

TOWN OF POMFRET  
PLANNING AND ZONING COMMISSION  
PUBLIC HEARING/REGULAR MEETING MINUTES (AMENDED)  
JULY 15, 2020 @ 7:00 PM

At 7pm the Chairman opened the Public Hearing.

**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. Sonia and her husband were both in attendance. She said she works at a private practice in Danielson, assisting people with ADHD and anxiety stress management, using animals in treatment. R. DiBonaventura has a concern about screening for the parking. Jamie said that Ryan had been working on this application and Jamie just picked up on it. He recommended that we continue the hearing due to absence of Ryan. He also stated that parking cannot be in front yard setback. P. Allegretti asked if this could be a Class II Home Occupation. R. DiBonaventura said that Home Based Business fits better. Jamie mentioned that due to the business being in an outbuilding, there needed to be some slight revisions to the application. R. DiBonaventura said he would like to hold a special meeting because they've been working with Ryan and this application has been dragged out. HE asked the members if they could meet on the 29<sup>th</sup>. Most members said they could meet. P. Allegretti made a motion to continue this public hearing until July 29<sup>th</sup>. R. Huoppi seconded the motion and it was approved.
- B. Town of Pomfret, 5 Haven Road, text amendment submitted by the First Selectman to amend the Zoning Regulations to add Agricultural Food Vendor. Blake opened the text amendment document on screen for everyone to see. P. Mann wanted to know if he could vote if he wasn't seated. Jamie said you can only vote if you are seated. At this point, R. DiBonaventura made a motion to seat L. Grossman for B. Champany and seat P. Mann for the open seat. R. Wishart seconded the motion and the motion was approved. R. DiBonaventura said he has received 8-10 letters in support of this application for a text amendment. Commission members decided to have Rich do a synopsis of the letters rather than read them into the record. Letters were from State Rep. Pat Boyd, Dayna Flath, John DiIorio, Carl Ducharme, Jim & Linda Goodwin, Jackie & Mike Mahoney, Michelle & Kevin Lengyl, and Sandra Flath. M. Nicholson said she's proposing the text amendment to support our agricultural community (income stream and promoting produce). This amendment has been picked apart already trying to address all the issues (indoor/outdoor seating will become permanent due to COVID situation). This is a new venue we haven't taken advantage of yet. P. Allegretti asked where they would be allowed. Jamie said only in Rural Residential. P. Allegretti asked why not all? Jamie stated that based on where farms are located, you have a farm first and then you can have a vending situation. P. Allegretti thought it shouldn't matter what zone it's in

because it will ZEO approval rather than commission. Jamie mentioned Section 4.1.9-5.1.10 shows it “as-of-right”. P. Allegretti asked about landscaping and buffering for food truck. Jamie said they need to be 25’ from someone’s house and it should be screened. Phil asked if the Fire Marshal inspects these vendors or does the Building Inspector? M. Nicholson said she believes it’s the Building Inspector. Jamie said to add Fire Marshall and/or Building Official to Item A7. R. DiBonaventura said we need to clarify that not all the products have to be gown on site, only one does. There was discussion about the days allowed. M. Nicholson said that maybe in the future, there may be a need to make modifications to this text amendment regarding the number of days allowed and what would be counted as a day. There was further discussion regarding landscaping and buffering around the food vendor areas. Phil moved to close the public hearing. L. Grossman seconded and the motion was approved.

## **II. Regular meeting**

- A. Roll Call – Present: R. DiBonaventura, Chairman; P. Allegretti, Vice Chairman; R. Wishart, Secretary; R. Huoppi, member; J. Rivers, member; P. Mann, alternate; L. Grossman, alternate; J. Rabbitt, Town Planner; M. Nicholson, First Selectman; P. McCarthy, Selectman; Sonia & Kurt Nieminen; Paul & Deanna Staley; M. Wolanin; and A. Squire. Absent: B. Champany, member; M. Hart, alternate; and R. Brais, ZEO.
- B. Items to add to the agenda – discussion of 77 Deerfield Road (Glen Elsinore Mansion). Phil made a motion to move the discussion under Section 3C of the agenda. P. Mann seconded and it was approved.
- C. Approve minutes of June 17, 2020 – Phil made a motion to approve the minutes as amended. P. Mann seconded and the motion carried.
- 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; this was continued to a special meeting to be held on July 29, 2020 at 7:00 pm via zoom
  - 2. Town of Pomfret, 5 Haven Road, text amendment submitted by the First Selectman to amend the Zoning Regulations to add Agricultural Food Vendor. P. Mann made a motion to accept the text amendment. L. Grossman seconded. Jamie mentioned that there needs to be an effective date for a text amendment. P. Mann amended his motion to approve the application with the effective date of 7/23/2020. L. Grossman seconded and it was approved.

