

**TOWN OF POMFRET
ZONING BOARD OF APPEALS
MINUTES – REGULAR MEETING
MONDAY, AUGUST 20, 2007 AT 7:00 PM
POMFRET TOWN HALL**

In Attendance: Board Members James Robbins, Robert Bitondi, Gary Kendall, Elizabeth Cartier. First Selectman James Rivers, ZEO Ryan Brais. Applicant Linda Baade and Philip Wood. Board Members not Present – Richard Galante, William Hull, Barry Jessrun.

I. Public Hearing

1. Linda Baade, 65 Murdock Road, Variance for Section 10.4.1, Front Yard Set-back – Hearing opened at 7:02 by James Robbins. Linda Baade and Phillip Wood were present. They are asking to put an eighteen pool twenty-five feet from the road. This proximity to the road is due to wetland locations and their septic location. Review of plan and proposed location of pool. Gary Kendall asked if they have gone to wetlands and asked if there is anyplace else for the pool. They have not but when the house was built the wetland locations were identified. They also have no access to the back of the property by truck and have concerns about the pool being out of sight of the house. James Robbins read into the record a letter received from William and Delia Hunt dated August 4, 2007 stating opposition to this pool location. Gary Kendall stated that he had concerns with a recreational structure being so close to the road. Jim Robbins asked if they had investigated putting fill in an area further down the property. He referenced the Zoning Regulations statement concerning the purpose of zoning in meeting the Plan of Conservation and Development and maintaining the rural integrity of the town. Discussion regarding hardship. Jim Rivers asked about the possibility of placing the pool next to the garage. The garage appears to be 45' from the front of the property. The applicants were agreeable to this. Some discussion of these distances. Jim Robbins moved to close the Public Hearing. Gary Kendall seconded. All in favor.

II. Regular Meeting

1. Seat Alternates – The regular meeting convened at 7:45 PM. Bob Bitondi was seated for Bill Hull. James Robbins congratulated Liz Cartier for her appointment as a regular member, filling the remainder of Bruce Shay's term.

2. Citizen's Comments – None

3. Items to Add to Agenda – Nonce

4. Approve Minutes of May 24, 2007 and July 16, 2007- Liz Cartier made a motion to approve the minutes of May 24, 2007. Jim Robbins seconded. All in favor. Jim Robbins made a motion to approve the minutes of July 16. Gary Kendall seconded. Minutes tabled to next meeting as other members present were not present at July meeting.

III. Current Business

1. Linda Baade, 65 Murdock Road, Variance for Section 10.4.1, Front Yard Set-back- Gary Kendall moved that the variance be granted, providing that the edge of the pool closest to Murdock Road be no closer than the northwest corner of the existing garage, as shown on the survey map of 11/09/99, Linda S. Baade and Philip Wood. Elizabeth Cartier proposed an amendment to the motion, proposing that a natural evergreen barrier be installed and maintained at the edge of the pool closest to Murdock Road. Gary Kendall accepted the amendment. Short discussion. Motion called to vote: All in favor, none opposed. Variance granted.

IV. New Business

1. Correspondence – A brochure on an October, 2007 Land Use seminar was reviewed.

V. Old Business

1. ZBA Attorney – Discussion – Jim Robbins stated that if any members had comments he would take it up during Executive Session as it would tie in with the litigation.

VI. Other Business

- 1. Agenda Items for Next Meeting-** None
- 2. Citizens Comments** – None

VII. Executive Session

1. Discussion – Appeal of ZBA Ruling of April 26, 2007 – 34 Wetherbee Road – Liz Cartier moved the Board go to Executive Session to discuss item VII, 1. Board members James Robbins, Liz Cartier, Bob Bitondi, and Gary Kendall to remain present as well as James Rivers, First Selectman. Bob Bitondi seconded. All in favor. Board moved to Executive Session at 8:15 PM.

Board came out of Executive Session at 9:35 PM and duly adjourned with no action taken.

Respectfully submitted,

Bonnie Ryan, clerk

Date approved _____