

**TOWN OF POMFRET
ZONING BOARD OF APPEALS
PUBLIC HEARING/MEETING MINUTES
MONDAY, DECEMBER 18, 2017 AT 7:00 PM
POMFRET SENIOR CENTER**

Present: Richard Galante, Chairman; Elizabeth Cartier, Vice Chairman; Earl Semmelrock, Secretary; Nick Fulchino, member; Daniel Kellaway, member; Debra Thompson, alternate Allison Gardner, alternate, and Mary Wishart, alternate. Staff: Ryan Brais, ZEO.

Also in attendance was First Selectman Maureen Nicholson.
Chairman Richard Galante opened the meeting at 7:00 pm.

I. PUBLIC HEARING

A. James Garceau, 360 Orchard Hill Road, request for variance of Sections 10.3.2, 10.3.3, and 12.11.2 (buildable area, shape of minimum buildable area, and well arc). Paul Archer of Archer Surveying along with James & Kim Garceau were present at the meeting. P. Archer stated that the property is right across the road from Big Boys Toys. They want to do a re-subdivision to cut the house out of the commercial part of the property. As it stands, the property cannot meet the requirements of the current regulations, so they are asking for relief. The well for the house is a shared well. They are not proposing any form of building. They will have the 2 acre minimum lot size required. The rectangular buildable area measures 94' x 182'. A. Gardner asked what would happen if the shared well ceased; would a well be able to be on their property. P. Archer said yes, they could do it. D. Kellaway asked what the criteria is being used to get this variance. R. Brais said it is a hardship. This property is a legally non-conforming use but separating it makes it more legal. The zoning regulations were established in 2003. E. Semmelrock asked if there was anything else they had to come back for. P. Archer said this is just to get the house separated from the commercial section. E. Semmelrock said this is the first variance process he's been through and wondered if this had come up before. R. Brais said it is the first time in Pomfret where the house is being separated from a commercial property. M. Nicholson asked Ryan to explain non-conforming use. R. Brais said the regulations don't allow residential mix with commercial. By allowing the variance, it will bring this lot into better compliance with the regulations. M. Nicholson asked if they were not able to add on. R. Brais said they could add a shed or add on, as long as it's not in the setbacks. There was discussion about the well arc and the new property line. D. Kellaway asked the Garceau's if they rent or own the house. They said they rent right now but they want to buy the property, which is why they want to get the house separated from the commercial property. E. Semmelrock made a motion to close the public hearing. N. Fulchino seconded and it was approved.

II. REGULAR MEETING – was opened at 7:27 pm

A. Roll Call – taken and noted.
B. Seat Alternate(s) – seat A. Gardner for J. Robbins
C. Citizen's Comments - none
D. Items to Add to the Agenda – none
E. Approve Minutes of November 20, 2017– N. Fulchino made a motion to approve the minutes as submitted. D. Kellaway seconded the motion and it was approved unanimously.

III. NEW BUSINESS

A. Pending Application

1. James Garceau, 360 Orchard Hill Road, request for variance of Sections 10.3.2, 10.3.3, and 12.11.2 (buildable area, shape of minimum buildable area, and well arc). E. Semmelrock made a motion that based on the facts, this is going to make a better situation for the property. They are going to stay on the existing well and we should proceed with granting the variance. A. Gardner seconded. N. Fulchino said his only concern was NDDH. D. Kellaway stated that all structures are existing and there is just paperwork to complete; everything else seems ok. R. Galante asked if there were any more questions. He asked the Garceaus if they had recently moved to town, but they've been here for 14 years. He told all board members that all questions they have are important. He also stated that the Garceaus are not looking for financial gain. E. Semmelrock then asked if any change of zone would have to go through zoning again to which Ryan said yes. M. Nicholson mentioned that the lot was L-shaped. R. Brais said that's what they're giving and what's been already advertised. A vote was taken and it was unanimous to grant the variance. The reason for granting the variance is making a legally non-conforming use more conforming with the regulations.

IV. CURRENT BUSINESS.

V. OTHER BUSINESS

- A. Agenda items for next meeting – none
- B. Citizen's Comments – Bob Garceau, former commission member from Putnam, was present for his son who was filing for the variance. He asked to speak regarding seeing the young people who are now on the board of zoning appeals in Pomfret. He felt it was a good thing that young people are becoming involved with their community and serving this way and he was proud that they were involved.

- VI. **ADJOURNMENT** – E. Cartier made the motion to adjourn. N. Fulchino seconded the motion and it was approved unanimously. The meeting adjourned at 7:48 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date approved: _____