

**TOWN OF POMFRET
ZONING BOARD OF APPEALS
PUBLIC HEARING & REGULAR MEETING MINUTES
MONDAY, AUGUST 17, 2009 AT 7:00 PM
POMFRET TOWN HALL**

In Attendance: Board Members James Robbins, Gary Kendall, Elizabeth Cartier, Richard Galante, and Alternate Robert Bitondi.

Not in attendance: Board Members Bill Hull, Alternates Kevin Vernon, Barry Jessrun, ZEO Ryan Brais, and James Rabbitt, AICP.

- I. **PUBLIC HEARING** – J. Robbins opened the Public Hearing at 7:00 pm. with a quorum present.
 1. Donna Lefevre, 41 Brooklyn Road, Variance for Section 10.4.1, Front yard setback. D. Lefevre spoke to the board describing the sunroom she wished to attach to the front of her existing home. Her application was denied by the ZEO due to her home being only 53' from the road. She is requesting a variance of the front yard setback so she can add a 14' by 15' sunroom. It will be on sonotubes with lots of windows and one door. There will be no heating or plumbing, only electricity for this room. R. Bitondi asked if there was any reason as to why the sunroom couldn't be added on the left side of the house. D. Lefevre explained that her bulkhead/basement access was there. G. Kendall asked if it was before the chimney. D. Lefevre said that it was before both chimneys. G. Kendall asked for an explanation of the sunroom if looking at the house from the front. D. Lefevre said that the door will be on the right hand side with one window, there will be three windows in the front, and two windows on the chimney side. At 7:05 R. Galante arrived at the meeting. J. Robbins had D. Lefevre repeat what she had already told the board so he would be up-to-date of the issue before the board. R. Bitondi then asked about the roof structure. D. Lefevre said that it is going to be attached into the current roof line and come out, but not too steep. G. Kendall asked what is on the left of her property. She explained that she has 42 acres surrounding her house that belongs to her. Her immediate abutters are herself, her brother and her mother. D. Lefevre read into record the list of abutters who were notified of this public hearing. She then submitted into record the letter she sent along with the return receipts and the list of abutters. G. Kendall mentioned that his initial thought was that the room should go on the side of the house, but now knows that it can't go there due to things not seen from the street when doing a drive-by (i.e., bulkhead, etc.). The mitigating factor is that D. Lefevre owns everything around her. R. Bitondi made mention that in terms of being peculiarly disadvantaged, the only house affected by this addition would be the house across the street, and that owner is amenable to the addition. J. Robbins then asked if there were any further questions. He also explained to D. Lefevre how the public hearing works and that once it is closed, the board can no longer ask her any questions nor can she give any further information. D. Lefevre stated

that everyone knew who she was and that she'd like to know who the board members were. At this point, G. Kendall asked who measured the 53' from the front of the house. D. Lefevre said that she did, but she also thinks that the ZEO did also because he told her she'd have to file the variance. J. Robbins then asked when the house was built and D. Lefevre said in 1954. At this point, J. Robbins said he would accept a motion to close the public hearing. G. Kendall made the motion to close, and it was seconded by E. Cartier. It was approved unanimously. The public hearing was closed at 7:19 pm.

II. REGULAR MEETING – J. Robbins opened the regular meeting at 7:20 pm.

1. Seat Alternates – Robert Bitondi was seated for Bill Hull.
2. Citizen's Comments - None
3. Items to Add to Agenda - None
4. Approve Minutes of February 19, 2009 – J. Robbins made a motion to approve minutes as submitted. He also mentioned that he liked the way the amended motions were included in the minutes. L. Cartier seconded the motion. The motion was approved unanimously.

III. CURRENT BUSINESS -

1. Donna Lefevre, 41 Brooklyn Road, Variance from Section 10.4.1, Front yard setback. J. Robbins said he would accept a motion for discussion. G. Kendall made a motion that due to the location of the bulkhead and septic system, a variance is granted for the construction of a 14' by 15' sunroom, not to encroach within 30' from the front boundary. E. Cartier seconded the motion. J. Robbins then gave the floor to G. Kendall seeing he made the motion. G. Kendall said that he did two drive-bys and thought that the application didn't meet the hardship threshold, but since finding out about the bulkhead and septic placement, it would prevent her from being able to put the addition on the side of the house. She should be allowed the variance because she owns the surrounding properties, her family owns the other properties, and no one objects to this addition. J. Robbins then mentioned that he sees her as having a hardship due to pre-existing conditions and that another house down the road is well into the 60' setback. He thought that the motion should be amended to contain the following information for more accuracy: "variance is granted from Section 10.4.1 for Rural Residential District". At this point, G. Kendall then made a new motion stating, "Due to the location of the bulkhead and septic system, a variance is granted from Section 10.4.1 in the Rural Residential District for the construction of a 14' by 15' sunroom, not to encroach nearer than 30' from the front yard property line." R. Galante seconded the motion. J. Robbins asked if there was any further discussion. He mentioned that he'd like to add a finding to the motion stating, "We find due to the pre-existing nature of her home and that none of her neighbors object, the proposed addition does not derogate from the intent of the Pomfret Zoning Regulations". R. Galante then asked the clerk to re-read the motion, which she did. J. Robbins then asked the commission to take action on the motion. It was approved unanimously.

IV. NEW BUSINESS

1. Correspondence – None.

V. OTHER BUSINESS

1. Agenda items for next meeting – None
2. Citizen's Comments – None

- VI. ADJOURNMENT** – A motion was made by R. Galante to adjourn the meeting. It was seconded by G. Kendall. All in favor. Meeting adjourned at 7:35 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date approved: _____