

**TOWN OF POMFRET
ZONING BOARD OF APPEALS
PUBLIC HEARING & REGULAR MEETING MINUTES
MONDAY, SEPTEMBER 15, 2008 AT 7:00 PM
POMFRET TOWN HALL**

In Attendance: Board Members - James Robbins, Gary Kendall, Richard Galante, Elizabeth Cartier. Applicant Richard Canavan. Board Members not Present – Bob Bitondi, Bill Hull, Kevin Vernon, Barry Jessrun

- I. PUBLIC HEARING** – Hearing opened at 7:09 PM by J. Robbins
1. Richard Canavan and Anouk deRuiter, 43 Woodstock Road, Variance for Section 10.4.1 – yard requirements, side yard setback – This hearing is a continuance from the last meeting. The applicant reviewed the information that had been presented then. The current shed he would like to replace is 10' x 12'. He had letter from neighbors that were submitted to the record. He also had photos of a shed similar to be built. They have decided on a 10' x 14' shed, or 140 square feet. Some height discussion followed. J. Robbins asked how the Board felt about considering this variance provided the new shed was no less than 3'6" from the stone wall, the size was limited to a maximum of 150 sq. ft. with a height limit of 15 feet. G. Kendall would like it stipulated that the building be no closer to the property line than the existing building. The plan submitted in the file will be titled 43 Woodstock Road and dated today. Any approval will be tied to this plan. G. Kendall made a motion to close the public hearing. R. Galante seconded. All in favor.
- II. REGULAR MEETING** – Regular Meeting opened at 7:05 PM.
1. Seat Alternates – Quorum present. No alternates to be seated.
 2. Citizen's Comments - None
 3. Items to Add to Agenda - None
 4. Approve Minutes of August 18, 2008 – R. Galatne moved to approve as presented. L. Cartier seconded. G. Kendall stated that a 10' x 15' shed was referenced. He felt this size was only approximate and that this should be indicated in the minutes. R. Galante revised motion to include this correction. L. Cartier seconded. All in favor.
- III. CURRENT BUSINESS**
1. Richard Canavan and Anouk deRuiter, 43 Woodstock Road, Variance for Section 10.4.1 – yard requirements, side yard setback – J. Robbins made a motion to approve the request for variance from Section 10.4.1 side-yard for 43 Woodstock Road, to allow an accessory building, garden shed, or utility building,

to be placed within the side-yard set-back, no closer than 3'6" from the stone wall along the north perimeter of the property line. This accessory structure shall not exceed 150 feet and not 15 feet in height. The structure shall be located in the same location, no closer to the north property line and no closer to the front yard set back, than the pre-existing non-conforming structure, which it will replace. R. Galante seconded.

Discussion. J. Robbins stated that as the existing non-conforming shed was in disrepair, this new building will provide better drainage and foundation. No abutters were present by have all appeared in the form of their signature on letters. Vote on motion: All in favor.

IV. NEW BUSINESS

- a. Correspondence – Information was distributed regarding upcoming workshops.

Gary Kendall brought up notification to abutters being a requirement of applicants. He has reviewed the notification section in Attorney Zizka's book. In the case of this evenings application it would have eliminated the need to continue the public hearing. Could the Board make notice part of the application requirements. He felt it would be a positive step and the Board was in agreement with this. J. Robbins referenced current ZBA rules. The ZBA Rules will govern the Board. The Board can require notice which would not go against Statute or Town Ordinances. If a new rule proves burdensome it can then be stricken without effecting other ZBA Rules. Changes can be made at any meeting with ten days notice for the public in the way of posting and notice to the Town Clerk and Board of Selectmen. Proposal discussed to change the application package by adding notice requirements to abutters. In the case of apartments the law states notification of the property owner is all that is required. The applicant would pay the cost of certified mail. J. Robbins made a motion that at the next meeting the Board entertain formally amending procedures of the Board to require notice to abutters for all applications. G. Kendall seconded. All in favor. The Board clerk will provide detail in the minutes for Board consideration of this proposal over the next month. G. Kendall referenced the Zoning Regulation language that states requirement of notice to abutters as written in Section 13.5.3. The Board discussed inserting the word contiguous in front of the word abutters. This requirement for the ZBA applications would then read: 'Before a public hearing is held on any application for a variance, the applicant shall present proof that notice has been mailed to each of the property owners of contiguous abutting parcels, including parcels across the street. Such ownership and mailing addresses shall be based on current records of the Tax Assessor, and the notices shall be mailed by certified mail, return receipt requested, not less than 10 nor more than 30 days before the public hearing.'

V. OTHER BUSINESS

1. Agenda items for next meeting – Consideration of requirement to applicants to provide certified notice to abutters. A rescheduling of the October meeting was discussed to board schedule conflicts. Thursday, October 23, 2008 will be the next regular meeting.
2. Citizen's Comments - None

VI. ADJOURNMENT – R. Galante motioned to adjourn. G. Kendall seconded. All in favor. Meeting adjourned at 8:00 PM.

Respectfully submitted,

Bonnie Ryan, clerk

Date approved _____