

**TOWN OF POMFRET  
PLANNING AND ZONING COMMISSION  
PUBLIC HEARINGS AND REGULAR MEETING MINUTES  
MONDAY, FEBRUARY 22, 2010 AT 7:00 PM  
POMFRET SENIOR CENTER**

In Attendance: Commission Members Walter Hinchman, Phil Allegretti, , Richard DiBonaventura, Martha Paquette, Beverly Champany; Kimberly Bergendahl; Staff – James Rabbitt, Town Planner, Ryan Brais, ZEO. Not Present: Robert Blackmer, Ted Tsanjoures, Antonio Amaral and Leah Schad.

- I. Public Hearings** – W. Hinchman opened the public hearings at 7:05 pm.
- A. Andrew & Judith Mitchell, 253 Mashamoquet Road, bed and breakfast. The Mitchell's were present and submitted a folder with additional information and maps. J. Rabbitt stated that the Bed & Breakfast application will be in an existing single family home. He met with the applicants and explained to them that a Special Permit required many criteria. The applicants have submitted a request for waivers. W. Hinchman then read what items were contained in the folder. He then asked if there was anyone from the public who wished to speak regarding this application. No one spoke up. J. Rabbitt then said that the hearing just opened tonight and there is a packet containing 36 pages including the application, etc. The Fire Marshal has done an inspection on the property but the applicants have not received a formal response from him as of yet. Jamie felt that if the hearing closes and the formal letter is not here, then maybe the hearing should be left open. A. Mitchell then said that the Fire Marshal told them that they need to address egress and exits, installing a fire alarm, and adding fire extinguishers. W. Hinchman then asked if they had received NDDH approval to which A. Mitchell responded yes. J. Rabbitt then said that there are a number of items where the applicants are requesting waivers including a site plan waiver letter. In their initial application they meet the standards for a Bed & Breakfast. He then went over the regulations for a Bed & Breakfast including Section 12.4.2 and Section 13 Special Permit criteria. He said that there are two things missing from this file: the formal response from the Fire Marshal and the lack of a formal 1000 scale location map. He also mentioned that there will be an addition of a sign and two parking spaces at the home. W. Hinchman then asked a question regarding how one map shows the shape of the property as a trapezoid while the assessor's shows it as a rectangle. R. Brais then said that as part of a subdivision, a trapezoid is the correct shape of the property. It was mentioned that all Certified Return Receipts were returned but one and there were no abutters present to speak on this application. It was also mentioned that the 1/40 scale map doesn't meet the 1/1000 map requirement. M. Paquette said she thought the application was very accurate. P. Allegretti said the application was fine. B. Champany said that everything is there. W. Hinchman then reminded

everyone that there was no response from the Fire Marshall. He also said that the commission needs to remember that they can approve or deny this application, but it can't be done during the Public Hearing. P. Allegretti then said that we can't require the Fire Marshal to submit a report in a set amount of time. He said he is happy with the information submitted by the applicants. R. DiBonaventura then said that some of the items aren't a big deal, but if we waive the site plan now, does it set a precedent for future applications. J. Rabbitt said that it can't be waived, but it can be overlooked. R. DiBonaventura then asked if it were more controversial, how would it be treated. R. Brais then said that by overlooking this doesn't set a precedent. J. Rabbitt then said that the applicants can download a USGS topographic on-line map for about \$5 and that the decisions made today don't bind you to the future. You can modify the approval but the Special Permit is not final until the letter is received from the Fire Marshal. R. DiBonaventura then asked if this could be approved with conditions and set a period of time. W. Hinchman said yes, to set a time frame. He then said he felt there had been enough discussion regarding conditions for approval. He asked if there were any questions. A. Mitchell then asked if the Public Hearing was continued or closed, at which point W. Hinchman said the commission could continue or close, but there are outstanding conditions regarding the location map and the response from the Fire Marshal. P. Allegretti then made a motion to close the Public Hearing. R. DiBonaventura then seconded the motion. It was approved unanimously.

