

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
PUBLIC HEARING/MEETING MINUTES
WEDNESDAY, OCTOBER 18, 2017 AT 7:00 PM
OLD TOWN HOUSE**

Meeting was opened at 7:00 pm by Chairman Walter Hinchman. P. Allegretti made a motion to seat L. Grossman for A. Benway. B. Champany seconded and it was approved. Moved on to Public Hearing.

I. Public Hearing

- A. M&E Transportation LLC, 4 Nora Lane**, special permit application for a transportation facility. N. Thibeault of Killingly Engineering was present for the applicant. He submitted copies of minutes from 2005 when Richard Lefebvre subdivided the lots. He read the minutes into the record. He also read into the record a response from Town Attorney Ed Higgins regarding his legal input regarding the buffer set-backs for 4 Nora Lane. Norm wanted to know if Atty. Higgins letter supersedes the approval made in 2005. Jamie asked Norm, in referencing the 2005 minutes, where subdivisions require buffers to which Norm replied, "I guess not". Jamie then stated that there was no proposed development at that time so in 2005 the commission was only looking at the division of land. Norm said he had nothing else to add. Walter asked if anyone else wished to speak. John Paquette and Mike Bunning are both present. J. Paquette stated that in the site development plan showing approval in 2006, he has a hard time understanding why things are changing mid-stream if it was ok then. M. Bunning then said that if a 100' buffer is placed on the property, two acres will be lost and it will made the property too small for the operation. He has already spent thousands of dollars on this issue and it had been going on for over a year. B. Champany asked when the area was zone commercial. Jamie said the Dr. Lefebvre owned the lot in 2005 and J. Paquette has a site plan approved in 2006 with a 50' buffer. Walter said we could continue the hearing to close it, but if we close it now, we can't take in any new information. L. Grossman asked if we could hold this off until after the 3 other public hearings tonight. Walter said he would like to take a look at the map and read minutes from when the subdivision was approved. It is not the use of the property that is an issue; it is ow the property is configured that is the issue. Norm read into record a second letter from Atty. St. Onge dated 10/16/17 regarding when the original subdivision was acted upon. Leigh asked how the 2006 site plan would apply to the new use. Walter said it talked about the subdivision. Jamie said that without the plan to look at, we don't know. Most site plans expire in 5 years. Eleven years of case law have transpired since then. At this point, Norm submitted a copy of the site plan for Dr. Lefebvre dated 8/10/05 and revised 11/29/05. It was approved by Walter on 3/17/06. Walter said that it shows the proposed 100' buffer. There is 50' on each side of property line. Rich said the intent of the buffer is clear. He said that as much as we may or may not like it, could this issue survive an appeal. Walter then asked if they wished to continue the public hearing or close it. J. Paquette said he would like to see it end tonight because it's been going on for over a year. Mike asked if there is anything they need to provide the commission. John then said he would be willing to wait. Walter thought that was a good idea because we need to resolve the questions of what happened 11 years ago. P. Allegretti made a motion to continue the public hearing until 11/15/17. R. DiBonaventura seconded the motion and it was approved. This will be continued until our next meeting on 11/15/17 at 7pm at the Old Town House.
- B. David Santosuosso, 143 A Kearney Road**, special permit application for in-law apartment. Applicant wishes to convert a 2 family home into a single family with an in-law apartment. Applicant was not present. We need abutter notifications. Ryan verified that things had been done. Need to check regarding the abutters. R. DiBonaventura made a motion to close the public hearing. R. Wishart seconded and it was approved
- C. David Heroux, 25 Ragged Hill Road**, special permit application for 1132 sf garage addition to existing building. David was present and submitted the abutter's notices he sent out. A written request to waive site plan requirements Section 14.4.2 a-cc in lieu of information submitted with

application. Phil made a motion to close the public hearing. B. Champany seconded and it was approved.

- D. **Roger Daigle, 193A Putnam Road**, special permit application for an addition to an existing storage building. No abutter notices were sent out. Notices need to be sent out and returned to the Town. Jamie said to keep the public hearing open to get the abutter notices out and returned. Phil made a motion to continue the public hearing. It was seconded by Rich and approved.

