

**TOWN OF POMFRET  
PLANNING AND ZONING COMMISSION  
PUBLIC HEARING AND REGULAR MEETING MINUTES  
MONDAY, JUNE 27, 2011 AT 7:00 PM  
POMFRET SENIOR CENTER**

In Attendance: Commission Members Phil Allegretti, Robert Blackmer, Richard DiBonaventura, Martha Paquette, and Beverly Champany; Staff - James Rabbitt, Town Planner and Ryan Brais, ZEO. Absent: Walter Hinchman, Ted Tsanjoures, Kimberly Bergendahl, Antonio Amaral, and Leah Schad.

**I. Public Hearing**

- 1. William Hull, Hull Forest Products, 101 Hampton Road**, request for zone change on +/- 12 acres from rural residential to commercial business

Phil Allegretti opened the public hearing at 7 pm. Norm Thibeault was present along with Bill Hull and his son Ben. Jamie gave an administrative overview of the application. N. Thibeault then spoke regarding the leased property owned by Mr. Davis being currently zoned rural residential and requesting to change it to commercial business. There is a letter in the application file signed by Mr. Davis giving Mr. Hull permission to apply for a zone change. Mr. Hull previously leased two acres but is not leasing 12. A copy of the existing lease was submitted for the file. W. Hull then spoke regarding the application. He handed out colored maps to the commission members and gave an overview of Hull Forest Products. Due to the economy, new markets had to be found to keep the company afloat. There are three new directions they've undertaken: 1) wood chips for fuel; 2) hardwood wide flooring; and 3) expansion of log export sales. Wood chips and logs need more space to store and sort. They are looking for a long-term viable option. He mentioned that he had applied to the IWWC in October 2010 regarding a wetlands crossing and it was approved March 2011 with 23 conditions. After further discussion, Mr. Hull stated that if the zone change is approved, he will not proceed with the Inland Wetlands permitted activity. He then said that the town took away 29.5 acres of Commercial Business land and changed it to Rural Residential due to a lawsuit, and he hopes this might warrant consideration for the zone change. He said he had also spoken with Bob Woods and Lisette Reimer that day and explained the procedure. P. Allegretti thanked B. Hull for his information. J. Martinez had a question regarding if the zone change was granted, would the zone change expire if the lease on the land expired. B. Woods gave conditional support for this zone change. Mr. Woods had spoken with Mr. Hull in January and suggested that he speak to Mr. Davis regarding more space. In response to Mr. Martinez, Jamie said that the zone change would remain. He said that when re-zoning an area, whether the land is sold, bartered, etc. it does not change the zoning – it remains as re-zoned. Mr. Hull said that the only possible building on that new piece of leased land would be a pole type shed to store equipment over the winter; there will be no concrete or fancy buildings. T. Chambers then said that there have been many challenges during the past few years with the economy and he applauds Mr. Hull. He mentioned this is not spot zoning and is well buffered. He is in support of Mr. Hull's proposal. L. Reimer then asked Mr. Hull if he bought the land from Mr. Davis, would he manufacture on that site. Mr. Hull said he has no plans to manufacture now, but who knows what can happen ten years down the road. L. Reimer then asked if manufacturing would be allowed. Jamie said that it would be allowed following a successful permitting process – you can't strip loam and put down gravel without an approval. L. Reimer then said that they would hope that whatever happens in the future, they could work with Mr. Hull to keep the noise level down and the traffic down. Their hope is that the peace and quiet for which the neighborhood is known for will continue. Mr. Hull then mentioned that he had visited other on Route 97 and submitted a letter of support signed by these neighbors. B. Champany then made a motion to close the public hearing. It was seconded by R. DiBonaventura and approved unanimously.

## II. Regular Meeting

### A. Current Business

1. Approve Minutes of Regular Meeting of May 23, 2011 – R. Blackmer made a motion to accept meeting minutes as amended. B. Champany seconded the motion and it was approved unanimously
2. Items to Add to Agenda – Two new applications (78 Swedetown Road and 218 Day Road) need to be added. P. Allegretti made a motion to add these items under New Business, Acceptance of New Applications, items #2 and #3. R. Blackmer seconded the motion and it was approved unanimously.