- B. CT Audubon Society Center, 218 Day Road, replicate barn structure to use as a nature center. W. Hinchman asked if there was anyone to speak for this application. Sara Hemmingway spoke regarding how this application was approved two years ago but it all came down to money, so the work wasn't done. This amended application shows that we have eliminated the basement and shifted the building 50' from the road. Russell Campaign from CK Architects then spoke regarding the application. He said that they were keeping the premise similar to the original. It is basically the same dimensions and the major systems have remained the same. They are meeting all the necessary criteria and have reduced the impact of the building. The main focus is to replace the existing center, which is in the center of their 600 acre preserve, and they are confident that they are all set budget wise. W. Hinchman then stated that this was a reapplication to amend a previously approved application where the building was to have a basement and different roof line, etc. The commission held a special meeting to accept this application so it could get to Public Hearing. He then asked if there were any questions from the public on this amended application. P. Allegretti asked if there was any change to the well/septic systems. R. Campaign said there were no changes at all. J. Rabbitt then gave a staff report and stated that the previously submitted application was approved on 5/28/08 with a number of items of conditions. He then read the actual approval motion with

conditions. At this point, S. Hemmingway said that there was only one abutter and the response was at the center and that she's drop it off at the Town Hall for the file. W. Hinchman then asked if the hearing should be closed. P. Allegretti made a motion to close the Public Hearing. B. Champany seconded the motion. It was approved unanimously.

## II. **Regular Meeting –**

### A. Current Business –

1. Approve Minutes of January 25, 2010 – P. Allegretti made a motion to approve the minutes. M. Paquette seconded the motion. It was approved unanimously.
2. Items to Add to Agenda – W. Hinchman made a motion to add a couple of items to the agenda: under New Business III. A 2 -Pomfret School discussion of their future projects; under Commission Business: IV. B - Conservation Commission discussion regarding stone walls and IV. C - Executive Session regarding Abbott case and possible decision after executive session. P. Allegretti seconded the motion to add the items. It was approved unanimously.
3. Andrew & Judith Mitchell, 253 Mashamoquet Road, bed and breakfast. The Public Hearing was closed earlier this evening. It was stated that every structure already exists and that the commission could approve this application with conditions but they would need to act on the waiver requests first. There is a waiver request to waive Section 14 a-cc. R. DiBonaventura made a motion to approve the waivers and accept the site plan provided. P. Allegretti seconded the motion. There was minor discussion and the motion was approved unanimously. W. Hinchman then said that the application could be approved, denied, or approved with conditions. M. Paquette stated that we're only obligated to request response from the Fire Marshall, but the letter would be needed before R. Brais could approve anything. R. DiBonaventura mentioned that there would be no structural changes. P. Allegretti agreed with M. Paquette because the applicant approached the Fire Marshal and submitted the information the Fire Marshall gave him on what needs to be done. M. Paquette then made a motion to approve the application with the conditions that the applicant submits a location map before the commission's next meeting. P. Allegretti seconded the motion. It was approved unanimously.
4. CT Audubon Society Center, 218 Day Road, replicate barn structure to use as a nature center. After a very brief discussion, P. Allegretti made a motion to approve the application with the following surety conditions: \$20,000 in surety for E&S; \$5,000 cash surety; and \$2,000 inspection fees to be held by the Town. R. DiBonaventura seconded the motion. It was approved unanimously.
5. Eric Johnson, 33 Wade Road, home occupation (home office). Mr. Johnson was not in attendance so P. Allegretti made a motion to table

this item until after Citizen's Comments under Commission Business. M. Paquette seconded the motion. It was approved unanimously.

### III. New Business

#### A. Acceptance of New Applications –

1. Sara Kivela, 6 Cherry Hill Road, resubdivided land into three (3) new lots and convey to children. Ed Pelletier was present to speak on this application. The lots are 2.86 acres to 6.9 acres. They have received NDDH approval for these lots. There are three building site areas and they have received Wetlands approval. Lots 1 and 3 have no site line problem. A subdivision was done in 2002. W. Hinchman then said that the original parcel was a subdivision. J. Rabbitt then said that this is then a resubdivision. W. Hinchman then stated that a resubdivision needs a Public Hearing and one will be scheduled for our next meeting. E. Pelletier asked if any commission members would be doing a site walk. J. Rabbitt thought that most members would drive by. He actually had to go and see the lots for Wetlands. E. Pelletier then mentioned that the driveways will be off Cherry Hill Road. W. Hinchman then made a motion for a Public Hearing to be held on this application for 3/22/10 to be held at the Senior Center.
2. Pomfret School, Arthur Diaz and Tony Magliano, regarding the school's future projects. A. Diaz and T. Magliano went over a list of six Anticipated Capital Projects: 1) Turf Fields (begin spring 2010, depending on funding); 2) Sewer line project (applying for Federal funds, March 2010); 3) Enhanced lighting (summer, 2010); 4) Science and technology center (2012? Dependent on funding); 5) Utility master planning (uncertain); and 6) Wind turbine (never?). After a brief overview of each item, A. Diaz and T. Magliano thanked the commission for their time in letting them go over their future projects.

