

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
PUBLIC HEARING/REGULAR MEETING AGENDA
AUGUST 19, 2020 @ 7:00 PM
VIRTUAL MEETING VIA ZOOM – SEE BELOW**

I. Public Hearing

A. Sonia Nieminen, 371 Mashamoquet Road, special permit for home occupation regarding professional counseling and therapeutic activity center in the old milking facility on the property. Commission members need to vote on a couple of items from the previous meeting due to lack of enough members for a ¾ vote of approval.

II. Regular Meeting

A. Roll Call -

B. Items to add to the agenda –

C. Approve minutes of meeting of July 15, 2020 and July 29, 2020

D. Pending Applications –

1. **Sonia Nieminen, 371 Mashamoquet Road**, special permit for home occupation regarding professional counseling and therapeutic activity center in the old milking facility on the property

III. New Business

A. Acceptance of New Applications –

1. **Mary MacLean, 446 Deerfield Road**, application for a zone change

B. Citizen's Comments –

C. Correspondence –

D. ZEO Report – Permits Issued:

1. Complaints/Violations

- a. **Barry Peloquin, 59 Longmeadow Drive**, commercial vehicles in a residential zone. The trailer and M35 were to be removed by May 31st. M35 military truck still in the rear of the property. Counsel is preparing to file for contempt of a court order due to the following: failure to remove the M35 military cargo truck from the property; failure to make restitution to the Town in the amount of \$2,434.42 by June 1, 2019. On November 3, 2019 the yellow bucket truck, M35 and a white truck (flat bed with stakes) with chipper in tow were on the property. Atty. Higgins is adding the new property owner to the suit and will have it ready to go to proceed to court when they return to working status (5/18/20). Vehicles on property: yellow bucket truck, woodchipper, green/white bucket truck, military truck, white log truck with red grapple arm (7/15/2020).

- b. Intersection of Paine and Fay Roads: camper as dwelling – nothing new. Ryan received the site plan. Has not received an application yet. Warning letter was sent on 5/4/20. No response and we have not received the signature card. The camper looks like it may be abandoned. The property owner left Ryan a message that they purchased a house and returned the lot to open space (he's assuming PA 490) Ryan will call him and inform him that the camper must be removed (5/18/20). Ryan told the property owner again that the camper must be removed (7/15/2020).
- c. 73 Fox Hill Road – there are two overseas shipping containers being used as sheds, which is not allowed. One box has been removed. They are working on removing the other. Further discussions have been had with the owner on moving towards a new house. A letter was sent to the owner and a response was received. The owner is working with KWP and Copeland Builders to construct a new house (5/18/20). They are constructing a house and garage on the property (7/15/2020).
- d. Nora Lane Realty, LLC, 4 Nora Lane – operating without a zoning compliance certificate and CO. NOV was mailed out November 21st to cease operation until they pave the apron, grade the parking lot, and most everything else other than the building. Applicant is working to correct the outstanding issues (6/17/2020). Jamie said he needs to do a punch list on this property. Although some landscaping was done, it was slightly different from what was approved. This item was added to our special meeting on 7/29/2020.
- e. Written complaint about 39 Freedley Fork encroaching the property line, sent by Maureen. Ryan will check out the property.

IV. Commission Business

- A. Planning and Zoning Fund Balances – nothing new
- B. **Discussion of Air bnb's** – this issue was postponed until we can return to regular meetings

V. Adjournment

Join Zoom Meeting

<https://us02web.zoom.us/j/81551348896?pwd=TUdYb25kK0FQR05hQk9ndWluNGN5Zz09>

Meeting ID: 815 5134 8896

Passcode: 9740191

One tap mobile

+19292056099, ,81551348896#,,,,,0#,,9740191# US (New York)

Dial by your location

+1 929 205 6099 (New York)

Meeting ID: 815 5134 8896

Passcode: 9740191

Find your local number: <https://us02web.zoom.us/j/kdKZLeeQaX>

POMFRET - PLANNING AND ZONING COMMISSION
Application Form – Change of Zone and/or Regulation Amendment

