

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
MINUTES – REGULAR MEETING
MONDAY, SEPTEMBER 25, 2006 AT 7:00 PM
POMFRET TOWN HALL**

In Attendance: Commission Members – Walter Hinchman, Robert Blackmer, Charles Boster, Michael Wolchesky, Maureen Nicholson, Phil Allegretti, Alt. Carolyn Hopkins. Ex-Officio Member James Rivers, First Selectman. Staff – James Rabbitt, Ryan Brais. Also present – Ford Fay, Walter Kunzman, Mr. and Mrs. Lussier, Anne Hennen, David Howe, and others. Commission Members not Present: Leah Schad, Antonio Amaral.

- I. Regular Meeting** – Meeting opened at 7:00 PM by Walter Hinchman.
1. Current Business
 - a. Approve Minutes of August 28, 2006 – Phil Allegretti made a motion to approve minutes as written. Seconded by Michael Wolchesky. All in favor. Robert Blackmer abstained, not present at that meeting.
 - b. Items to Add to Agenda – Walter Hinchman stated he would like to add the following three items to New Business: 1. Cemetery Zoning Regulations, 2. Guide to Land Use, 3. Citations – Lack of Compliance.
- II. New Business**
1. Acceptance of New Applications
 - a. Austin Barney, Subdivision Regulations – Text Change – Eric England with CME was present for the applicant. They are seeking a change to section 9.9 of the Subdivision Regulations pertaining to cul-de-sacs. They are looking for an extension from 1000’ to 2000’ with 14 lots. They are requesting a public hearing for the next meeting. Charles Boster asked that their request be forwarded to the Fire Department, asking for any impacts on public safety. J. Rabbitt will take care of that. Walter Hinchman asked for a motion to hold a public hearing for this application on October 23, 2006 at 7:00 PM at the Pomfret Community School cafeteria. So moved by Robert Blacker. Seconded by Maureen Nicholson. All in favor.
Charles Boster made a motion to seat alternate Carolyn Hopkins for Leah Schad. R. Blackmer seconded. All in favor.
 - b. Robert Lussier, Text Amendment – Mr. Lussier stated he had no comments at this time. W. Hinchman stated that the application pertains to forestry equipment storage. James Rabbit said he had been asked by the Selectmen’s office to prepare some suggested text language. Some discussion regarding the licensing of a Forest Practitioner. Mr. Lussier requested the public hearing be scheduled for the November Planning and Zoning meeting as

they will be out of town in October. W. Hinchman asked for a motion to schedule Public Hearing for November 27, 2006 at 7:00 PM at the Pomfret Community School Cafeteria. So moved by M. Nicholson. M. Wolchesky seconded. All in favor.

- c. Eric Rogala, 162 Pomfret Street, Map Change – Mr. Rogala stated the property is currently rural residential. He would like it changed to Village District II. He would like to put a motorcycle parts store in the barn. Walter Hinchman and James Rabbitt reviewed with applicant additional information that will be needed to make application complete. C. Boster suggested that the applicant might want to hold the application for a month in light of the amount of additional information that is required, thereby holding the public hearing in November. Mr. Rogala stated that he will get the needed information and he would like the public hearing to be scheduled for the October meeting. W. Hinchman asked for a motion to schedule the Public Hearing on October 23, 2006 at 7:15 PM at the Pomfret Community School Cafeteria. So moved by P. Allegretti. M. Nicholson seconded. All in favor. J. Rabbitt reminded the applicant that remaining information needed must be submitted to the Town Hall within 2 weeks in order for accurate legal notice of public hearing to be published. The applicant agreed.
2. Citizen's Comments – Walter Kunzman stated that as he was unable to be present at the meeting when his recent application for a text amendment was approved, he wanted to come in this evening himself to thank the Commission and staff for their efforts. He stated he was looking forward to working with Commission as they go forward. David Howe stated he was a 75 year resident of Pomfret and he was concerned with what he has been hearing about buffer areas being imposed around cemeteries. Some cemeteries in town have acquired land within the last 40 years which was surveyed at the time and contain no graves. Buffers beyond these lines would infringe on abutting property owners unnecessarily. Scott Davis stated he would like to acquire property at 793 Mashamoquet Road. It is currently non-conforming rural residential. He was looking for Commissions thoughts on ability to clean property up, remove the temporary storage trailers and put up a building to sell the same product that is currently being sold. He will review some of his options with J. Rabbitt.
3. Correspondence – W. Hinchman reviewed brochures for upcoming workshops. Jim Rivers stated that the Board of Selectmen and the Board of Finance will probably be holding a joint meeting to discuss land acquisitions. The Planning and Zoning Commission is welcome to attend. Letter dated Sept. 26, 2006 from Ford Fay was presented, stating it will be published in the next Pomfret Times. W. Hinchman read the letter for Commission. It was in regards to the recent Mashantucket Pequot Tribal