### B. Pending Application(s)

1. Marion Nuccio, 189 Pomfret Street, pre-school and day care. Marion was present and spoke regarding her application. She said she had eliminated the drop-off zone, angled the parking spots, and there is a one-way in an out. P. Allegretti mentioned that we had received two letters from the DOT. Jamie said he had some contact with the DOT and evaluated the regulatory issues surrounding the application. He said the garage in in the rear yard set-back. He also said that parking spaces can't be put on the lawn where parking spaces didn't previously exist. He then presented a schematic that balances the parking (angled) with two handicap spaces in front, which complies with zoning regulations. R. DiBonaventura thought that M. Nuccio should work with Jamie and come up with a plan similar to Jamie's. P. Allegretti said the DOT approved this and asked Marion if this is a good plan for her. She said that she is concerned about the parking areas in the back due to need 75 square feet per child for the play area. Jamie said that the schematic shows approximately 1000 square feet and the driveway encroaches the CT Audubon property. R. Blackmer then asked how parking spaces are needed. Jamie said we had to look at both the functional and regulatory sides. P. Allegretti then said that Marion needs to submit a plan to the commission. Jamie mentioned that she would also need a request for a waiver of all site plan requirements. T. Chambers then said that Marion has a survey provided by him and has permission to use the site plan. He said that draining and grading are now an issue and that Jamie has made a wonderful design and is willing to do a Mylar if the commission approves the waivers. At this point, this item was tabled until after item B2, Hull Forest Products.
2. William Hull, Hull Forest Products, 101 Hampton Road, zone change. Jamie said there is a procedural issue: 1) comprehensive plan; 2) plan of conservation and development; and 3) set an effective date (no sooner than a day after the legal notice). P Allegretti then asked Jamie if he felt anything was overlooked in the public hearing. R. Blackmer then commented that since day one, the area where Hull is was considered to be CB. The area is really buffered well and he has signatures from the abutter. M. Paquette said that from what she's heard tonight that she is leaning toward approval. R. DiBonaventura said that he concurs with Martha. He said it fits well is buffered well and there's not a single reason not to approve. P Allegretti thought there was no better place for it to be B. Champany was looking at what he had to give up to what he's getting. R. Blackmer then added that this will save a wetlands crossing and avoid a potential wetlands issue and he supports the application. Jamie prepared a favorable draft motion: motion to approve application submitted by William Hull to re-zone a portion of existing Rural Residential to Commercial Business as shown on a map prepared by Greg Glaude, L.S., Killingly Engineering Associates dated May 18, 2011, a portion of which land is shown on Map 18 Black A, Lot 6. Total acreage to be re-zoned is +/- 12 acres with an effective date of July 18, 2011. M. Paquette made a motion to approve the draft Jamie had written. R. Blackmer seconded the motion and it was approved unanimously. Back to item B1.
1. Marion Nuccio, 189 Pomfret Street, pre-school and day care. Before T. Chambers spoke, it was proposed that a split-rail fence be put up to prohibit a child from wandering. Marion submitted a written request to items E, H, J, K, L, O, P, R, and S. Terry said he is going to work with Jamie regarding the Conditions of Approval and do a minor tweaking

for the play area. R. DiBonaventura made a motion to waive the site plan items requested. R. Blackmer seconded the motion and it was approved unanimously with one abstention. Marion then mentioned that the septic work had been completed and wants to receive her approval ASAP. P. Allegretti asked the commission if they felt that Jamie and Ryan could work the Marion to work out parking plan for the play area. R. DiBonaventura then asked if this would be approved conditionally. Jamie said yes and it would delegate that she meets a criteria (i.e., enlarge play area and move three parking spaces). Martha asked if she is required to have so many parking spaces and Jamie said that she needs 1.5 spaces per employee. Marion then said that her capacity would be smaller than originally anticipated. R. Blackmer said that she should have the parking spaces on paper, even if they are not needed. P. Allegretti then said that Jamie's sketch shows that you can get the number of parking spaces by following/meeting the regulations. This item was again tabled until after the ZEO report.

