

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
PUBLIC HEARING/MEETING MINUTES
WEDNESDAY, MARCH 15, 2017 AT 7:00 PM
OLD TOWN HOUSE**

I. Public Hearing

- A. M&E Transportation, LLC of 26 Herrick Road for 4 Nora Lane**, text amendment for Section 9.4 Special Permit Uses – add Section 9.4.17 Transportation Facility – a facility that functions as a depot for truck, bus, or limousine services, which may include maintenance facilities, vehicle parking and/or vehicle dispatch, but does not include distribution or warehousing of goods or products. Norm Thibeault of Killingly Engineering and Michael Bunning were both present. N. Thibeault submitted the final revisions to the text amendment; went over the final changes. Tom Garrett stated that Mr. Bunning had a previous business in Pomfret (with a partner) and was a good neighbor to the Town. He is in favor of Mr. Bunning application. W. Hinchman made a motion to close the public hearing. P. Deary seconded the motion and it was approved.
- B. CME/Pomfret School, 431 Pomfret Street**, convert current 8 bedroom residence associated with private school to 7 dorm rooms and a 3-bedroom apartment. Peter Parent of CME was present for the application along with Brenda Bullied from Pomfret School. Mr. Parent explained that there are no changes to the exterior; only minor for an egress. All other work to the building is on the interior. P. Allegretti asked if the new addition would increase the footprint. P. Parent said there would be no increase. Jamie Rabbit then read a draft letter with a proposed motion and conditions of approval into the record. W. Hinchman made a motion to close the public hearing. P. Allegretti seconded and it was approved.
- C. Phillip Allegretti for Town of Pomfret Planning & Zoning Commission, 5 Haven Road**, text amendment regarding signs. T. Garrett said if they can have 2-6 signs, they do not include egress sign (in/out) and if directional, there can be no ad on it. Is a flag saying the stand is open considered a sign? P. Allegretti responded by saying that whatever works for a seasonal farm stand is easier to change. There can be 2 permanent signs, each not to exceed 16 square feet and the owner must abide by State rules if the sign is in the right-of-way. T. Garrett said the zoning officer went out 2 times and the person did not comply with the regulations. He can't complain about the new text amendment but he feels that M. Baillargeon pretty much broke the rules. M. Baillargeon was present and said that the first complaint against her was not signed and the second complaint was signed. She complied with the zoning officer. The exit sign is on a tree for direction. She has 2 letters from neighbors who approve of her business to submit to the commission. Marilyn Mancini said it was one person complaining all the time, not a whole bund of people. T. Garrett said the signs have gotten out of hand and maybe a decision should be made about how far of the road they should be placed. Maureen Nicholson said she has a letter she wrote along with another letter from a neighbor backing the farm stand. The neighbors who are mostly affected have no complaints. It is helpful to help small businesses/farm stands to stay in business (there are several farm stands in town). The town should want to encourage more farm stands rather than discourage less of them. She felt that because this particular stand is on 3 roads, maybe the allowance of 2 extra signs might be conceivable. T. Garrett said he had a few items: 1) there have been numerous accidents at Modock Rd. and Rte. 44; 2) Ms. Baillargeon was in an accident herself; 3) he agrees with supporting farm stands but most of M. Baillargeon items are grown on her property; and, 4) he feels the text amendment seems find. There has been a lot of ill will regarding this issue. M. Baillargeon said she had an accident due to the sun being in her eyes, and not from signs blocking her view. She also stated that there was a fatal accident, but it was on Gary School Rd. and not Modock. She said she has 2 gardens and grows 90% of her own plants. She said she's worked with the commission to get the right things done. W. Hinchman made a motion to close the public hearing. B. Champany seconded the motion and it was approved.

II. Regular Meeting –

- A. Roll Call- Present:** W. Hinchman, P. Allegretti, R. DiBonaventura, P. Deary, R. Wishart; and B. Champany, Staff: R. Brais, and J. Rabbitt. **Absent:** A. Benway, M. Hart, L. Grossman, and A. Amaral.
- B. Items to add to the agenda –**

C. Current Business –

1. **Approve minutes of February 15, 2017.** P. Deary made a motion to approve the minutes as submitted. R. DiBonaventura seconded the motion and it was approved. There was one abstention.

