

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
MINUTES-SPECIAL MEETING AND PUBLIC HEARING
MONDAY, JUNE 12, 2006 AT 7:00 PM
POMFRET COMMUNITY SCHOOL CAFETERIA**

In Attendance: Commission Members-Walter Hinchman, Michael Wolchesky, Robert Blackmer, Phil Allegretti, Charles Boster, Antonio Amaral, Maureen Nicholson, Leah Schad, Jim Rivers Ex-Officio First Selectman. Staff-James Rabbit, Planner, Ryan Brais, ZEO. Others present-Walter Kunzeman, Lincoln Mayo, Mark Sullivan, Bob Messier, Roger Breault, numerous townspeople.

I. Public Hearing

1. RLB/PAB, Mashamoquet & Covell Road, Resubdivision – Bob Messier was present to represent RLB/PAB as well as Roger Breault, one of the owners. Mr. Messier had plans available for review. Certified mailings submitted for record as well as letters from the following:

- *N.E. District Department of Health approval

- *State of CT driveway approval on Route 44.

- *State of CT Archeologist stating no significant impact.

- *Copy of easement.

- *Open Space-Letter to Walter Hinchman stating what was agreed with previous application and what has already been paid.

- *Storm water calculations with boxed culvert.

Mr. Messier gave a brief review of the proposal. They are currently working with wetlands. They are requesting a continuance of the Public Hearing so they may have final wetland approval. They will be meeting with James Rabbit and Don Aubrey next week. Discussion regarding lot 2.6 not to be construed as a building lot but will be merged with another lot at a later time. Charles Boster stated he would prefer to see it merged at this point. Mr. Messier will look to have this resolved for the next meeting. Driveway discussion. Charles Boster asked Mr. Messier if he was of the position that the driveway grade was to be 3% or less and the run-off will be away from the road. Mr. Messier stated he was. C. Boster asked if any material buried on property would be removed. He stated yes and he would provide a letter that to the best of his knowledge there are not human cemeteries on the property. He will also bring to the next meeting an alternate set of plans showing alternative driveway option. Walter Hinchman asked if there were any questions from the public. It was asked how many driveways would be onto Route 44. The proposal shows 2, there may possibly be 3. There will also be 2 driveways onto Covell Road. The acreage per lot will be just over 2 acres on the lots onto Covell Road. The Route 44 lots will be in excess of 4. Charles Boster made a motion to extend the Public Hearing to the meeting of July 24, 2006 at 7:00 PM to be held at the school cafeteria unless otherwise noticed. Michael Wolchesky seconded. All in favor.

2. Colonial & Federal Development, 249 Mashamoquet Road, 3-lot subdivision with Special Permit-Interior Lot – Mark Sullivan, surveyor was present to represent applicant. This is a 16 acre parcel. They are proposing 3 lots – 2 front lots, 1 rear lot. Plans were reviewed. Profile has been done for center driveway and site line for 3 driveways. The D.O.T. has approved, they are waiting to receive the letter. Discussion of shared apron for 2 driveways. Mr. Sullivan stated they had the following issues left to address: D.O.T. letter for file, Compliance of dimensional aspects, Open Space/Fee in lieu of determination. Lincoln Mayo stated the applicant had proposed \$5520.00 per lot or 8% of purchase price. Walter Hinchman asked that a letter stating this be submitted so the Commission will have time to consider proposal before the July hearing. James Rabbit will review past values of fees and speak with Lincoln. Charles Boster asked if the 3rd sheet on plans represented a typical driveway. Mr. Sullivan stated yes, the grade would be 3% or less. John Casey asked about lot sizes and wetlands issue in the past. The lots are 3.66, 8.89, and 3.67 acres. The proposed transfer station on this property had been before wetlands but was never approved. Charles Boster asked if there was any evidence of graves on the property. Mr. Sullivan stated there was no evidence. Mr. Boster stated he would like the planner to review to determine if State Archeologist should review. Maureen Nicholson made a motion to continue the Public Hearing to July 24, 2006 at 7:00 PM. Michael Wolchesky seconded. All in favor.
3. Mashantucket Pequot Tribal Nation, Text Amendment – Walter Kunzeman, Planning Director was present to represent applicant. He stated that the text change addressed use as a retreat center. He has had some discussion with J. Rabbit and some minor changes had been made to the text originally submitted. He submitted for record revised wording and distributed copies. He stated the tribe would like to use the land they purchased about a year ago as an educational/recreational type retreat for tribal use. This would not be open to the general public or to employees. It is felt this proposal does not just serve the tribe or just this property but the town in general. Other RR property owners that meet the criteria could apply for a Special Permit. The accessory uses listed are not all indicative to use for the tribe. They would use some of them, some they would not. Mr. Kunzeman reviewed verbally the proposed text amendment submitted for the record. Walter Hinchman asked that if the public had questions they would ask them now and then Mr. Kunzeman could reply to them after. The questions asked were as follows:
 - *Barry Rider, 4H Camp – Concerns as this sounds like it may establish requirements that the camp will need to meet after being there for 50 years. As an abutter they were concerned about firing ranges.
 - *Paul – How many buildings are being proposed? Is this a seasonal operation? Does the town have a noise ordinance?
 - *Citizen-Can the applicant go forward without a text amendment? Walter Hinchman answered that they are currently very limited.

*Citizen-What is the potential impact? How many other 100 acre parcels with frontage on a State Road are there? Will this set a precedent?

