

**TOWN OF POMFRET  
PLANNING AND ZONING COMMISSION  
PUBLIC HEARING AND REGULAR MEETING MINUTES  
MONDAY, OCTOBER 24, 2011 AT 7:00 PM  
POMFRET SENIOR CENTER**

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

**I. Public Hearing**

- A. David & Sandra Flath, 280 Hampton Road, in-law apartment, two-car garage, and maintenance equipment storage. Terry Chambers from KWP was present to speak for the applicant. He submitted the NDDH letter to the commission and distributed new plans to the members. He discussed how lot lines would be changed to meet regulations for lot size. He submitted a letter requesting waivers, stating that there is no interference with setbacks and no encroachment. W. Hinchman said that Jamie had a response to this letter from T. Chambers. Jamie read his letter into record, which included a draft motion. Discussion was held regarding renderings. W. Hinchman then asked if there is any further information or questions. D. Flath submitted a letter regarding the square footage of the apartment. Jamie said that the change was warranted. R. Blackmer then moved to close the Public Hearing. B. Champany seconded the motion and it was approved unanimously.
- B. Loos & Co., 10 Mashamoquet Road – modification of Loos & Co. plan that was approved 7/25/11. Terry Chambers from KWP was present to speak for the applicant. Jamie said that during construction, they found that they needed a modification. At this time, W. Hinchman asked to pause the Public Hearing and accept the application from Loos at this time so we could continue with the hearing. P. Allegretti made a motion to accept the application. It was seconded by R. DiBonaventura and approved unanimously. The Public Hearing was then back in session. T. Chambers submitted a NDDH letter along with a letter from the State of Connecticut. He said that once the construction started at Loos & Co., they realized that more parking spaces were needed for the office building. They have included wrap around parking of approximately 20 spaces which includes the prior spaces. There is a proposed boundary line adjustment. He then submitted a letter requesting waivers. Jamie had a letter dated 10/24/11 that he read to the commission. W. Hinchman then asked if there were any further questions or comments. He wanted to know where the COA on 7/2/11 and 10/24/11 differed. Jamie said the date of the plans differed. W. Hinchman then went through the waiver requests to see if the commission members had any questions. T. Tsanjoures then made a motion to close the Public Hearing. R. DiBonaventura seconded the motion and it was approved unanimously.

**II. Regular Meeting –**

**A. Current Business**

1. Approve Minutes of Public Hearing/Regular Meeting of September 26, 2011 – R. DiBonaventura made a motion to approve the minutes as amended. R. Blackmer seconded the motion. It was approved unanimously with one abstention.
2. Items to Add to Agenda – New application from Hull Forest Products, 101 Hampton Road, for round log storage. P. Allegretti made a motion to move this item under New Business III A. B. Champany seconded the motion and it was approved unanimously.

**B. Pending Application(s)**

1. David & Sandra Flath, 280 Hampton Road, in-law apartment, two-car garage, and maintenance equipment storage. W. Hinchman asked the commission members if they had any comments or questions regarding this application. B. Champany made a motion to approve the application with the conditions contained in Jamie's draft motion: 1) final

building rendering (elevations) shall be submitted and approved by staff in order to determine that the new barn structure was designed to preserve and maintain the single-family residential appearance/nature of the subject lot and is consistent with the single-family character of the neighborhood and that the final building plans are consistent with the rendering submitted at the September 26, 2011 public hearing; 2) plans are revised to address planner's findings and recommendations contained in the October 24, 2011 letter to the commission: (a) the applicant shall be required to file a modified deed and survey plan depicting the new boundaries (as shown on plans prepared by KWP dated 10/19/2011) in order to meet the dimensional requirements of the regulations; 3) a pre-construction (earth moving) meeting shall be held with site contractor and owner/owner representative prior to any construction activity; 4) the special permit shall be recorded in the land records and shall not become effective until the recording per the Connecticut General Statutes; and 5) all costs associated with the application pre and post reviews shall be paid by the applicant. R. DiBonaventura seconded the motion and it was approved unanimously.

2. Loos & Co., 10 Mashamoquet Road, modification of Loos & Co. plan that was approved 7/25/11. W. Hinchman went through the waiver requests and each of them was approved with motions by the commission. Jamie had a proposed draft motion for this application with the date and introduction being different from the prior motion for this application. P. Allegretti made a motion to approve the site plan and associated architecture for proposed Office Space as modified on KWP plans dated 10/17/11. It also incorporates the original conditions associated with the July approvals for office and parking as detailed in the following conditions: 1) a pre-construction meeting should be held with Commission/town staff (Planner, Engineer, ZEO, Building Official) with building contractor prior to any construction, grading and/or excavation activity associated with the construction of the office; 2) full architectural renderings (24" x 36" – Mylar) shall be filed as part of the special permit and plan set; 3) shop drawings and samples of building materials including colors (markups) shall be submitted to staff and reviewed to determine compliance with Commission approval prior to installation; 4) a landscape plan (foundation plantings) for this area shall also be submitted meeting the requirements of the regulations shall be submitted per the regulations. Final plant type and locations shall be reviewed by the planner for compliance with the regulations. Final fence detail and access way treatment shall also be reviewed and approved by the Town's Fire Marshall. Final sidewalk width (minimum 5') and treatment (concrete verses bituminous) shall be reviewed and approved by Town Planner along with any associated storm drainage; 5) a note shall be added to the plans stating that: no outside retail storage, display, and/or sales is permitted beyond the areas depicted on the approved site plan. This note shall be placed on the site plan and the architectural renderings; 6) surety in the amount of \$5,000 (irrevocable letter of credit, performance/insurance bond and/or cash) shall be posted with the Town of Pomfret prior to any construction/deconstruction/grading and/or excavation activity at the site. In addition to the \$5,000 surety, \$1,000 in cash (bank check) shall be given to the Town of Pomfret and held as an emergency contingency fund. The type of the final surety shall be reviewed and approved by the Planning and Zoning Commission's legal counsel; 7) the applicant shall submit \$2,000 to the Town of Pomfret to be used as a deposit for site inspections associated with the site. However, the final dollar amount necessary to complete the inspection is subject to the actual time required to insure compliance with the approved site plan. Consequently, all costs associated with the review and inspection of the project with regards to compliance with the Planning and Zoning Commission's approved site plan is necessary to receive a Certificate of Zoning Compliance which is required to receive final Certificate of Occupancy shall be the responsibility of the applicant; 8) final as-built should be submitted to the town to determine compliance with the approved plans. As-built shall include final grades, curbing, landscaping, buildings, signage, utilities (depth, size, location, type) and drainage. As-built may include additional information deemed