(official use only)	
Application No:	<u>Z-2020-043</u>
Fee:	<u>\$435⁰⁰</u>
Receipt Date:	<u>8/5/2020</u>
Receipt No:	_____

TITLE (or): _____

NAME: _____

PERSON APPLYING
(Contact Information)

Name: Mary MacLean

Address: 446 Deerfield Road

Pomfret Center, CT 06259

Tel _____ Cell Phone 860 420-7499 Fax _____

APPLICATION TEXT – attach proposed change of zone text

IF A CHANGE OF ZONING DISTRICT, ATTACH:

- ☒ Application Map – drawn to scale showing boundaries of area(s) to be rezoned.
- ☐ Application Text – attached proposed change of zone text, if applicable.
- ☐ Names and Addresses – owners of all properties located within the area.
- ☐ Names and Addresses – owners of all properties located within 500 feet from the boundaries of all lots containing any portion of the area to be rezoned.
- ☐ Mail Public Hearing Notice – certificates of mailing.

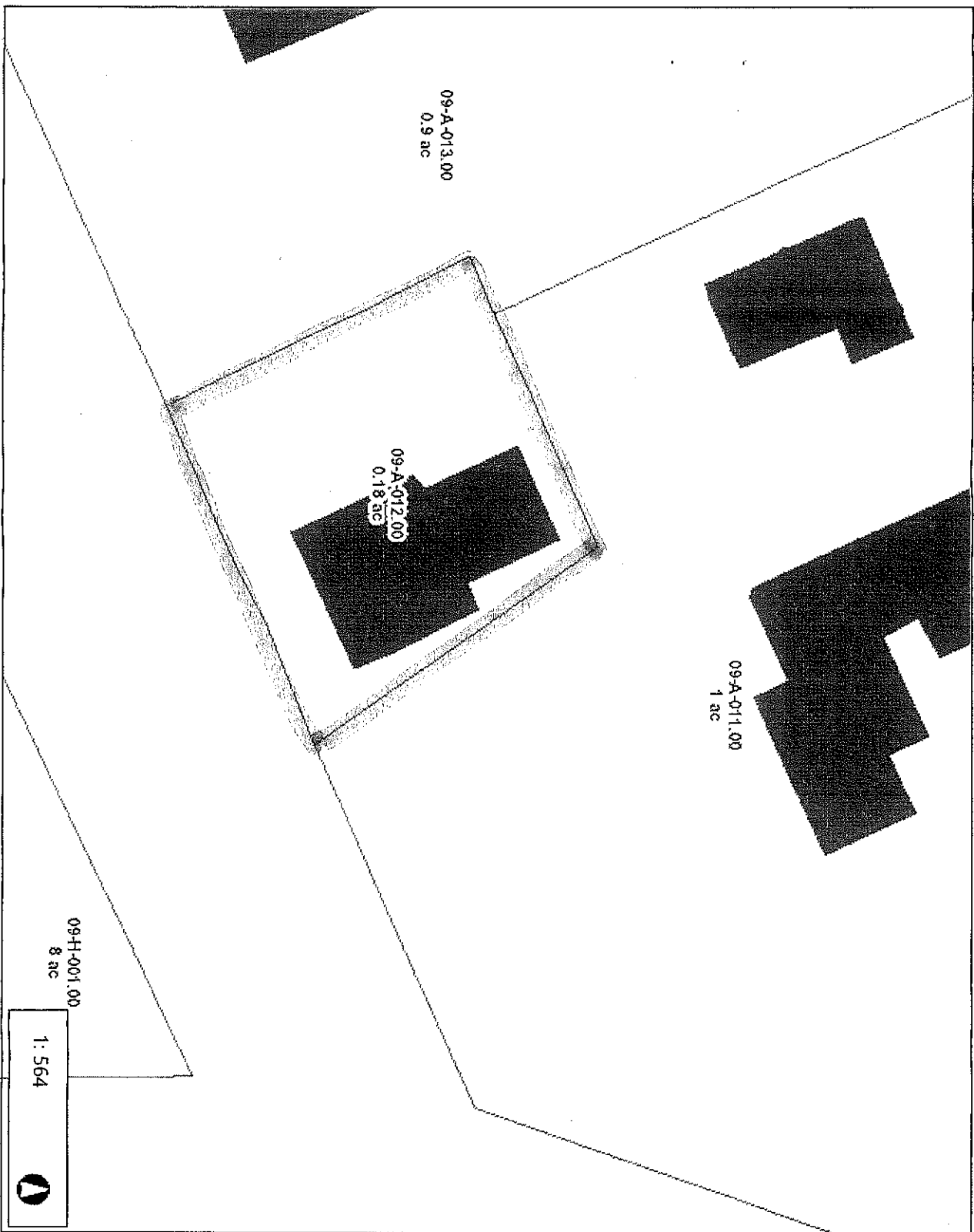
(official use only)