*Walter McGill-Troubled by term 'educational'. Will this qualify as tax exempt? Has the land use attorney reviewed the proposal? Walter Hinchman stated the attorney has not reviewed at this point.

*Citizen-Doesn't a text amendment change a ruling on how land is used? Can this go out to a referendum? Jamie Rabbit stated that this application is looking to change part of the Regulations that would allow an applicant to apply for something with a Special Permit that the Commission can then add conditions to. A change to the Regulations is a legislative act of the Commission and not subject to referendum. She stated she would hope the Commission takes into consideration the pulse of the town.

*Mr. Liston asked if this wouldn't mean that someone could assemble 100 acres out of more than one parcel on a State Highway and apply for the same? James Rabbit stated that if the application is approved someone could do that.

*Citizen-if this is granted are we opening things up to future expansion? James Rabbit stated that if the Regulations would grant 4 buildings and an applicant built 2 they can later apply for 2 more. They could not build beyond the Regulations. For example, they could not build a casino.

*Citizen-Can't they buy abutting property and for each 6 acres add buildings?

*Citizen-What is the current acreage? Has this been proposed by the tribe or the town? Walter Hinchman stated that the piece is approx. 140 acres. The tribe has had some discussion with staff but the Commission asked for something more formal.

*Citizen-Does this text amendment set a bar? Could it exclude a smaller facility? Walter Hinchman stated that the 4H Camp is already there as an existing non-conforming use.

*Citizen-Would there be about 400 children there? This would be a larger impact than the school. Robert Blackmer stated that the use wanted by the tribe would host groups for short terms.

*Mr. Hall – Doesn't use of the words 'educational purposes' open up a 10 month school year with the possibility of tax exemption? James Rabbit stated that schools are allowed by the Regulations as they stand today within a RR zone.

*Anne Hennen-Short term doesn't necessarily mean the facility would be empty in between. It could mean one group, then another group, then another – the property would be in constant use. An educational facility definition as currently exists is very stringent.

*Citizen-If this use is not in Regulations already, weren't there experts that looked at the original regulations? Why wasn't this put in then? Robert Blackmer stated that when zoning was approved they had many public hearings for public input. The Commission felt they came up with a good start with the initial regulations but had the understanding that things would come up over time and changes could/would be made.

*Citizen-Why are they coming here? Have they saturated the property they already own? It may be worth speaking to zoning commissions in some of those towns.

*Citizen-The proposal states access of 150'. Why must homeowners have 200'?

*Ford Fay – Stated he had a number of questions as follows-What is their definition of Retreat Center? Why only 150' of access proposed? Why specific to a State Highway? There are only 2 other properties in town that would meet this criteria. Explain 12.17.5 – Future Development. Why is 10.4.8 and 16.2.2 exceptions to basic requirements? In letter with the application it is stated this will enhance the tax base of the town. If this is for educational use, do they plan to be tax exempt? Have the changes been reviewed by the town attorney? He would also like to hear in the opinion of the presenter, how will this change effect the tax status to the town?

Mr. Kunzeman presented a drawing showing conceptual use planned at this time. There would be 2 bunk buildings each for 12 persons with separate bath facilities. The density proposed was put in so this could be used by others. The tribe feels very strongly about carrying on traditions and teaching heritage. This is not intended to be a school. They could drop the word 'educational' from proposal. He stated it was his understanding that this facility would only be used a few weeks per year – but he would like to be able to come back to commission with what is to be considered short-term. They are not trying to make this location a tax free educational site. The 150' foot access is not necessary. 200' or more would be fine. Concerning the State Highway, the tribe is trying to accommodate the town. It seemed that this would not be wanted on narrow town roads. Dropping the State Highway requirement would be fine. Future Development may not be good language and could probably be deleted. The buffer language was somewhat related to their needs in that meeting the minimum requirement for grazeable land for horses the buffer would need to be pushed back within that grazeable area. It was felt there is no chance this property can become part of the Reservation. Mr. Kunzeman stated the tribe owns lots of property, it is not all for development. This piece would be for seasonal use. The buildings are not to be heated. Ford Fay asked about putting the Mashantucket Pequot land together with the abutting State and 4H land and creating a new zone. Walter Hinchman asked Mr. Kunzeman if it was acceptable to extend the hearing. He stated it was and put the request in writing. Charles Boster made a motion to extend the public hearing to July 24, 2006 at 7:00 PM. Seconded by Maureen Nicholson. All in favor.

II. Regular Meeting

1. Current Business

- a. Approve Minutes of May 22, 2006 – Maureen Nicholson made a motion to approve minutes as written. Leah Schad seconded. All in favor.
- b. Items to Add – None
- c. RLB/PAB, Mashamoquet & Covell, Resubdivision – Tabled to July 24, 2006 meeting.
- d. Colonial & Federal Development, 249 Mashamoquet, 3-lot subdivision with Special Permit, Interior Lot – Tabled to July 24, 2006 meeting.
- e. Mashantucket Pequot Tribal Nation, Text Amendment – Tabled to July 24, 2006.

III. New Business

1. Acceptance of New Applications – None
2. Citizens Comments – None
3. Correspondence
 - a. ZEO Report – Ryan Brais gave a verbal review of any permits granted or denied within the past month. Jim Rivers stated that an injunction has been issued regarding some activity of Searles Road. No application has been made as yet for the parking lot project at the school.

IV. Adjournment

Charles Boster made a motion to adjourn. Seconded by Michael Wolchesky. All in favor. Meeting adjourned at 9:45 PM.

Respectfully submitted,

Bonnie Ryan

Date approved _____