

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
PUBLIC HEARING/REGULAR MEETING MINUTES
MONDAY, SEPTEMBER 24, 2012 AT 7:00 PM
POMFRET SENIOR CENTER**

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

Walter Hinchman opened the meeting at 7 pm and moved to the regular meeting portion as the DeLuca's had not yet arrived for the public hearing.

I. Public Hearing –

- A. John & Karen DeLuca, 236 West Quasset Road,** 68' x 80' barn for equipment storage and work shop. Jamie spoke regarding this application. He said it is a unique application for an accessory building to the house, which requires a special permit. He mentioned that site plan requests can be waived and there is a map of the elevations for the building. He said the driveway for this property is in Woodstock but the development is in Pomfret. The site plan was passed around for commission members to look at. He then said that the applicant needs to address the waiver requests, which needs to be submitted to the commission in writing. The applicant will write/submit waiver request tonight (Section 14.4.2 a-cc). Nothing in the application is to be used as commercial and should be stated as such in the approval. W. Hinchman asked if anyone had any questions. P. Allegretti asked if when driving up Quasset, if you would be able to see this new building. J. DeLuca said you can barely see the house in winter and doesn't believe you'll be able to see the barn. W. Hinchman then read the NDDH report received for the property. At this point, K. DeLuca submitted a waiver request to the commission. W. Hinchman then asked if there was any further reason to keep the Public Hearing on this application open. P. Allegretti made a motion to close the Public Hearing. It was seconded by B. Champany and approved unanimously.
- B. Phil Allegretti for the Pomfret Planning & Zoning Commission,** text amendment to regulations: Section 4.1.7, 4.2.14, 5.1.7, 5.2.14, 6.1.2, 6.2.9, 6a.1.2, and 6a.2.8 to change the footprint from 200 square feet to 800 square feet. W. Hinchman spoke regarding the proposed change. P. Allegretti did some research in surrounding towns regarding accessory buildings and the sizes. He said that in Brooklyn, over 5000 square feet triggers a special permit. He said that in Ashford, a lot less than one acre can't have an accessory building any larger than the primary residence. Pomfret special permit kicks in at 200 square feet. The regulations are now nine years old. There are many things to take into account. The fee is at least \$800, if not more and he feels it's an undue burden for buildings that size. E. Pohlman then asked if the commission had previously discussed not creating an accessory building larger than the primary building. P. Allegretti then said that the smallest is 800 square feet. W. Hinchman then asked if 800 square feet is equivalent to a 4-car garage. P. Allegretti said maybe in the old days, but not today. Jamie said a typical single-bay garage is 12' x 24'. A two-car is 24' x 24' and a three-car is about 868 square feet. R. Brais then said that he can only sign off on residential issues, and that commercial issues need to come to the commission for approval. W. Hinchman then asked if anyone had any comments. J. Collin said he thought it was good to have a larger standard. J. DeLuca thought that 200 square feet is extremely small. P. Allegretti said that it is very daunting for an applicant to come in and do their first special permit application. W. Hinchman asked if there were any further comments. C. Burke made a motion to close the Public Hearing. It was seconded by R. DiBonaventura and approved unanimously.

At this point, we returned to the regular meeting, Section II B 1.

II. Regular Meeting –

A. Current Business

P. Allegretti made a motion to seat K. Bergendahl and Christopher Burke for Ted Tsanjoures and Martha Paquette respectively.

1. Items to add to the agenda – N/A
2. Approve Minutes of Regular Meeting of July 23, 2012 – B. Champany made a motion to approve the minutes as submitted. K. Bergendahl seconded the motion and it was approved unanimously. There was one abstention.

At this point, W. Hinchman returned the meeting back to the Public Hearing.