Nation application, stating Mr. Fay's disagreement with actions and decisions made by Commission. M. Nicholson stated that she disagreed with points made in Mr. Fay's letter and felt the Commission did act in the best interest of the town and that the letter was unfair.

W. Hinchman read letter from Towne Engineering regarding recent changes in State Statutes regarding Public Noticing. Walter reviewed and will investigate best way to proceed.

- a. ZEO Report – Ryan Brais reviewed report of zoning applications approved or denied in the past month.

III. Commission Business – C. Boster asked for report on his request at previous meeting regarding the subdivision on Brooklyn Road. J. Rabbitt had looked into and reviewed findings. Paul Bulat, owner of property at Brooklyn Road, had presented a letter to J. Rabbitt asking for release of \$21,323.50 surety bond. Mr. Rabbitt stated he felt it was sufficient at this time to release all but \$5,000.00 of this bond, which should be held until project complete. Charles Boster made a motion to release \$16,332.50 of Paul Bulat's surety bond. Maureen Nicholson seconded. All in favor.

Charles Boster presented a memo he had done for Commission regarding a zoning complaint of property at 793 Mashamoquet Road. It seems they have gone from a grocery to a restaurant with no permits. He would like to refer to Zoning Officer to investigate. R. Brais will look into before next meeting.

1. Cemetery Zoning Regulations – At the August meeting, C. Boster had passed out draft regulations to protect cemeteries in town. He has received some feedback and has a new draft to distribute. Discussion. Commission will review the draft and discuss at the next meeting. James Rivers stated that the Selectmen unanimously agreed with this concept at their last meeting.
2. Guide to Pomfret Land Use – C. Boster stated that three people have been working on guide to Zoning, Wetlands, and Planning applications and processes. This is not a regulatory document, but advisory. The Commission will review and discuss at the next meeting.
3. Citations – Lack of Zoning Compliance – A group has been working on a draft ordinance to allow citations to be issued to non-compliers. This has been running parallel with Wetlands. It was presented in draft form at last Selectmen's meeting. Draft was presented to Commission and reviewed by C. Boster. Discussion. Commission will review and discuss at the next meeting. C. Boster stated that he has respect for, and appreciation of, Paul Hennen and all the work he has done on this project.

Walter Hinchman stated that when property line adjustments are filed with the Town Clerk, they are outside of the jurisdiction of Planning and Zoning. If a boundary change makes the property non-conforming, who makes the decision before the mylar is filed. J. Rabbitt stated the Town Clerk's responsibility is to file the mylar if the medium requirements are met and determination of a legal lot is at the owner's discretion. Discussion. Possibility was discussed of providing a notice to be handed out by the Town

Clerk when the mylar is filed, stating it is being filed at the owner's risk, there has been no review by any state, local, or federal authority.

IV. Adjournment – Charles Boster made a motion to adjourn. Seconded by M. Nicholson. All in favor. Meeting adjourned at 9:15 PM.

Respectfully submitted,

Bonnie Ryan, clerk

Date approved_____