

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
MINUTES – PUBLIC HEARING & REGULAR MEETING
MONDAY, OCTOBER 23, 2006 AT 7:00 PM
POMFRET COMMUNITY SCHOOL CAFETERIA**

In Attendance: Commission Members - Walter Hinchman, Phil Allegretti, Robert Blackmer, Maureen Nicholson, Charles Boster, Leah Schad, Alternate Antonio Amaral, Ex-Officio Member Jim Rivers First Selectman. Staff-James Rabbitt, Town Planner, Ryan Brais, ZEO. Commission Members Absent – Michael Wolchesky, Carolyn Hopkins. Approx. 40 citizens.

- I. Public Hearing** – Public Hearing opened at 7:05 PM by Walter Hinchman.
1. Austin Barney, Subdivision Regulations – Text Change – Mr. McCorrison and Eric Ingler of CME were present to speak for the applicant. They are proposing a revision to section 9.9, Cul-de-sacs, extending the length of road from 1,000’ to 2,000’. This would continue to serve 14 lots. They have aesthetics in mind and are looking to put in larger, estate-type lots. Mr. Ingler stated that often when trying to fit lots within the allowed 1,000’ they get closer to any wetlands, retaining walls are needed. The intention here is to stay within the character of Pomfret without having to do that. The proposal keeps within the same amount of lots as what is currently permitted on 1,000’. Mr. McCorrison stated that many of the surrounding towns currently use the 2,000’ allowable roadway. They have not received feedback from the Fire Dept. yet concerning their views on a longer road. In other towns they have worked with the Fire Dept.’s on case by case basis to provide what they feel will be needed. Walter Hinchman stated it would be good to hear back from the Fire Dept. before a decision is made. Charles Boster asked the applicant to submit Subdivision Regulations from the surrounding towns referenced so the Commission could review how they handled this. Mr. Ingler will provide these. Discussion. The referenced 14 lots would include interior lots. Bob Miller, owner of parcel off Searles Road that is being considered, stated that he would like to underscore what has been said regarding aesthetics. The house on the property is historic and has been restored. Their consideration is with the use of the land, being able to keep the stone walls, and minimize wetland disturbance. This amendment would allow for estate size lots in a park-like setting and would be a credit to Pomfret. Discussion regarding Commission flexibility in approving a subdivision and cul-de-sac design possibilities. W. Hinchman stated there are two pieces of information still to come: Response from Fire Dept. and copies of surrounding towns Regulations. A member of staff will send a second request to Fire Dept. for feedback. Charles Boster moved to continue the Public Hearing until November 27, 2006 at 7:00 PM at the Pomfret Community School. Seconded by Maureen Nicholson. All in favor.

2. Eric Rogala, 162 Pomfret Street, Map Change – Eric Rogala stated he is looking to buy this piece of property as an investment. The area around it is approximately 7 acres of Village District II. This piece is under an acre, abuts Village District II zone, but is currently zoned Rural Residential. There have been numerous businesses there in the past including a gas station, restaurant. He has written permission from the owner of the property to change the zone. W. Hinchman referenced allowed uses within Village District II with a site plan or with a Special Permit, depending on intended use. James Rabbitt reviewed contents of the file. The only piece not included was a copy of the deed with a physical description of the property but the included tax map gave some of that information. Charles Boster advised that he would like the Commission to require a physical description for future zone change requests, but he felt this application was complete and it was clear which property was in question. There were no further questions. Charles Boster made a motion to close the Public Hearing. Leah Schad seconded. W. Hinchman read from a letter submitted by James Rabbitt dated October 23, 2006 that outlined the timeline of the application, that a decision should be consistent with the Plan of Conservation and Development, and that a favorable decision would need an effective date. Call to vote. All in favor to close the Public Hearing.

II. Regular Meeting

1. Current Business
 - a. Approve Minutes of September 25, 2006 – Maureen Nicholson made a motion to accept the minutes as circulated. Robert Blackmer seconded. All in favor. Leah Schad abstained.
 - b. Items to Add to Agenda – Walter Hinchman stated he would like to add Property Line Adjustment Notice to item 5 under Commission Business.
 - c. Austin Barney, Subdivision Regulations, Text Change – tabled to meeting of November 27, 2006.
 - d. Eric Rogala, 162 Pomfret Street, Map Change – Maureen Nicholson made a motion to approve the map change for 162 Pomfret Street with an effective date of Nov. 1, 2006. Leah Schad seconded. Discussion regarding effective date and the timeline for noticing. M. Nicholson revised her motion to approve to state an effective date of November 18, 2006. Leah Schad seconded. Robert Blackmer stated that the property seemed to fit the area. It had been commercial for some time. He felt the change was not out of character for the area. Call to vote. All in favor to approve the map change of 162 Pomfret Street to Village District II, effective November 18, 2006.