#### B. Citizen's Comments – None.

#### C. Correspondence –

1. **ZEO Report** – Ryan Brais gave the following information:  
He inspected 13 Fox Hill Road for an in ground pool and fence.  
Approved.

At his annual CAZEO meeting, he spoke with representatives from 10 different towns around the state regarding regulating outdoor wood furnaces. Coventry was the only town who regulated them. They issued a standard zoning permit for an OWF but would not approve it until it was determined that the furnace conformed to DEP's regulations.

### IV. Commission Business

#### A. Citizen's Comments – None.

**B. Conservation Commission, Cheryl Kapelner-Champ, Chairman and Ann Hennen, member,** discussion of stone walls and possible regulation. Cheryl spoke of a possible stone wall protection ordinance or possible regulation regarding stone walls. J. Rabbitt said that the Conservation Commission went to the Selectmen first with this, then it went back to the Conservation Commission, and it has now been punted to the Planning & Zoning Commission. Stone walls are a part of New England and the goal of the Conservation Commission is protecting walls along state and town right of ways. The Selectmen gave Jamie a nod to develop some regulations regarding stone walls but he also needs a nod from the commission to do so. The primary objective is if a stone wall is taken down, it needs to be replaced with like kind or better and that stone walls need protecting from development. After discussion regarding stone rustlers and wall classifications, W. Hinchman mentioned that we're all shooting from the hip and that we need a chance to think about this. He'd like to see if J. Rabbitt knows of any towns nearby that have regulations regarding stone walls. J. Rabbitt said that Hebron, Redding and Mansfield have regulations regarding stone walls. He will bring documents from other towns. C. Kapelner-Champ said that financial incentives had been mentioned also. J. Rabbitt said that one town gave a tax credit. W. Hinchman then said he would like to move this to commission business at our next meeting.

W. Hinchman then mentioned R. Brais and his meeting regarding other towns and regulations regarding outdoor wood burning furnaces. R. Brais said he would download the regulations from Coventry and print them out for the commission. R. DiBonaventura said that he thought they would be regulated and that people with OWBF should see Ryan and make sure it's set up properly. J. Rivers felt that this is an accessory structure. P. Allegretti said we could lobby state legislature. J. Rabbitt mentioned that the ban is being lobbied at this time. P. Allegretti then said that the general public has strong thought about his issue, but felt that it's up to the state to decide. W. Hinchman thought this should be discussed at the next meeting. P. Allegretti thought we should leave it alone and let the state do it. W. Hinchman then asked if we have a need to respond to the public. J. Rabbitt said we should wait and see what comes out of this legislative session. W. Hinchman said that we would just leave it for now. C. Kapelner-Champ read about a study regarding OWF and Windham County came out in the bottom of the list. A. Hennen then said she understood where P. Allegretti is, but we have to take care of ourselves and thinks that the commission should consider doing something regarding air quality.

**C. Executive Session** – at 9:30 M. Paquette made a motion to go into executive session to discuss pending litigation regarding Abbott

subdivision. P. Allegretti seconded the motion. All members present voted in favor of the motion.

The Commission came out of Executive Session at 10:35 pm. W. Hinchman made a motion to authorize Atty. M. Zizka to contact Atty. Fader to develop a stipulated agreement based on his 2/9/2010 (11:37 am) email. All members present voted in favor of the motion.

- V. Adjournment** – P. Allegretti made a motion to adjourn. It was seconded by M. Paquette. It was approved unanimously. The meeting adjourned at 10:36 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

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