

**TOWN OF POMFRET  
PLANNING AND ZONING COMMISSION  
PUBLIC HEARING/REGULAR MEETING MINUTES  
MONDAY, OCTOBER 28, 2013 AT 7:00 PM  
POMFRET SENIOR CENTER**

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

Absent: Members Martha Paquette; and Alternates Kimberly Bergendahl; and Antonio Amaral.

Walter Hinchman opened the Public Hearing at 7 pm

**I. Public Hearing**

- A. Atty. Ernest Cotnoir for Woodstock Academy, text amendment for student housing. W. Hinchman read into the record a letter dated 10/25/13 from Atty. Ernie Cotnoir regarding the application for a text change to the regulations, filed by Woodstock Academy, stating the application is being withdrawn in its entirety by the applicant.

**II. Regular Meeting –**

**A. Current Business.**

1. Items to add to the agenda – draft of 2014 meeting schedule. R. DiBonaventura made motion to move this item to Item C under Section IV Commission Business. P. Allegretti seconded the motion and it was approved unanimously.
2. Approve Minutes of Public Hearing/Regular Meeting of September 23, 2013 and the Special Meeting minutes of October 21, 2013. P. Allegretti made a motion to approve both sets of minutes as submitted. T. Tsanjoures seconded the motion and it was approved unanimously. There were two abstentions.

**B. Pending Application(s)**

1. Atty. Ernest Cotnoir for Woodstock Academy, text amendment for student housing. Public hearing was continued to 10/28/13. This application was withdrawn in its entirety tonight 10/28/13.

**III. New Business**

**A. Acceptance of New Application(s) - none**

**B. Citizen's Comments –none**

**C. Correspondence – letter received from the Town of Brooklyn regarding a text amendment and a zoning map change. Jamie said we should send a response regarding this information sent to us. The second piece of correspondence was a questionnaire from Spectra Energy, which the commission completed and gave to the clerk for mailing.**

**1. ZEO Report – delay this item until Ryan arrives from Town Hall**

**Permits:**

- a. One permit issued to John Stoddard for a sunroom at 62 Babbitt Hill Rd.

**2. Violations:**

- a. Barry Peloquin, 59 Longmeadow Drive - a cease and desist was issued to Barry Peloquin of 59 Longmeadow Dr. for the storage of commercial vehicles on a residential property. The commercial vehicles are still located on this property and the issue has been forwarded to the town attorney.
- b. Pixie Rahe of Old Rte. 44 – a cease and desist was issued to Pixie Rahe of 10 Old Route 44 for operating a retail use on a residential property. Pixie has continued operating her Barn Sale on the weekends. Ryan spoke with her and

she informed him that she disagreed with the content of his cease and desist and my opinion that her barn sale was in violation of the regulations. Ryan informed her of how to appeal to the Zoning Board of Appeals and that she had 30 days from the date of receipt to do so. No appeal was made to the Zoning Board of Appeals as of the 30 day deadline (October 24<sup>th</sup>). The cease and desist was for the sale of items from her property. B. Champany asked if there is a number of days allowed for sales. R. Brais said there is nothing in the regulations but a couple yard sales a year are the norm. E. Pohlman asked if, as a board, whether we have any enforcement power. Ryan said it would be put into the hands of the Town Attorney and then it would go to court. Jamie mentioned that we would work with legal counsel for injunctive relief. Then, once a judge makes a decision and it continues to be disregarded, the offenders could be charged with contempt of court, possible incarceration, or whatever the court decides. W. Hinchman then showed the commission members two printouts from the web advertising a barn sale at this residence; one was dated in late September and the other was dated October 27, 2013, the day before this meeting. Ryan said that if she continues to operate this coming weekend, he would like to forward this matter to the town attorney.

#### **IV. Commission Business**

##### **A. Citizen's Comments – None**

**B. Selectmen Referral 8-24 CT General Statutes – CL&P seeking approval for a proposed access easement through the Murdock property – new information submitted.** J. Rabbitt said the new submission contained the insertion of the language requested by the commission and the new working is consistent with Plan of Conservation and Development. There was discussion about the fee associated with the proposal. C. Mead, the CL&P representative, stated the purpose of this meeting was to see if the new wording is now consistent with the Plan of Conservation and Development. W. Hinchman stated, for M. Nicholson's benefit, that the amount mentioned was felt to be inappropriate to the commission members. M. Nicholson then said that this issue will be on an upcoming Selectmen's meeting agenda, but not the one scheduled for 11/4/13. W. Hinchman thought it might come up in late November or early December. M. Nicholson said the next Selectmen's meeting is scheduled for 11/18/13, and that it is a morning meeting. W. Hinchman said the commission needs to make a decision if this proposed temporary access way is or is not consistent with the Plan of Conservation and Development. After a few suggestions, J. Rabbit then drafted the following motion: "the Pomfret Planning and Zoning Commission finds that the proposed CL&P Temporary Access Easement is consistent with the Town's Plan of Conservation and Development. However, please be advised that the Commission did not evaluate the financial value of the R.O.W. in making its decision". T. Tsanjoures thought the money portion should be removed. R. DiBonaventura believes it should remain the motion. T. Tsanjoures then made a motion to approve the motion drafted by Jamie. R. DiBonaventura seconded the motion and it was approved unanimously.

At this point in the meeting we went back to R. Brais and Section III, C 1 and 2.

**C. Draft of 2014 Meeting Schedule – J. Rabbitt needed to check his schedule to make sure there would be no conflicts with any of the dates listed. He said the dates were good for him. B. Champany then made a motion to accept the proposed 2014 schedule as submitted. W. Hinchman seconded the motion and it was approved unanimously.**

At this point in the meeting, M. Nicholson asked to go back to Ryan's report and asked him if there was any more going on regarding Pixie Rahe. Ryan said there was a complaint about the renting out of rooms, but there is no definition of "family" in the regulations. Maureen then mentioned to the commission members that the new website will be going live this Friday, November 1, 2013.

**IV. Adjournment**

B. Champany made a motion to adjourn the meeting. It was seconded by R. DiBonaventura and approved unanimously. The meeting adjourned at 7:55 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

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