

**TOWN OF POMFRET  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES  
MONDAY, JANUARY 23, 2012 AT 7:00 PM  
POMFRET SENIOR CENTER**

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

**I. Regular Meeting –**

**A. Current Business**

1. Approve Minutes of Public Hearing/Regular Meeting of November 28, 2011 –  
B. Champany made a motion to approve the minutes as written. P. Allegretti seconded the motion. K. Bergendahl found two small corrections needed. B. Champany then made a motion to approve with amendments. T. Tsanjoures seconded and it was approved unanimously.

**B. Pending Application(s) – none**

Walter did mention that he would like to add a brief discussion of the budget as well as two documents he received from Bonnie Ryan to the agenda. He made a motion to add them. P. Allegretti seconded the motion and it was approved unanimously. It was added to the agenda under correspondence.

**II. New Business**

**A. Acceptance of New Application(s)**

1. Richard DiBonaventura, 90 Gary School Road, office addition to existing auto repair facility. Terry Chambers of KWP was present along with Richard and Karyn DiBonaventura. Terry spoke regarding the application. He handed out photos and plans to the commission members. He said that Longmeadow Automotive is a repair facility and they repair and sell used vehicles but do not do auto body work. There is no running water or septic associated with the facility. He said the addition is 16' x 24' and is outside of the upland review area. A no fee ruling was approved by the IWWC. The siding will be texture 111 with a metal roof and barn red in color. There are no floor drains in the facility. A letter had been sent to the commission requesting waivers on some of the items in Section 14.4.2. Waivers were requested for items 14.4.2 C, D, E, H, I, J, O, S, Y AA and Q is up to the discretion of the commission. Terry made mention that it was nice to see a local business have a need to expand. W. Hinchman then asked if anyone had any questions regarding the application. Jamie said there are two things that need to be done; 1) act on the waiver requests, and 2) determine if the existing vegetation suffices. He said any motion made should reference the plans dated 11/18/11 and updated 1/4/12. He said the only conditions of approval would be to have the architecturals and floor plan put on a 24' x 36" and have it recorded with the site plan. Jamie handed out photos of the as it relates to the neighborhood. He said the application is to expand an existing non-conforming use that does not exceed 25% and that the commission has 65 days to act without an extension. W. Hinchman said that he would like to address the landscape issue. He mentioned that only the Davis residence can see the DiBonaventura property. He then read a letter into record that the Davis' sent to the commission favorably approving the addition. He believes this precludes the need for further landscaping. W. Hinchman then went through the waiver requests for approval or denial: 14.4.2 C, D, E, H, I, J, O, S, Y, and AA all of which were individually so moved by M. Paquette, seconded by T. Tsanjoures and approved unanimously by the commission. Discussion of 14.4.2 Q regarding whether any other special information

was needed or required for this application. W. Hinchman with nothing else needed, he doesn't see any reason not to approve the application. T. Tsanjoures made a motion to accept the application. M. Paquette seconded the motion. Jamie then said that Ted intended to approve the plan prepared by T. Chambers of KWP dated 11/18/11 and updated 1/4/12, which shall include architectural and associated floor plan. T. Tsanjoures then so moved the motion. M. Paquette seconded and it was approved unanimously.

2. Vanilla Bean Café, 450 Deerfield Road, new sign

R. Brais told the commission that what they're doing is removing the old sign and replacing it with a new one. Jamie mentioned that they need to replace like with like. This new sign is bigger. Ryan said it is approximately 30 square feet and 32 square feet is permitted. W. Hinchman asked if it was going in the same spot. B Champany asked why you can't replace old sign with a different one. Jamie said it deals with dimensions and interpretation. He said he is not comfortable approving something on someone else's land, as the sign is in the state easement area. He thinks they need to look at the sign and make a determination. M. Paquette said that if the sign size complies – this would be contingent upon a letter from the state regarding use of the easement area. W. Hinchman said it won't affect the site line. He said he'll speak to Barry and Brian regarding a letter from the state and the remaining fee that is due. W. Hinchman said that if we approve this (without a letter in hand) and someone complains, there could be a possible issue. Jamie said that the next person who wants a new sign with 30' different on easement – would the commission automatically approve it? P. Allegetti thought we should have Walter asked if they (Vanilla Bean owners) could put stakes in to show where the new sign is going so we can see the new location. Walter said it's very hard to tell by looking at the map whether it's the same location or if there's a significant difference. This matter was tabled to the next meeting.