II. Regular Meeting –

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

B. **Items to add to the agenda –**

C. **Approve minutes of September 20, 2017.** L. Grossman made a motion to accept the minutes as amended. B. Champany seconded and motion was passed. There was one abstention.

D. **Pending Applications(s) –**

1. **M&E Transport on LLC, 4 Nora Lane**, special permit for a transportation facility; this has been continued to our next meeting on 11/15/17
2. **David Santosuosso, 143 A Kearney Road**, public hearing was closed. Awaiting information from applicant regarding abutter notices.
3. **David Heroux, 25 Ragged Hill Road**, Jamie read draft letter of approval with 2 conditions of approval into the record. Walter made a motion to approve the application. B. Champany seconded. At this point, L. Grossman made a motion to grant the waiver of Section 14.4.2 a-cc. Ray seconded and it was approved. A final vote was taken on approving the application and it was approved unanimously.
4. **Roger Daigle, 193A Putnam Road**, public hearing remains open. Will continue until 11/15/17.

III. New Business

A. **Acceptance of New Application(s) –**

1. **Brenda Bullied for Pomfret School, 398 Pomfret Street**, construction of new building to house infirmary on 1st floor and faculty apartments on 2nd floor. In attendance were Brenda Bullied of Pomfret School, Scott Medeiros of Woodward & Curran, Derek Noble of Steff and Bradley, Ken Porcino of Shawmut, and Ed Griffin, CFO of Pomfret School. There was a preliminary presentation regarding this application at the September 20th meeting. Brenda gave an overview of the project and told the commission members that the corners of the building have been staked if anyone wishes to walk the site. Scott Medeiros of Woodward & Curran stated that the only change that had been made since the last meeting was that the building had been shifted by 6 feet. Jamie spoke regarding the architectural elevations. ON the eastern elevation, the 2 proposed apartments were to share a deck with a high wall as a midway divider. They are reducing the size and scale of the deck and separating the outdoor space for the 2 apartments. Walter said the placement of the building moved slightly but no major changes have been made. Walter asked if there were any other questions. He also said the application needs to be officially accepted. Walter made the motion to accept the application. It was seconded by Phil and approved. Jamie said that the applicant has submitted more than enough information for the application. Phil made a motion to approve waiver of Section 14.4.2 d, d, g, h, l. and p. B. Champany seconded and it was approved. Bev made a motion to approve the application. It was seconded by Leigh and approved.

B. **Citizen's Comments – none**

C. **Correspondence –** Landscape Architect book, Siting Council regarding solar at 481 Mashamoquet Road, letter regarding Woods Hill Solar, Ecos Energy letter regarding 481 Mashamoquet Road

D. **ZEO Report –Permits issued:**

786 Mashamoquet Road – new house (Shane Pollock/Square 1 Bldg. Assoc.)

507 Pomfret Street – replacement of in ground pool (Alice Hale)

357 Orchard Hill Road – in ground pool (Dan Huff)

1. Complaints –
 - a. Jerry Clark, 7 River Road – complaint of a commercial box trailer and overseas shipping container used for storage near the property line. Owner is still working to clear up the property.
 - b. Jamie Stately, 299 Hampton Road, commercial vehicles – permit was granted 7/20/16; Trees have been planted. Still needs to finish fence. Will be sending out a warning letter to complete the fence and hide the trucks.
 - c. Barry Peloquin, 59 Longmeadow Drive- commercial trucks and equipment; many more trucks and equipment than ever before. Approximately 7 commercial sized trucks, equipment trailer, and wood chipper. Ryan is confident the property owner has been served by Marshal. Waiting on court date and response from property owner. No change in property conditions.

Ryan spoke to the commission regarding the recreation park wanting to place a storage container on the property but it would be relatively close to the property line and they would need to look for a variance. He said they will be coming in with an application for a shed instead of a container.

IV. Commission Business – clerk to get information from minutes of 2005/2006 and maps that N. Thibeault inferred to during meeting

- V. Adjournment** –B. Champany adjourned the meeting. R. Wishart seconded. It was approved and adjourned at 9:02 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date Approved:_____