

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MONDAY, NOVEMBER 25, 2013 AT 7:00 PM
POMFRET SENIOR CENTER**

In Attendance: Commission Members Walter Hinchman, Phil Allegretti, Eric Pohlman, Artie Benway, Richard DiBonaventura, Martha Paquette, Beverly Champany, and Alternates Kimberly Bergendahl and Rebecca Rich; Staff - Ryan Brais, ZEO and James Rabbitt, Town Planner. **Absent:** Alternate Antonio Amaral.

Walter Hinchman opened the Public Hearing at 7 pm. He then welcomed the new members to the commission Artie Benway and Rebecca Rich.

I. Regular Meeting –

A. Current Business.

1. Items to add to the agenda – W. Hinchman made a motion to add Scott & Pam Lee to the Agenda under Citizen's Comments, Section III A. It was seconded and approved.
2. Approve Minutes of Public Hearing/Regular Meeting of October 28, 2013. R. DiBonaventura made a motion to approve the minutes as submitted. B. Champany seconded the motion and it was approved unanimously. There were two abstentions.

B. Pending Application(s)- none

II. New Business

A. Acceptance of New Application(s) - none

B. Citizen's Comments –none

C. Correspondence – information regarding the CL&P high power lines; State of CT correspondence regarding 300 Putnam Road (Billings) for subsurface sewage disposal design. Have Ryan follow-up on this.

D. ZEO Report –

Permits:

- a. No new permits this month.

1. Violations:

- a. Barry Peloquin, 59 Longmeadow Drive - a cease and desist was issued to Barry Peloquin of 59 Longmeadow Dr. for the storage of commercial vehicles on a residential property. Atty. Higgins sent Mr. Peloquin a letter stating that if the vehicles were not removed from the property, the Town would take legal action. Upon inspection on November 20th, there were no vehicles on the property. This will continue to be monitored.
- b. Pixie Rahe of Old Rte. 44 – a cease and desist was issued to Pixie Rahe of 10 Old Route 44 for operating a retail use on a residential property. Pixie has continued operating her Barn Sale on the weekends. Ryan spoke with her and she informed him that she disagreed with the content of his cease and desist and his opinion that her barn sale was in violation of the regulations. Ryan informed her of how to appeal to the Zoning Board of Appeals and that she had 30 days from the date of receipt to do so. No appeal was made to the Zoning Board of Appeals as of the 30 day deadline (October 24th) and she continued to operate for a few weekends. Due to the end of the season, it

appears as though sales have come to a close. This order will continue for future seasons, so this will again be monitored in the spring. The Lees were present and mentioned that she had just had another sale this past weekend. Ryan then told the commission that he would like to give Atty. Higgins a call regarding this issue.

- c. Trumpeteers Christian Ministries/Supportive Living Group (SLG), 217 Babbitt Hill Road – a cease and desist was issued for an office located in the building. It was brought to Ryan’s attention that the Trumpeteers was providing space in their home as an office for the Supportive Living Group, a company that visits homes and assists individuals who have suffered traumatic brain injuries. A letter was sent to Trumpeteers inquiring about SLG and asking them to apply for a home occupation permit. Trumpeteers responded that they are “zoned residential/commercial” and that they were allowing SLG to utilize office space. Ryan responded with a cease and desist, explaining that they are zoned Rural Residential. Although they have some legal nonconforming uses on the property, leasing office space to an unaffiliated business was not one of them and it does not meet the requirements of a home occupation. On 10/13/13, an occupant of the Trumpeteers came in to visit with Ryan. She explained that SLG is owned by her fiancé and that she is the director and handles the office work. The office is for her use and that she would like to apply for a home occupation permit. From what she explained of the use, it is possible that she could meet the requirements for a home occupation permit and Ryan supplied her with an application. This is continued under Section III Commission Business Item B.