## **III. New Business**

- A. Acceptance of New Applications – none
- B. Citizen’s Comments – M. Nicholson said the Board of Selectmen are entertaining purchasing some property on Harrisville Road near the Wyndham Land Trust. She thanked the commission for the approval of the text amendment.
- C. Discussion of 77 Deerfield Road (Glen Elsinore Mansion). Diana & Paul Staley were present to discuss the property. They explained that their potential concept

of the property is putting together plans to come in with a special permit under 12.5.2 as a Country Inn. They wish to keep it rural in near and it would be a destination inn and bring people into Pomfret. They would be directly in line with the Plan of Conservation and Development, protecting open space. The property is in disrepair but there would be no structural changes. They wish to restore the property as it is. They would use the first floor for a kitchen, dining room, and a function room. The second floor would consist of 7 guest suites. The third floor would house the owner's quarters. They would be asking to hold special events. There is a designated space for an elevator and they're going to fix it. They are seeking input and suggestions from the commission. R. DiBonaventura said this is a plan that would be welcomed by the commission. He thinks the plan fits. L. Grossman, P. Mann, R. Wishart, and Phil all agreed with R. DiBonaventura. R. DiBonaventura said he would have the Town Planner reach out to them. Diana said she has spoken to many people already. R. DiBonaventura encouraged her to pursue this. Diana said they will be submitting an application at the next meeting.

**D. Correspondence – none**

**E. ZEO Report – Permits Issued:**

- 26 Peterson Rd – Daggett – 16' x 32' in-ground pool and 8' x 10' shed
- 47 Blossom Dr – McElroy – 14' x 20' deck
- 70 Bradley – Eaton – 14' x 30' shed
- 123 Paine Rd – Hollenbeck – 20' x 48' barn (special permit approved in June)
- 68 Cherry Hill Rd – Neal – 10' x 16' shed
- 15 Cherry Hill Rd – Downing – 30' above ground pool
- 79 rights Crossing – Sjoren – ground mounted solar installation

**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 31, 2019. M35 military truck is 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 \$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 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 (7/15/20).
- 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 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 (I am assuming PA 490). I will call him and inform him that the

camper must be removed (5/18/20). Told property owner the trailer 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 property owner and received a response. A lot of scrap metal has been removed from the property. The owner is working with KWP and Copeland Builders to construct a new house (5/18/20). They are construction 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 Certificate of Occupancy. NOV was mailed out on November 21<sup>st</sup> to cease operation until they pave the apron, grade the parking lot, and most everything else other than the building. An application has been approved to complete the site and applicant is working to correct the outstanding issues (6/17/2020). Jamie said that loaming and seeding was done. The landscaping is slightly different from what was approved. He will be doing a punch list for the property. R. DiBonaventura said we can't take any action due to the courts being closed. Jamie mentioned having staff contact the Town Attorney. R. DiBonaventura said maybe wait a month or so. L. Grossman thought it would be a good idea to add this item to the special meeting on July 29<sup>th</sup>. P. Mann agreed with L. Grossman. R. DiBonaventura said he would take a motion to add this to the special meeting. P. Mann made a motion to add Nora Lane Realty LLC, 4 Nora Lane, to the July 29<sup>th</sup> special meeting. L. Grossman seconded. Phil asked if a punch list could be ready by then and Jamie said he'd try. R. Huoppi asked if he's made any progress or is he just dragging his feet? Jamie said he has done some work. P. Mann said that in the next two weeks, he should be closer to completion. Vote was taken and motion was approved.
- e. Written complaint about 39 Freedley Fork encroaching the property line, sent by M. Nicholson. 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 is postponed until we can return to regular meetings

#### **V. Adjournment-** L. Grossman made the motion to adjourn. It was seconded by P. Mann and approved. The meeting adjourned at 8:35 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date: \_\_\_\_\_