D. Pending Applications(s) –

1. **M&E Transportation, LLC of 26 Herrick Road for 4 Nora Lane**, text amendment for Section 9.4 Special Permit Uses – a facility that functions as a depot for truck, bus, or limousine services, which may include maintenance facilities, vehicle parking and/or vehicle dispatch, but does not include distribution or warehousing of goods or products. W. Hinchman asked is anyone had any questions regarding this application. P. Deary said that the changed the text amendment as requested by the commission. R. DiBonaventura agreed with Peter. P. Allegretti thought this is a good use for the are/zone and he is all for it. W. Hinchman made a motion to approve the application. P. Deary seconded the motion. P. Allegretti made a motion to use 4/1/17 as the effective date. P. Deary seconded and it was approved unanimously. The following is the text amendment as it was approved pursuant to the final text amendment, and will read as follows - definition to be added to Section 22.1: Transportation Facility – a facility that functions as a depot for truck services, which may include maintenance facilities, vehicle parking, vehicle dispatch, but does not include the distribution or warehousing of goods or products. For the purposed of this definition, it shall not include buses and/or livery styled vehicles (i.e. taxis, limousines).

New language to be added to Section 12 – Supplementary Regulations

12.22 Transportation Facility (Special Permit Required)

12.22 Standards

- a. Minimum Lot Size: A minimum of 4 acres is required.
- b. Access: The subject parcel shall have fee simple frontage on an accepted Town or State Road. Frontage requirements shall be determined by the Zoning District per Section 10 of the Regulations. Access to the parcel shall be located through the fee simple frontage.
- c. Landscaping and Screening: IN addition to the requirements in Section 16 of these regulations, all parking and dumpster shall be reasonably screened by landscaping and/or fences or walls. The landscaping of the site shall be designed so as to protect the character of the neighborhood and Town. All seasonal visual buffers between the proposed use and any incompatible use of adjacent property shall be provided through the use of grade separation, landscaping, buffer areas, etc. At planting, all deciduous trees shall have a minimum diameter of two and on-half inches at breast height (2 ½ DBH), evergreen trees shall have a minimum height of 6 feet, and all shrubs shall be one third of their ultimate size. Artificial vegetation is prohibited. Lighting: per Sections 14.6.9.
- d. Vehicle/Trailer Parking Areas: No storage of parts, part vehicles, or junk vehicles shall be permitted outdoors on site. There shall be no outdoor storage of non-road worthy (operable) vehicles or equipment of any type on the site for any period of time.
- e. Vehicle Storage:
 1. All vehicles and trailers must have a current DMV registration. All vehicles and equipment must be registered with the Tax Assessor in the Town of Pomfret.
 2. There shall be no sale, storage, transferring, dumping, or processing of materials on site (i.e. durable goods, gravel, stone, wood, demolition debris, sand, etc.)
 3. Vehicle and equipment described in this section shall not be left with engines idling for more than 10 minutes at any time of day.
 4. Only lubricants associated with the maintenance of the vehicles/ trailers/equipment stored on the property are allowed. Lubricants may not be stockpiled beyond a typical one-year supply. Fuel may not be stored on the property. Storage and use of all lubricants must comply with all Federal, State and Local regulations and shall be

inspected and approved by the Fire Marshal before a zoning permit may be granted. The applicant shall maintain appropriate emergency spill kit(s) on site at all times.

5. Vehicles/trailers/equipment may not be stored within 50 feet of a front, side and/or rear property line and shall be completely screened from the street and abutting property lines by fencing, structures, topography or vegetation. Except, by a ¾ vote, the Planning and Zoning Commission may modify the setback distances to a greater or lesser amount where existing topography, site conditions, property ownership, and/or landscaping will or will not effectively screen the vehicles and/or equipment from abutting residential zone areas.

- f. Vehicle Maintenance: For facilities that include vehicle maintenance, all activities shall be limited to indoor areas only. Maintenance and repair shall be limited to items contained within the provisions of this section and must be owned by the permit holder and identified as one of the items allowed to be stored on the property as part of the permit.
- g. Building Plans/Architecture: IN addition to the requirements of Section 12.2, the Transportation Facility shall be designed and operated in a manner appropriated to the neighborhood, local architectural character, and historic resources. No single building shall have a ground floor area exceeding 10,000 square feet. The applicant shall submit a written request to the Pomfret Fire Marshal for comment on the suitability of any emergency access and protection provision that are to be established in connection with the proposed use. A copy of such written requests shall be submitted to the Commission as part of the special permit application.