1. Application has been reviewed and all requirements have been met, or
2. The following application requirements have not been met (attach report)
3. Public Hearing Date _____
4. Public Hearing Completed Date _____
5. Commission Action ☐ Adopted ☐ Denied ☐ Withdrawn ☐ Other
Date _____
6. See Minutes [list date(s) or attach] Date(s) _____



neccoGIS

NeccoGIS Site



WGS_1984_Web_Mercator_Auxiliary_Sphere
© Latitude Geographics Group Ltd.

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Enter Map Description

- Legend**
- ☐ Town
 - ☒ Buildings 2012
 - ☐ Parcels
 - ☒ Natural Diversity Database Are
- Critical Habitat**
- ☒ Beachshore, B
 - ☒ Intertidal Marsh, IM
 - ☒ Acidic Atlantic White Cedar Swamp
 - ☒ Acidic Red/Black Spruce Basin Sw
 - ☒ Circumneutral Northern White Cedar
 - ☒ Floodplain Forest, FF
 - ☒ Beachshore, B
 - ☒ Circumneutral Spring Fen, ClSF
 - ☒ Floodplain Forest, FF
 - ☒ Freshwater Aquatic, FA
 - ☒ Medium Fen, MF
 - ☒ Poor Fen, PF
 - ☒ Rich Fen, RF
 - ☒ Sea Level Fen, SLF
 - ☒ Coastal Woodland/Shrubland, CWS
 - ☒ Dry Acidic Forest, DAF
 - ☒ Dry Circumneutral Forest, DCF
 - ☒ Dry Subacidic Forest, DSF
 - ☒ Old Growth Forest, OGF
 - ☒ Subacidic Cold Tatus Forest/Woodl
 - ☒ Acidic Rocky Summit Outcrop, A-R

August 5, 2020

Mary MacLean

Change of Zone Application

446 Deerfield Road, Pomfret Center, CT 06258 - from Rural Residential to Village District.

The purpose of this application is to provide a more appropriate use of 446 Deerfield Road in the form of a small business, such as realtor, accountant, lawyer, tailor etc., or mix-use small business/one-bedroom apartment.

Historically, this was a commercial property - the very site and structure of the first general store in Pomfret – The Joseph Carter Store. [Appendix 1]

In September 1998, The Pomfret Historical Society included it in the “Pomfret Street National Register Historic District: “The designation provides for some protection from destruction. There are no restrictions placed on changes to properties and no additional property taxes imposed. For businesses listed in the District, there are also some tax credits for rehabilitation projects.” [appendix 2]

446 Deerfield’s physical proximity to The Vanilla Bean Café [VBC, 450 Deerfield Road] in addition to the unique, historic, deed agreement between the two properties, wherein 446 Deerfield is granted right-of-way to its garage by the VBC via the VBC’s only driveway, squarely places 446 Deerfield in the confluence of the now thirty-one-year old thriving Café.