III. Commission Business

- A. Citizen’s Comments – Scott & Pam Lee spoke to the commission regarding their wish to create an agricultural based butterfly farm and exhibit. Mr. Lee made a presentation to the commission regarding developing a butterfly habitat, formal gardens, etc. He believes it would be an agricultural based business. He stated he and his wife are licensed in all 50 states for the selling and distribution of butterflies. Jamie had met with the Lees regarding this issue and suggested they come and present their ideas to the commission. They are on a fact finding mission. Jamie mentioned that what they wish to have would not have a clear spot to slide into the P&Z regulations. A text amendment would be necessary. If the commission does the text amendment there would be no set time frame. If the applicant does the text amendment there would be more control over the time frame. W. Hinchman asked the Lees what their time schedule would be. Mr. Lee stated that they would like to open in May. W. Hinchman then stated that the Lees intent is pretty clear but it doesn’t fit into the regulations as they now exist. It would require a text amendment to do this and it would be in the applicant’s best interests to create the text amendment as they are much more informed than the commission members on this issue. He also told the Lees that Jamie and Ryan may be able to help them out. After discussion regarding the site, he mentioned that maybe the commission members should go out and walk the site to get a better feel of the situation. He also told the Lees that they should put something together and come back with an application for a text amendment but come back and discuss it with the commission first before applying for the permit. Mr. Lee said he would write up an amendment, bounce it off Jamie and then proceed. He also submitted a letter to the commission stating that he and his wife Pam attended this meeting for fact finding only. No application was submitted or intended.

At this point in the meeting, Maureen Nicholson asked to speak to the commission regarding the CL&P access road situation. She said she heard back from C. Meade, who took the commission's conversations back to CL&P. Essentially, they re-examined their access points to the two spots they need to get to as they have access from Route 101 already. They originally came to us due to their concerns about the guide wires. They decided that they really don't need the access road they discussed with the commission, but that they will go with the original offer of \$1,000 to the Town if the commission agrees with it. P. Allegretti said that if they go with their own access road there would be no encumbrances or issues with the Murdock property. M. Nicholson said that it would be better for the Town if they did use the Murdock property because they would fix up the access easement and that their site lines are really not good at the Route 101 access. E. Pohlman said that the commission already gave its approval on this issue. A. Benway then asked if CL&P was really going to improve the road. M. Nicholson said that yes, they would be doing some upgrading.

- B.** Kim Foley – discussion of 217 Babbitt Hill Road. K. Foley was present to speak with the commission on what she's like to do regarding this property. There is an office space being used for SLG which contains a secretary's desk and filing cabinets. There is 43 staff related to SLG but not on the premises. There would be five staff at any meeting at this location. She is not sure what SLG would fall under. She also said that there are four people at all times in the home, there is not a lot of foot traffic, and there is plenty of parking. P. Allegretti wondered if this would be considered a new use. K. Foley said she was confused because they've always done human ministries on this property and they are only using a small portion of the house, and this is considered part of the ministries. She is unsure if this would be grandfathered or not. Jamie then spoke and stated that the landowner needs to put a package together because there isn't enough information right now for the commission to make a decision. There was further discussion regarding the property being zoned as Rural Residential for some years now. Jamie said that they should write down what the business is, how it functions and submit it to the commission. Then the commission can help decide where the business would fall, i.e., home occupation, home based business, etc. Remember that this property was never zoned commercial. It was always residential with ancillary use. Kim Foley submitted a letter to the commission stating that she appeared before the commission this evening for information purposes only – no application was submitted.

C. Request for release of cost base fees for:

1. Lenore Beloin, Appl. # 201006-016, 28 Mashamoquet Road, day spa (Spa One) – motion to release fees made by R. DiBonaventura, seconded by B. Champany and approved unanimously.
2. Glenn Postemski, Appl. # 201306-019, 173 Drown Road, 42' x 48' barn – motion to release fees made by R. DiBonaventura, seconded by B. Champany and approved unanimously.
3. Daryl Lanzendorfer, Appl. # 201307-022, 689 Mashamoquet Road, Class II home based business – motion to release fees made by R. DiBonaventura, seconded by M. Paquette and approved unanimously.
4. Atty. Ernest Cotnoir for Woodstock Academy, Appl. # 201307-023, text amendment for student housing – motion to release fees made by R. DiBonaventura, seconded by B. Champany and approved unanimously.

Jamie made mention that P&Z normally does not hold a meeting in December but they like to meet with the new members and go over the P&Z basics. The commission discussed having a meeting and they decided that there would a possibility of holding a special meeting on January 6 2014, if necessary.

IV. Adjournment

M. Paquette made a motion to adjourn the meeting. It was seconded by

B. Champany and approved unanimously. The meeting adjourned at 9:02 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date approved _____