B. Citizen's Comments – Linda Schumacher of 793 Mashamoquet Road spoke to the commission regarding trying to rent out the store on her property. She would like to have access to the Town Planner so she can be aware of permits, etc. The history of the building is that people have sold things outside of the building. She needs to know whether a special permit will be necessary. Walter said that Jamie will meet with her for a half hour to inform her of the appropriate uses for the building. L. Schumacher said she is unsure as to who needs to apply for the permit. P. Allegetti said the permit goes with the lot. Ryan said the renter gets the permit for the use of the building.

1. Paul Miller of Miller Family LLC would like to speak regarding the fee in lieu of open space. Walter spoke regarding this issue. He said there are two items regarding this issue; the first is a letter from Mr. Miller requesting time to speak to the commission regarding the fee in lieu of open space and secondly, a copy of the a land conveyance with an attachment that the fee in lieu of open space was made in protest. Mr. Miller was not present at the meeting to speak to the commission. It was mentioned that if land is transferred to a family member, the fee in lieu may be waived. Jamie said he was aware of the letter from Mr. Miller and he then spoke of the meeting in 2007 regarding this property. Mr. Miller was represented by CME and legal counsel through the proceedings. \$6200 per lot was offered to commission for fee in lieu of open space (caveat was placed on the land records). P. Allegetti thought we should have the Town Attorney write a letter to Mr. Miller from a letter that Jamie drafts. Walter said Mr. Miller has paid the \$6200 for fee in lieu of – he could possibly (down the road) file a new application to alter the previous decision. Jamie thought we should just initiate a discussion with counsel to see if a letter from counsel if necessary. P. Allegetti then mentioned that due to the amount of land they own, it should be clarified. Walter then stated that Mr. Miller asked to be placed on the agenda but didn't show up. Should we send a letter from the commission, letting him know this would require a change in the agreement between him and the commission. M. Paquette felt that a letter from the

commission would be appropriate. It was stated that Mr. Miller would have to re-apply to the commission to modify the original decision.

C. Correspondence –

1. ZEO Report – Ryan said only one permit was issued for 991 Hampton Road for an addition.
2. W. Hinchman spoke regarding two items we received from Bonnie Ryan. The first is from the bond council (Atty. Douglas Gillette) stating they need a letter stating the Planning & Zoning Commission had no authority regarding the solar panels on the Pomfret Community School. The commission discussed this issue and no zoning permits were required, only building permits. Walter said he will write a letter and give it to Bonnie stating that it was not necessary to have a zoning permit for the solar panels. B. Champany so moved this motion, it was seconded by M. Paquette and approved unanimously. The second item suggested wording for an agenda item for the September 28, 2009 minutes regarding addresses which was originally listed at 325 Wrights Crossing Road. W. Hinchman made a motion that we amend the record using Mr. Gillette's wording. M. Paquette seconded the motion and it was approved unanimously.
3. Discussion of the budget – Walter mentioned that there is a big piece set aside for legal issues. Jamie mentioned the Plan of Conservation and Development with the cross acceptance with regional and state plans. Walter would like to keep the bottom line of the budget level. P. Allegretti wondered if it would make sense for us to start looking at updating our Plan of Conservation and Development before the state updates their own plan. Jamie said it's time to start thinking about the plan. He said that whether the plan is current or not – we need to align with state plan by 7/1/13. Walter said he'd like to have everyone look at the Plan of Conservation and Development on-line and come into the February meeting with any suggestions, regarding changes, etc. There will be an agenda item for the February 2012 meeting for the discussion of areas of Plan of Conservation and Development under Commission Business.

III. **Commission Business**

A. Citizen's Comments - None

IV. **Adjournment**

T. Tsanjoures made a motion to adjourn the meeting. It was seconded by M. Paquette and approved unanimously. The meeting adjourned at 9:00 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date approved \_\_\_\_\_