

**TOWN OF POMFRET
ZONING BOARD OF APPEALS
MINUTES – PUBLIC HEARING & REGULAR MEETING
MONDAY, JANUARY 29, 2007 AT 7:00 PM
POMFRET TOWN HALL**

In Attendance: Board Members-J. Robbins, B. Shay, R. Bitondi, L. Cartier, G. Kendall, R. Galante. Staff-R. Brais, ZEO. Mr. Frank, Scott Young, CME. Board Members absent-B. Hull, B. Jesserun.

I. Public Hearing

1. John Frank, 81 & 89 Hamlet Hill, Variance Section 10.4.1 Side Yard Set-back-Public Hearing opened at 7:00 PM by Jim Robbins. The hearing is continuance of this application from the November meeting. Mr. Frank stated his background in land use issues and stated that he was confident this application would not blemish his good land use record. Mr. Frank reviewed for the Board a map of the property and desired location of the house. There is a 50 foot access and where that opens up is the only level area. The Zoning Regulations require a 25' side yard set back, he would like to ask for a 10' set back along the NW corner of the house. He will not need to encroach within the 25' on the south side of the house. Scott Young, CME reviewed State Regulations regarding septic systems as areas of special concern where the slope is 25 degrees or more. State guidelines were submitted. A slope of 25 degrees requires more direction and oversight during construction. Moving the house back would put it in an area of 18 to 19 degree slope. Discussion regarding ability to construct a septic system where the slope is greater. Review of soils identified when test pits were done. Mr. Frank submitted for the record his written comments from the last meeting. J. Robbins asked about the location of the CT powerline easement. Mr. Frank stated there are no deed restrictions on the property but he was not certain where the powerline easement was located. Jim Robbins asked if there were any comments or questions from the public or the Board. Mr. Frank stated he would like to be a part-time resident of Pomfret and that his request is to enhance the town. Joseph Allesandro, abutter, stated he had no objection if any variance was not granted on their (south) side. J. Robbins asked if there were further questions. There were none. He asked for a motion to close the Public Hearing. So moved by Bruce Shay. Seconded by Gary Kendall. Public Hearing closed.

II. Regular Meeting

1. Seat Alternates – Liz Cartier was seated for Bill Hull.
2. Citizen's Comments – None
3. Items to Add to Agenda – None
4. Approve minutes of November 20, 2007 – Bruce Shay noted that there should be no 's' at the end of Frank. Also, attending the November meeting was Andrew Gray of the Rectory School, not the Pomfret School. Gary Kendall moved to approve the minutes with noted corrections. Jim Robbins seconded. All in favor. R. Galante and L. Cartier abstained.

III. Current Business

1. Application of John Frank, Section 10.4.1, Side Yard Set-Back – Various Board members have walked the property. Jim Robbins noted that the whole site is quite steep. The set-backs could be less encroached upon with changes to the house. Bruce Shay stated that there may be issues with the slope but this would not preclude a septic system, one would just be more difficult to install. The soils appear as sandy, loamy soil. Gary Kendall noted that the lot is lovely and a septic on the slopes may present some cost issues but the Zoning Regulations state a 25' set-back. He was hesitant to break those regulations unless it was absolutely necessary. J. Robbins and B. Shay shared those concerns. A house that meets current set-back requirements can still be done it just may be more costly. Discussion. B. Shay noted that a hardship cannot be self-imposed or strictly financial. Gary Kendall made a motion to deny the application as while there may be financial concerns and other issues, this does not prohibit the applicant from building a home and probably a septic system. Richard Galante seconded. Discussion. Gary Kendall withdrew his motion. Richard Galante withdrew his second. Gary Kendall made a new motion to deny the application for a variance because the property owner will still be able to construct a home and septic system while conforming to the current setback requirements in section 10.4.1. Richard Galante seconded. There was no further discussion. All in favor. Motion passes, application denied.

IV. New Business

1. Correspondence – J. Robbins reviewed information concerning a land use program and associated attendance fees.

V. Old Business

1. ZBA Attorney – Discussion – Richard Galante has been looking into but has received little feedback from attorney's he has contacted. He will continue to look into this.

VI. Other Business

Jim Robbins made motion to add Budge Discussion item to agenda. Gary Kendall seconded. All in favor.

1. Budget - Review of last year's budget and budget to date. J. Robbins stated he felt ZBA could be level funded. J. Robbins made a motion to approve budget level as shown. Bruce Shay seconded. All in favor.

2. Agenda Items for Next Meeting – None. There have been no applications submitted for the February meeting. It will therefore be cancelled unless an appeal comes in.

VII. Adjournment – Gary Kendall made a motion to adjourn. Seconded by Richard Galante. All in favor. Meeting adjourned at 8:30 PM.

Respectfully submitted,

Bonnie Ryan, clerk

Date approved _____