

**TOWN OF POMFRET
ZONING BOARD OF APPEALS
PUBLIC HEARING/MEETING MINUTES
MONDAY, JULY 16, 2012 AT 7:00 PM
POMFRET SENIOR CENTER**

Present: Chairman James Robbins, member; David Smutnick, member; Allison Gardner, member; Sarah Hamby, Alternate.

Absent: Vice Chairman Richard Galante, member; Elizabeth Cartier, member; Kevin Vernon, alternate; Barry Jessurun, alternate. Staff: James Rabbitt, AICP; and Ryan Brais, ZEO.

Jim Robbins opened the meeting at 7:03 pm and noted that a quorum was present.

I. PUBLIC HEARING

A. John & Martha Paquette, 55 Firetower Road

Variance of Section 10.2 (minimum street frontage) – seek to match property lines to existing driveway locations and conditions. John Guskowski of CME Associates, Inc. was present to represent the applicants. John and Martha Paquette were also in attendance. Mr. Guskowski stated that the Paquette own four consecutive properties on Firetower Road under three separate ownership names. The northerly two are owned by J. Paquette, the next by Paquette Enterprises and the southernmost by Martha's Mansions. They are seeking a reduction in road frontage. Currently, these two lots are pre-existing non-conforming lots. We wish to move the property lines because currently 55 Firetower Road has 188' of frontage and Lot 5 has 130' of frontage and in the RR district, 200' of frontage is required. They will do a lot reconfiguration because these two existing driveways are close to each other. There will be no new lots created or dissolved; they are just moving the lot lines. The southern driveway is centered at 55 Firetower and the northern driveway is on 55 Firetower but used to access lot owned by Paquette Enterprises. The original Class D survey actually showed the northern driveway on Paquette Enterprises lot but a Class A2 conducted shows that driveway actually on Martha's Mansion lot. They are looking to correct a mapping error. They are going to transfer 25.96' of frontage from Martha's Mansion lot to Paquette Enterprises lot to formalize and set to A2 standards. This existing driveway has been in place for at least 10 years. In summation, we have two existing driveways with two existing lots. The photo submitted shows a telephone pole between the two driveways. The copy of the Class D survey show the driveway belonged to Paquette Enterprises but the more details A2 survey shows the driveway is on Martha's Mansion lot. J. Robbins asked about the original survey and lot changes. J. Guskowski said the original Class D survey was done on 7/27/01 and filed in 2003. They are

doing a lot reconfiguration. Martha's Mansions will increase from 1.64 AC to 1.87 AC. Paquette Enterprises will increase from 3.9 AC to 4.1 AC. J. Paquette said he doesn't need the whole driveway, just the piece to access his lot from Firetower Road. He also stated that it doesn't make sense to do another driveway. J. Robbins said they are making a pre-existing non-conforming less non-conforming. They wish to have a variance regarding frontage to allow driveway to be on the lot it serves. J. Robbins then asked if there were any more questions because once the public hearing closes, no more information can be obtained. J. Guskowski said that the Paquettes are not creating anything new. There are no safety or traffic issues and no impact to the Town. J. Robbins then asked the board if they had any questions. D. Smutnick said that as far as a driveway ordinance, Paquette Enterprises legally doesn't have a driveway at this point because they're using the driveway on 55 Firetower Road. J. Guskowski said that legally, if this driveway has been in existence for 15 years, it may already have adverse possession. J. Robbins said that as long as Mr. Paquette owns the property, everything should be fine. He said that Martha's Mansions will from 188' of frontage to 162' and Paquette Enterprises will go from 130' of frontage to 155'. He then asked if there were any further questions. A. Gardner made a motion to close the public hearing. It was seconded by D. Smutnick and approved unanimously.

II. REGULAR MEETING

- A. Seat Alternates – Sarah Hamby was seated for Elizabeth Cartier.
- B. Citizen's Comments – N/A
- C. Items to Add to Agenda – J. Robbins made a motion to add discussion of the Public Hearing for 55 Firetower Road under agenda item III New Business, item B.
- D. Approve Minutes of June 18, 2012 – A. Gardner made a motion to accept the minutes as written. D. Smutnick seconded the motion and it was approved unanimously.

III. NEW BUSINESS

- A. Correspondence – N/A
- B. Discussion of request for variance from Public Hearing for 55 Firetower Road. D. Smutnick asked if a motion was necessary to discuss the public hearing information. J. Robbins said it's not necessary and prefers a motion after a discussion of the facts. He then said that the applicants wish to reduce the frontage property line from 55 Firetower to the abutting lot. The non-conformities are different for these two lots. They both have non-conforming frontage but one of them is of conforming size. He sees a couple of hardships regarding size and shape. The location of the tower in the center of the lot doesn't allow access. The existing driveway is the best access to service that lot. D. Smutnick said this is a reasonable request and the way the lots are set regarding the existing Class D survey with the more detailed Class A2, it seems a reasonable way to put the driveway on that property. A. Gardner said that it made perfect sense to her. D. Smutnick then made a motion to approve

Zoning Board of Appeals application # 2012-002-ZBA for John & Martha Paquette, 55 Firetower Road. S. Hamby seconded the motion. J. Robbins then opened the floor to discussion of any issues or comments. Jim said he has a couple of findings he'd like noted: 1) the survey that was originally filed for the property created hardship for the property owner; 2) survey filed in 2001 improperly located the property lines showing driveway to be contained on the property now known as Martha's Mansions; 3) further, that seeking a re-location of that driveway could be problematic because of the shape of the existing lot known as Paquette Enterprises; and 4) the existing tower may preclude the optimal location for a new driveway. So, the affirmative finding of a variance on this property shows that there is something about the size and shape of both parcels, creating a hardship for the owner. He then asked if anyone else had any further questions or anything to add. Seeing no further remarks, he took action to vote on the motion by D. Smutnick. The motion was approved unanimously.

IV. CURRENT BUSINESS

- A. Final draft of application – J. Robbins said that most of the final changes to this application were done by e-mail. He asked if anyone had any further changes or comments. He then made a motion to approve the amended application form to the Zoning Board of Appeals for a Zoning Variance. He also mentioned that he would like to put on the bottom of the front page of the form "Date Adopted 7/16/2012". D. Smutnick seconded the motion and it was approved unanimously.

V. OTHER BUSINESS

- A. Agenda items for next meeting – N/A
- B. Citizen's Comments – N/A

- V. ADJOURNMENT** – D. Smutnick made a motion to adjourn the meeting. A. Gardner seconded the motion and it was approved unanimously. The meeting was adjourned at 7:34 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date approved: _____