2. **CME/Pomfret School, 431 Pomfret Street,** convert current 8 bedroom residence associated with private school to 7 dorm rooms and a 3-bedroom apartment. W. Hinchman made a motion to approve the application. P. Deary seconded the motion. It was stated that there might be structural damage, and if so, there could be possible outside work to be done. W. Hinchman withdrew his motion. A written waiver request was submitted to the Commission regarding Section 14.4.2 a-cc. P. Deary made a motion to grant the waiver request. R. DiBonaventura seconded the motion and it was approved. W. Hinchman then made a motion to approve the application with the following six conditions of approval: 1) 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; 2) The applicant shall submit correspondence from the Department of Transportation authorizing use of the existing driveway for the new use (dormitory verses single family house); 3) The applicant shall submit \$500 to the Town of Pomfret to be sued 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 a Final Certificate of Occupancy shall be the responsibility of the applicant; 4) Minor field adjustments to grading and landscaping may be made based on field conditions upon written approval from the Town Planner, who has been given the authority on behalf of the Town's Planning and Zoning Commission to act on their behalf. The Town Planner cannot approve any change that jeopardized the integrity of the original design (approved plans); 5) Final as-built should be submitted to the Town to determine compliance with the approved plans. As-built shall include final grades, landscaping, buildings, utilities (depth, size, location, type) and drainage. AS-built may include additional information deemed necessary by town staff to determine compliance with approvals; and, 6) 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. P. Allegretti seconded the motion and it was approved unanimously.
3. **Phillip Allegretti for Town of Pomfret Planning & Zoning Commission, 5 Haven Road,** text amendment regarding signs. W. Hinchman said he had received letter from Maureen Nicholson,

Donna Grant, Gloria Danielson, and Thomas Davis/Sue Burns, all approving of the farm stand at the corner of 44 and Modock Road. M. Nicholson had asked the commission to consider two additional signs for the property but because it was not noted on the Public Hearing notice, the commission couldn't act on it now. P. Deary made a motion to accept the text amendment submitted by P. Allegetti with an effective date of 4/1/17. Text amendment to read as follows:

Section 17.6.g Temporary Agricultural Sales Signs: Up to six signs per legal use on premises. No sign is to exceed 16 square feet in area and six feet in height. Total square footage of temporary signs is not to exceed 32 square feet, with no illumination. B. Champany seconded the motion and it was approved unanimously.

III. New Business

A. Acceptance of New Application(s) –

1. **Shawn Densmore, 69 Jericho Road,** special permit for a 40' x 80' garage. The application was accepted and a Public Hearing will be schedule for our next meeting on 4/19/17.

B. Citizen's Comments – none

C. Correspondence

1. ZEO Report –Permits issued:
2. Complaints –
 - a. Jerry Clark, 7 River Road – complaint of a commercial box trailer and overseas shipping container used for storage near the property line. Ryan hasn't gotten out there yet. Will try to get out there this weekend.
 - b. Jamie Stately, 299 Hampton Road, commercial vehicles – permit was granted 7/20/16; Letters were sent to Stately and property owner in November requesting a timeframe for completion of conditions. Applicant is complying with regulations. Leave on agenda.
 - c. Margaret Davis, 59 Jericho Road – tiny house/mobile home on property. A NOV was issued. Atty. Higgins has sent out a letter regarding this issue. Ryan spoke with Tracey Trottier (resident of house) on March 2nd. She said that the mobile home is a homemade camper that they own. Family was staying there but have returned home, so it is vacant. He informed her that if the camper is disconnected from the power and water, it can stay on the property, but he must make an inspection. She is supposed to be contacting Ryan.

IV. Commission Business

A. Air B&B's – nothing this week

B. Signs – now that a text amendment has been approved, this item can be removed from the agenda

V. Adjournment – R. DiBonaventura made a motion to adjourn. Meeting adjourned at 8:05 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date Approved:_____