necessary by town staff to determine compliance with approvals; 9) the applicant shall submit correspondence from the Connecticut Department of Transportation specifying that the existing curb cut is appropriate for the proposed office expansion prior to the issuance of the building permit; and 10) that all costs associated with the review and processing of the application shall be paid in full by the applicant prior to the signing of Mylars and filing of a special permit. R. DiBonaventura seconded the motion and it was approved unanimously.

### **III. New Business**

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

1. Hull Forest Products, 101 Hampton Road, round log storage. Norman Thibeault of Killingly Engineering was present to the applicant. He said this is a proposed use for round log storage. He reminded the commission that he had been before them a few months back for a zone change on this piece of property. He said that the pins are set in the field and the lease is signed. There will be gravel areas for log storage. There is only 5 acres that are usable out of the 12.728m acres being leased. He stated that he knew that a Public Hearing will be required on this application. W. Hinchman then made a motion to set the Public Hearing for November 28, 2011 before our regular meeting begins. B. Champany seconded the motion and it was approved unanimously.

#### **B. Citizen's Comments – None**

#### **C. Correspondence –**

1. ZEO Report – no report; no new activity

### **IV. Commission Business**

- #### **A. Citizen's Comments – Tom DePointe, 24 Wrights Crossing Road, spoke to the commission regarding having an internet based firearms business, but not a standard business; mostly internet and appointment only business. He said that because of the Federal regulations, he needs to obtain a retail sales permit from the town. W. Hinchman thought this would fall under Home Occupation. Ryan then said that retail is only allowed if the product is manufactured at the property. Jamie said there are two very clear exceptions; the issue about sale/transfer of product from home. He would feel comfortable if Mr. DePointe wrote a letter to the commission regarding his sincere intent. This could be a possible ZBA issue but they usually only do dimensional and not use appeals; you'd need a hardship unique to the specific property. There are very strict regulations (Federal) on gun laws. He then told Mr. DePointe that anyone can propose to do a text amendment to the regulations. W. Hinchman then said that Mr. DePointe should write a letter to the P&Z commission and if he is unhappy with the P&Z decision, then he can go on to the ZBA to see if he can get an appeal there. He then informed Mr. DePointe that our next meeting is 11/28/11. Jamie said that he should get something in writing to the commission before the next meeting so it can be distributed to the commission members with the agenda and minutes.**

#### **B. Discussion of pre-school and after school day-care at Christ Church**

1. Rev. David Carter, Atty. Steve Adams and other members of the Christ Church vestry were in attendance. P. Allegretti asked Rev. Carter, for the record, if it was ever their intention to discontinue the pre-school/after school/day care use. Rev. Carter said they never intended to discontinue/abandon the use. Rev. Carter gave a brief overview of the property, including that they were waiting for another day care to come along. The prior day care ran into problems and got evicted from the site. They have someone who wishes to use essentially the same space as the previous day care used. Jamie said that for clarity, the prior day care used new addition, top and bottom floors. Atty. Adams added that they used the outdoor playground, too. W. Hinchman then said it would be pre-school and after school day care, and not an all day long program. After further discussion, testimony, and information, P. Allegretti made a motion that Christ Church pre and after school program is an existing non-conforming use. R. DiBonaventura seconded the motion and it was approved unanimously. R. Brais then mentioned that the person who will operate the day care needs to come in for a zoning permit.

2. Review/Possible approval of 2012 Meeting Schedule

W. Hinchman asked if anyone saw a reason not to approve the proposed 2012 meeting schedule. With no response from the commission, W. Hinchman then made a motion to approve the 2012 meeting schedule. B. Champany seconded the motion and it was approved unanimously.

W. Hinchman then wanted to speak for a short while regarding two people who were leaving the commission. Bob Blackmer was retiring after 15 years of service and Leah Schad resigned. The member gave their good wishes to Bob and Leah and thanked Bob for being there at the table when they went over the regulations. Jamie then said that if someone resigns that Bob will be the first to be appointed to the commission.

V. **Adjournment**

R. Blackmer made his last motion to adjourn the meeting. It was seconded by B. Champany and approved unanimously. The meeting adjourned at 9:15 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

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