CT Audubon, Demolition and Special Permit, Nature Center** – Sarah Heminway, Director at the CT Audubon Society reviewed application. Programs have been running at their Business/Visitor Center and they are maximizing the use of the building. In exploring other locations the 1895 Barn on Day Road presented itself as centrally located and an opportunity to save the barn. Terry Chambers with KWP presented a letter from NDDH and list of abutters. The CT Audubon is the only abutter to this piece except for one parcel. A permit has been received from Wetlands. The site plan was displayed and reviewed.

Current building code requires a new foundation be poured, therefore the old barn will need to come down and a new one will be rebuilt. They are incorporating renewable energy as much as possible. The intent of use is as a Nature Center. Building design was presented and reviewed. Mr. Chambers asked that the inspection fees required by Wetlands be accessible for any Planning fees as well. Charles Boster asked about fire safety and the storage of equipment in the lower level of the barn. Walter Hinchman suggested recessing this public hearing until 9:00 PM when a copy of the wetlands report can be presented. M. Nicholson made the motion. L. Schad seconded. All in favor. Hearing continued at 9:00 PM – Report from Inland Wetlands was submitted and reviewed. Terry Chambers provided written agreement that surety put up for Wetlands could be used by Planning as well. M. Nicholson made a motion to close the Public Hearing. R. Blackmer seconded. All in favor.

II. Regular Meeting

1. Current Business

1. **Approve minutes of April 28, 2008.** – M. Nicholson motioned to approve as presented. P. Allegretti seconded. All in favor.
2. **Items to Add to Agenda** – W. Hinchman stated he would like to add Discussion of June Meeting date to Commission Business and Report on a Wetherbee Road complaint to the ZEO Report. So moved by M. Nicholson. R. Blackmer seconded. All in favor.
3. **CT Laborer’s Training Academy, 37 Deerfield Road, Text Amendment** – Discussion regarding the linear nature of the property at the Academy and potential impact to neighboring properties. J. Rabbitt stated he had heard no objections from the applicant during the public hearing regarding staff recommendations for modifications. He recommended continuing the application to the June meeting date to allow for Commission review and possibly modifications to text. A June 16th meeting was discussed. J. Rabbitt will email recommendations to the Town Hall for forwarding to Commission members. W. Hinchman motioned to table application to meeting of June 16, 2008 at 7:00 PM at PCS, if available. M. Nicholson seconded. All in favor.
4. **Judy’s Kitchen, LLC, Text Amendment, Expansion of Nonconforming Use** – Discussion regarding scale of increased size and building usage. Attorney St. Onge presented a request to withdraw the application before the Commission. A new one will be resubmitted and he asked it be scheduled for a Public Hearing at the meeting of June 16th. Application withdrawn. The Commission was agreeable that if a new application was received in a timely manner the Public Hearing could be scheduled for June.
5. **CT Audubon, Demolition and Special Permit, Nature Center** – W. Hinchman made a motion to approve the Special Permit, Nature Center, for the CT Audubon and the demolition request with a condition of \$20,000 in Surety for E&S, \$5,000 cash surety, and \$2,000 inspection fees be held by the Town. All of these funds can be met by the surety and cash required by Wetlands provided applicant agrees both

Commissions can draw from these amounts. L. Schad seconded. All in favor.

III. New Business

1. **Acceptance of New Applications** - None
2. **Citizen's Comments** - None
3. **Correspondence**
 - a. **ZEO Report** – R. Brais had received a complaint of a shed being built on Wetherbee Road at Abbamonte residence. He spoke with Mr. Abbamonte who came into the Town Hall and completed required permits. He is currently all set. R. Brais stated he has been speaking with the Pomfret School. They want to erect a tower to measure wind speed and possibly put up a windmill at some point. The height of these structures exceed what is allowed in current regulations and he has advised them to seek a text amendment.

IV. Commission Business

1. **Lloyd Davies & Hilda Mosely, Release of Bond, Paine Road subdivision** – Release of Surety still held be Town was requested in writing. J. Rabbitt recommended the bonds not be released until seeding is completed and the applicant submit a letter to Town stating this has been done. This can be looked at again in June.
2. Commission Applications
 - a. **Pomfret Planning and Zoning Commission, Zoning Regulations Text Change, Home Occupations** – W. Hinchman reviewed language and hand-out from last meeting. Changes then discussed are now indicated in purple. J. Rabbitt will submit to Attorney Zizka for a potential vote at the June meeting. Discussion regarding suggested changes. Tabled to June.
 - b. **Pomfret Planning and Zoning Commission, Zoning Regulations Text Change, Home Based Business** – P. Allegretti stated he had confidence in the Special Permit process. If what is presented does not happen, the Commission has options and a cease and desist can be issued. R. Blackmer stated that businesses that now exist are grandfathered. He did not feel more business with that type of intensity should be encouraged in a rural residential zone. M. Nicholson suggested increasing the acreage to 25 acres. She felt that this, along with the 200 foot setbacks would be appropriate. Discussion that included number of equipment pieces, special permits, local road access and driveway apron widths. Tabled to June meeting.
3. **Citizen's Comments** - None
4. **June Meeting Date** – M. Nicholson made a motion to schedule the June meeting for June 16, 2008 at 7:00 PM at PCS, if available. P. Allegretti seconded. All in favor. W. Hinchman read announcement concerning the Lois Orswell Award Presentation to be held on Thursday, June 5, at 6:30 PM. The venue is changed to the CT Audubon on Route 169.

V. Adjournment – M. Wolchesky made a motion to adjourn. M. Nicholson seconded. All in favor. Meeting adjourned at 10:45 PM.

Respectfully submitted,
Bonnie Ryan, clerk
Date approved _____