III. New Business – M. Nicholson asked that Citizens Comments be moved to item 1.

1. Citizen's Comments – Mary Alexander stated that she is looking to purchase a small business that is currently run in another town. This business would move into her home, but she is unsure if this would be allowed. It is a plant business that would produce limited traffic, would be seasonal use – April thru November. It is not exactly a farm stand but it would be agricultural. She was looking for the right way to go about this before moving forward with the purchase of the business. She has spoken with her neighbors and they were supportive of the idea. Discussion. Walter Hinchman referred her to James Rabbitt for preliminary discussion on what may fit. James Rivers stated that he has received a number of complaints regarding expansion of the logging operation on Wetherbee Road. There may be some violations there and he suggested the ZEO may need to go out and see where this stands. Discussion. Ford Fay asked that the Commission review text of the Subdivision regulations and other regulations, particularly relating to driveways, as references are not consistent with the driveway ordinance.
2. Acceptance of New Applications
 - a. Camille Benjamin, 12 Putnam Road, Signage – Camille Benjamin was present and stated the house has been undergoing renovations and they are ready to open. Photos of proposed signage and their locations were reviewed and discussed. Charles Boster made a motion to approve the application for the wall sign and the ground sign, provided the ground sign be placed at least 10' back from the property line. Phil Allegretti seconded. All in favor.
3. Correspondence
 - a. ZEO Report – Ryan Brais reviewed permits granted or denied within the past month. He has looked at the logs on Wetherbee Road but was unable to speak with anyone. He will issue Notice of Violation. Discussion. He also looked into H & H Produce and is waiting for NE District Dept. Health to get him word on permits issued. Discussion.

IV. Commission Business

1. 78 Swedetown Road – J. DiIorio driveway – John DiIorio stated that he has over 400' of driveway, some of which the grade would exceed the 8 degrees by a miniscule amount. Required paving is acceptable to him but not at this point. He would like time for the base to set. He has reviewed with James Rabbitt who suggested two options: Manipulate topo of the drive or post surety to pave slopes in future as is his intent. Discussion. J. DiIorio is willing to provide surety in the amount of \$3,000.00. Discussion. Maureen Nicholson made a motion to accept letter of credit for one year in the amount of \$3,000.00. Charles Boster seconded. All in favor. Leah Schad abstained.

2. Property Line Adjustment Notice – Walter Hinchman read copy of draft to be considered for a hand-out to people when filing mylars. This states that the filing does not automatically recognize property as an approved building lot. Discussion. Walter Hinchman will memo Attorney Zizka for feedback.
3. Cemetery Zoning Regulations – R. Blackmer stated he felt this would be an excellent addition to the Zoning Regulations. His only question was regarding the landscape buffer. If the town had records on a particular cemetery and knew all burials were within the bounds, in that case there would be no need for buffers. Discussion. Burden of proof could be on the applicant. Charles Boster stated he had an informal commitment from the State Archeologist to come in to speak. He could possibly request that for December. The map amendment will need to go to the Plan of Conservation and Development and then the Amendment to the Zoning Regulations proposed. Discussion. No Action taken.
4. Land Use Guide – Robert Blackmer stated he thought the information was very informative. Phil Allegretti agreed. Only a small amount of it pertained to zoning. It was perhaps more complex than the average citizen would want. Simplifying the explanations may be helpful. Discussion. No Action Taken.
5. Zoning Violations Citation – This parallels a similar document done with the Wetlands Commission. The zoning citation has not yet gone before the Selectmen. Discussion. A citation officer would be needed. Walter Hinchman stated that this addresses zoning violations, can be Planning violations be incorporated into this? C. Boster will look into it.

Walter Hinchman reviewed information on various upcoming conferences and workshops, DEP letter regarding a permit for footbridge in Mashamoquet State Park, and a letter from CT Department of Public Health regarding subdivision applicants verifying they are not impacting water supply.

- V. Adjournment** – Phil Allegretti made a motion to adjourn. Charles Boster seconded. All in favor. Meeting adjourned at 10:00 PM.

Respectfully submitted,

Bonnie Ryan, clerk

Date approved_____