As one would expect, the VBC receives multiple deliveries and clientele traffic throughout the week, activity which is non-conducive to a normal rural residence, including:

- Daily patio music via outdoor speakers during business hours
- Weekend indoor musical concerts with mikes and amplifier
- Frequent weekend full capacity of back and front parking lots, sometimes overflowing across the street from the VBC and 446 Deerfield
- Multiple weekend, sometimes weekday, groups of high decibel motorcycles

The peculiar proximity of the two properties is such that sound levels from the concerts, patio music and motorcycles detract significantly from a normal residential use of 446 Deerfield. Additionally, even after 446 Deerfield posted the four “Private Residence No Parking” signs kindly donated by the VBC, some Café patrons continue to mistakenly view 446 Deerfield as part of VBC, retreating onto its property to phone, hold in person conversations, smoke or leave parked vehicles wholly or

partially blocking the driveway. Re-zoned into Village District, any future business at 446 Deerfield would solve this boundary confusion with effective signage, likely enjoying along with the VBC the shared benefits of two side-by-side businesses.

The VBC is a highly regarded, long standing, important asset and good neighbor to the Pomfret community. These aforementioned environmental circumstances, in no way a criticism of the VBC, reflect the current inappropriate Rural Residential Zoning designation for 446 Deerfield. This application is put forth with the hope that the Town of Pomfret will see the wisdom in assigning the more apt Village District zoning designation to 446 Deerfield Road.

Mary MacLean

Appendix 1

Early homesteads of Pomfret and Hampton, Susan Jewett Griggs, 1950

https://archive.org/stream/earlyhomesteadso00grig/earlyhomesteadso00grig_djvu.txt

FIRST GROCERY STORE IN POMFRET

Joseph Carter built the first grocery store in 1762, where supplies could be obtained by "barter and trade." There was little beside West Indian Goods that the average family needed at that date- rum, molasses, spices and salt, for which they traded the products of their farms.

The old building is now owned by the Misses Keyes. There is a very remarkable glass door in the house, made for shutters, very thick and heavy, intended for the outside front door. The second

Mary MacLean

Connecticut: A Guide to Its Roads, Lore and People, Federal Writer's Project of the Works
Progress Administration, 1938

Page 438:

"Facing down Pomfret Street is the impressive Overlock House (private), its two-storied porches reflecting the full glory of the Greet Revival. Four Chimneys protrude incongruously above the porches, flanking the gable. The small House (private), next west of it (L), also has two-story porches, which cannot be original, for it was a plain country store when Washington, who recorded it in his diary, bought "bad tobacco."

Coaching Roads of Old New England, George Francis Marlowe, MacMillan Co., New York, 1945

Chapter 3, "The Middle Road", page 69:

"A house near the head of the Street was a country store where Washington bought some "bad tobacco". Evidently he preferred that of the Virginia plantations to the Connecticut product of the time."

Appendix 2

Mary MacLean

POMFRET HISTORICAL SOCIETY

P.O. Box 152
Pomfret Center, CT 06259

September 1998

Dear Property Owner,

We are pleased to notify you that your property has been included in the Pomfret Street National Register Historic District.

The District was officially designated in April 1998. It encompasses 162 sites that are historically compatible. According to the nomination, "the Pomfret Street Historic District is a picturesque and unique exemplar of Connecticut's resort and country estate period. No other town in the state contains such an impressive and cohesive ensemble of stylish summer houses..."

As a nationally recognized area, and as the first Historic District in Pomfret, the beautiful and historic buildings should serve as an inspiration to the town.

The designation provides for some protection from destruction. There are no restrictions placed on changes to properties and no additional property taxes imposed. For businesses listed in the District, there are also some tax credits for rehabilitation projects. It is hoped that all property owners will view their status as an honor and share the designation proudly.

All buildings are entitled to a blue and gold plaque. The cost is \$15 and is available from John Herzan, Connecticut Historical Commission, 59 South Prospect St., Hartford 06106 (phone 860-566-3005).

Many congratulations on being part of an area that portrays the charm and historic character of our town.

Sincerely,
Historic District Committee