B. Pending Application(s) –

1. **George Avery/Donna Sabourin, 394 Mashamoquet Road, 12' x 28'** pipe tent on slab to store old truck. They submitted a letter to the commission requesting a 65 day extension. No further discussion on this issue for now. The applicants submitted a letter to withdraw this application and receive all refundable monies that had been paid. P. Allegretti made a motion to accept the withdrawal of the application and to return the refundable amount of \$825 to the applicants. B. Champany seconded the motion and it was approved unanimously.
2. **John & Karen DeLuca, 236 West Quasset Road, 68' x 80'** barn for equipment storage and work shop. Jamie said that the commission needs to address the waivers. W. Hinchman read into record the waivers request from the DeLuca's, Section 14.4.2 a-cc. He then asked if anyone had any objections to approving the waivers. W. Hinchman then made a motion to waive Section 14.4.2 a-cc. P. Allegretti seconded the motion and it was approved unanimously. Jamie then mentioned that upon meeting the criteria for a special permit, the approval should include: 1) the accessory building built per architectural plan; 2) location to be as indicated; 3) for residential use only; and 4) staff able to make minor deviations in the field. W. Hinchman made a motion that any approval includes this information. R. DiBonaventura then made a motion to approve the application for John & Karen DeLuca, 236 West Quasset Road, for a 68' x 80' barn for equipment storage and work shop and it will include the four provisions given by Jamie and noted above. C. Burke seconded the motion and it was approved unanimously.
3. **Phil Allegretti for the Pomfret Planning & Zoning Commission**, text amendment to regulations: Sections 4.1.7, 4.2.14, 5.1.7, 5.2.14, 6.1.2, 6.2.9, 6a.1.2, and 6a.2.8 to change the footprint from 200 square feet to 800 square feet. R. DiBonaventura made a motion to waive the fees to the Town for this application by the commission. K. Bergendahl seconded the motion and it was approved unanimously. W. Hinchman then asked if there was a need for further discussion. R. DiBonaventura had some concerns about if someone with a small lot added on; he believes the neighbors should have some say. There was further discussion regarding non-conforming lots, such as all the lots in Longmeadow. W. Hinchman also added that there are not many neighborhoods with small lots in Pomfret. There was further discussion regarding small lots and building size. Jamie mentioned that the building code used to exempt buildings under 200 square feet but it is now at the discretion of the building official. W. Hinchman then said that anything commercial has to come to the commission. Jamie said that at a minimum, it would require a site plan. P. Allegretti made a motion to approve the text amendment as it stands. C. Burke seconded the motion. R. DiBonaventura had an idea for a non-conforming lot based strictly on lot size; if less than 50% of lot size, then kick back to special permit. P. Allegretti then said that a small lot make the fees more apparent and unfair. There was further discussion on lot sizes, fee waivers, etc. R. DiBonaventura then said that he supports Phil's motion as presented. W. Hinchman said the motion had already been seconded, so a vote was needed. The motion was approved unanimously.
4. **Jason & Katherine Collin, 182 Modock Road**, home office for concessions trailer. No customers will be going to the home. W. Hinchman read a letter from the applicant. Jamie stated that the application was received at the August meeting and the commission has 65 days to decide. J. Collin submitted photos and documentation to the commission. Jamie made a suggestion that the trailer be parked in the location shown on the sketch plan submitted with the application. Jamie then read his review of the application.

W. Hinchman said that this is a permitted use in that area but it does require screening and the trailer shouldn't increase beyond 7' x 32'. B. Champany said she didn't feel this would impact anyone. B. Champany made a motion to accept the applicant waiver request. W. Hinchman said that Section 14.4.2 a-d, g, and w were submitted/supplied with the application. The waiver request is for Section 14.4.2 e, f, h-v, and x-cc. Jamie told the commission that he has no issues with the waivers being requested. P. Allegretti made a motion to waive the site plan requirements listed above. R. DiBonaventura seconded the motion and it was approved unanimously. W. Hinchman then said that there will be the establishment of a home office and the trailer will remain 7' x 32'. R. DiBonaventura said he would be inclined to give some leeway to the trailer size. W. Hinchman said the length of the trailer shouldn't exceed the length of the house. R. DiBonaventura said he thought they should have the right to park anywhere in their yard. He also thanked them for coming in and doing the right thing by filing an application. Jamie then mentioned that the regulations say that the trailer needs to be completely screened and there is a gross vehicle weight allowed. R. DiBonaventura then made a motion that we approve the application for Jason & Katherine Collin, 182 Modock Road, for a home office for concession trailer. The concessions trailer will be stored behind their home. C. Burke seconded the motion and it was approved unanimously.

III. New Business

A. Acceptance of New Application(s) – N/A

B. Citizen's Comments – None

C. Correspondence –None

1. ZEO Report – R. Brais said there was one permit this month for J. Folsom at 95 Wolf Den Road to remove/replace a 10' x 12' shed.

2. Complaints received:

a. Barry Peloquin, 59 Longmeadow Drive

Commercial equipment on a residential property (bucket truck, chipper, mason dump). He received a complaint from concerned residents regarding Barry

Peloquin's property. He observed three pieces of equipment and sent Barry a letter to contact him. After missing several calls to and from each other, he spoke with Barry on Sept. 19th. Barry informed Ryan that the bucket truck is not registered. He found it very cheap and uses it for trimming trees and potential maintenance on the house. The mason dump truck and chipper are handy to have and are not for commercial use. Ryan is forwarding this matter to the commission for review.

b. Joseph & Valerie Alessandro, 77 Hamlet Hill

Clearing with exposed topsoil on a hillside.

He received a complaint on Sept. 21st regarding work being done on Hamlet Hill. He observed that work was being done at 77 Hamlet Hill. Autumn Olive was cleared from the hillside and +/- ½ acre had been re-graded, leaving open topsoil. A future inspection will be made with the homeowners to determine potential downhill impact should erosion occur.

IV. Commission Business

A. Citizen's Comments – None

V. Adjournment

K. Bergendahl 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 7:35 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date approved_____