

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MONDAY, JUNE 25, 2012 AT 7:00 PM
POMFRET SENIOR CENTER**

In Attendance: Commission Members Phil Allegretti, Ted Tsanjoures, Richard DiBonaventura, Eric Pohlman, Martha Paquette, Beverly Champany, and Alternate Christopher Burke; Staff - Ryan Brais, ZEO and James Rabbitt, Town Planner. Absent: Commission Member Walter Hinchman, and Alternates Kimberly Bergendahl and Antonio Amaral.

I. Regular Meeting – P. Allegretti opened the meeting at 7 pm.

A. Current Business

1. Items to add to the agenda – N/A
2. Approve Minutes of Regular Meeting of May 29, 2012 – R. DiBonaventura made a motion to accept the minutes as submitted. P. Allegretti seconded the motion and it was approved unanimously. There were four abstentions.

At this point, a motion was made by R. DiBonaventura to seat C. Burke for W. Hinchman. It was seconded by B. Champany and approved unanimously.

B. Pending Application(s) –

1. **Brice Murren, 394 Mashamoquet Road**, machine shop in existing 6' x 12' building. B. Murren was present to speak for this application. He had been told at the previous meeting in May that he would need to find proof of the previous use of the building he wishes to use. HE submitted a field card from 2002 showing that there was commercial/industrial use. P. Allegretti said they we need to determine the previous use and then whether the use was abandoned. There is a possible public hearing down the road regarding this issue. J. Rabbitt read a letter he had prepared for the commission regarding this application. He mentioned that there is no existing curb cut or driveway. P. Allegretti said the lot has a mixed use of residential/commercial. J. Rabbitt said that the building has sat there for years. If the applicant wanted a driveway/turnaround, it would be in the set-backs, which is not allowed. E. Pohlman asked if the lot has to be previous use. J. Rabbitt said non-conformity has to be established; it can't flip from building to building. E. Pohlman then asked the applicant if the building has three phase power. B. Murren said yes, it does. J Rabbitt said use has to be established first, and the aspect is similar so it can continue. There has been no word of manufacturing in that building. P. Allegretti then mentioned the field card the applicant brought in from 2002 that shows commercial land, building and out building. J. Rabbitt then said that tax records do not establish use. R. DiBonaventura it says commercial use but not which type. J. Rabbitt said the site is taxed as commercial property, not for its use. He then said that there is a second aspect to this application which is site plan approval (driveway, parking, etc.) which has to conform to zoning code. B. Champany then asked if he'd need a map to show where he'd park. J. Rabbitt said that's the second item. First he needs to prove the use (in type, kind, and quantity). P. Allegretti said the previous owner had a workshop in the building. R. Brais then asked the applicant to explain his business and what he does. B. Murren said he doesn't have a business yet, but it will be a one-man machine shop with a mill, lathe, surface grinder, etc. in the building. J. Rabbitt then stated that there are still two components to this application; 1) prove non-conformity and 2) site plan. He feels that the commission hasn't seen this information yet. This item

could be tabled for tonight and he could request an extension. B. Champany asked what does the applicant need. J. Rabbitt said he needs to establish the use (existing non-conforming). T. Tsanjoures said that we are unsure of the use. R. DiBonaventura said that's what we need to establish. We could table this item tonight or we could extend it. B. Murren then asked the commission to please tell him what he needs to complete this. E. Pohlman told him he needs to establish the use and then go on to the site plan. B. Murren asked if this was for the property. J. Rabbitt said it is for that particular building, not the whole property. R. DiBonaventura then made a motion to table this item. M. Paquette seconded the motion and it was approved unanimously.

2. **George Avery/Donna Sabourin, 394 Mashamoquet Road, 12' x 28' pipe tent on slab** to store old truck. Present for this application were George Avery, Donna Sabourin, and Dave Florence of American Drywall. D. Sabourin first spoke and said that she is being harassed by neighbors when she has paid over \$4,000 in taxes and \$2,000 in permits. It was the town who put a pipe from Wolf Den to the property that caused the wetland. She was told that that issue was for wetlands and not this commission. She then went on to say that they didn't know they needed a permit. They applied for a zoning permit after the fact. D. Florence then said that he was the one who did the slab, the knee wall and put up the tent. P. Allegretti asked what is under the tent. G. Avery said it's his antique truck. P. Allegretti asked what kind of truck. G. Avery said a K7 International 2.5 ton that he takes to truck shows and has over \$18,000 invested in it. He likes to keep it covered. P. Allegretti mentioned that it could be an accessory to the residence. R. DiBonaventura agreed but being over 200 square feet, it would have to be approved by special permit. J. Rabbitt then read a letter he prepared for the commission regarding this application. He said this is a mixed use property. They need to comply with the setbacks. They also said it is temporary, but when is it coming down? This is more of a structure that is permanent in nature (not temporary). They would have to establish it as an accessory structure and the structure needs to comply with zoning. In this instance, being of mixed use, it would have to comply with the higher of the residential/commercial regulations, which would be commercial. P. Allegretti said that R. Brais would have to look into the setbacks. If it's in the setback, they would need to apply for a variance. J. Rabbitt then said that there is no site plan or map. D. Florence said the tent is very well built. It is 16' tall and well hidden. B. Champany then said that it contains a commercial vehicle with antique plates. J. Rabbitt said the connection has to be residential, not commercial. This vehicle is from another town and not registered in Pomfret. D. Florence said they have not switched the plates yet due to their owning two residences with one up for sale. M. Paquette then said couldn't the structure be called a garage for parking a recreational vehicle and they would have to come up with a site plan. P. Allegretti asked why it would need a site plan. J. Rabbitt said the regulations require any structure over 200 square feet to go to special permit, so they must submit a site plan. The structure being over 200 square feet kicks in the special permit so they would need a Public Hearing, notify their abutters, etc. They would also have to refer to Section 14.4 of the regulations. He then said that they need to submit an application to Inland Wetland and Watercourses Commission by 7/10/12. That application will have to be approved before the zoning issue can be continued. B. Champany made a motion to table this item. M. Paquette seconded the motion and it was approved unanimously. J. Rabbitt then said that he would explain everything to the applicants outside of the meeting.

II. New Business

- A. Acceptance of New Application(s) – N/A
- B. Citizen's Comments – None
- C. Correspondence – P. Allegretti went through the correspondence. There was a letter stating there would be a change to the cell tower at 398 Pomfret Street. There was also a letter from the State of CT DOT regarding the day care center for Marion Nuccio regarding an

encroachment permit and bond requirements. This letter will be placed in the Nuccio file. There was also a letter from KWP to reduce the Loos bond to \$2,500. J. Rabbitt said it would be appropriate to reduce the surety to \$2,500 with a finish date of 11/1/12. C. Burke made a motion so moved which was seconded by M. Paquette and approved unanimously. P. Allegretti also mentioned a letter from S. Grist regarding inactive bonds. J. Rabbitt said he would handle that issue.

1. ZEO Report – R. Brais gave the following report:

There were no inspections this month. He is waiting for D. Bunning of Babbitt Hill Road to come in and amend his permit because he permit allowed for a swimming pool, but a pool house was also built and not on the permit

III. **Commission Business**

A. Citizen's Comments – None

B. Discussion - Plan of Conservation and Development text changes. The commission will be working on this throughout the summer. J. Rabbitt said he will be sending a web link to the clerk so she can send it out to the members regarding State information. He is trying to get validation from OPM.

IV. **Adjournment**

M. Paquette made a motion to adjourn the meeting. It was seconded by B. Champany.

The motion to adjourn was then approved unanimously. The meeting adjourned at 8:25 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date approved _____