### III. New Business

#### A. Acceptance of New Application(s) –

1. Curtis Schopfer for Loos & Co, Inc., 10 Mashamoquet Road, proposed office addition to existing manufacturing facility. T. Chambers was present to speak for the application. He said that he knows that this request for a special permit requires a public hearing and he is just here for the acceptance of the application tonight. A public hearing was scheduled for July 25, 2011 at 7pm.
2. CME for John & N Sara DiOrio, 78 Swedetown Road, proposed accessory building greater than 200 square feet. Jamie said this is an application for a pool house. There is a minimized septic and it is outside of the wetlands. He then said that this is an ambitious pool house, but if falls under Ryan's jurisdiction and not the commissions. Sent to Ryan for approval.
3. Sara Heminway for CT Audubon Society, 218 Day Road, barn for tractor and sanctuary equipment. Jamie said that this is a non-residential structure. Russ Campaigne from CME showed plans which proposed a 24' x 36' slab on grade for cold storage. There will be electricity but no other utilities. R. DiBonaventura asked Jamie if he had reviewed the plans. Jamie said he knows the site and that this barn would be an attribute to the property. B. Champany made a motion to approve the application. R. DiBonaventura seconded the motion and it was approved unanimously.

#### B. Citizen's Comments – None

#### C. Correspondence – letter from Eric Coleman regarding the bill the commission sent letters to support. The bill did not pass.

1. ZEO Report – nothing new to report. He spoke with R. Messier regarding 13 Day Road regarding a property line dispute. P Allegretti asked Ryan what is on site. R. Blackmer said he saw a new mobile home and the old mobile home, but the camper was gone. P. Allegretti asked when the old mobile home is leaving. He wants Ryan to get a timetable from the property owner.

At this point, the commission returned to pending applications; Marion Nuccio, 189 Pomfret Street. Jamie read a draft motion of approval with seven conditions. R. DiBonaventura thought that the conditions should state the number of staff and the number of children allowed. Marion said that the state is agreeable to 30 and that there can't be any more than that at any one time. R. DiBonaventura then thought that the age of the children should also be put on the conditions. Jamie then said they would put age birth through 12, which brings the items on the COA to ten. R. DiBonaventura thought the operating hours should also be listed. Jamie said there is now 11 items on the COA. P. Allegretti then asked if a surety was really necessary. Jamie said we could strike the surety issue and there would now be 10 COA. M. Paquette then made a motion to approve the draft motion by Jamie, which states: motion to approve the application submitted by Marion Nuccio for a proposed pre-school located at 189 Pomfret Street

(former Audubon Society) as shown on a plan prepared by KWP, with the following conditions: 1) the applicant shall make revision to plans per the Planner's sketch dated June 17, 2011; 2) the applicant shall be allowed to relocate and/or add two parking spaces behind the existing building (Audubon); 3) the applicant shall be allowed to relocate an additional parking space on the north side of the existing garage; 4) the applicant shall submit a revised site plan from KWP incorporating planner recommendations; 5) all site plan improvements shall be completed prior to an issuance of zoning compliance; 6) the applicant shall pay all costs associated with the review and process of their application; 7) the facility shall be limited to no more than 30 children at a given time; 8) the care of children shall be limited to the ages between birth and 12 years old; 9) the maximum number of staff shall be set at 8 employees; and 10) the hours of operation shall be 6:00 am – 6:00 pm. R. DiBonaventura seconded the motion and it was approved unanimously with one abstention.

**IV. Commission Business**

A. Citizen's Comments – None

**V. Adjournment**

R. Blackmer made a motion to adjourn the meeting. It was seconded by B. Champany and approved unanimously. The meeting adjourned at 9:30 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

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