

**TOWN OF POMFRET  
PLANNING AND ZONING COMMISSION  
WORKSHOP/MEETING MINUTES  
WEDNESDAY, FEBRUARY 19 AT 6:30 PM  
SENIOR CENTER**

**Workshop was opened by Vice Chairman Phil Allegretti at 6:30 pm.**

**I. Workshop – discussion of Air BNB’s**

R. DiBonaventura and J. Rabbitt drafted some simple regulations (short-term rentals) for Pomfret. R. DiBonaventura mentioned the concerns were for the safety of the guests that a Fire Marshal check out the house, and to protect the neighbors. The length of time (30 days in a calendar year) was a gray area. Many people replied that 30 days isn’t much time. M. Emilio stated that if you have B&B with 4 rooms and under, the regulations are not as strict as when you have 5 rooms and over. J. Rabbitt stated that the regs are permissive. If something isn’t mentioned, you can’t do it. We have regulations for B&B’s and Country Inns, but no regulations for Air B&B’s yet. B&B’s are allowed to serve breakfast, but it is not required. We are trying to simplify Air B&B’s as a registry. D. Dean stated that 30 days is very low and that 180 would be better. R. DiBonaventura said we thought 30 days was a good compromise. There was further discussion regarding short term rentals and long-term rentals. R. DiBonaventura mentioned that our initial draft was one size fits all. We can reconsider the number of days per year. A hand count vote was taken of the attendees with the following outcome: one person voted for 90 days; seven people voted for 180 days; and two people voted for a no set limit of days. M. Emilio made mention that two businesses in Pomfret are closing: Martha’s Herbery and Hazelwood. T. Emilio mentioned that there used to be lots of B&B’s, but now Air B&B’s fill the gap. It was mentioned that the Air B&B’s would be registered with the Zoning Enforcement Officer. Permit will cost \$110 and there must be sufficient parking at the home. P. Allegretti then wrapped up this meeting and M. Nicholson thanked everyone for coming out to the workshop. There is no new workshop scheduled yet. The attendees were told that no action would be taken on this issue without a public hearing being held.

**II. Regular Meeting – Opened at 7:34 pm by Vice Chairman P. Allegretti**

**A. Roll Call** –P. Allegretti, Vice Chairman; R. DiBonaventura, Member; B. Champany, Member; R. Huoppi, Member; R. Wishart, Member; Jim Rivers, Member; L. Grossman, Alternate; P. Mann, Alternate; and Staff: James Rabbitt Town Planner and Ryan Brais, ZEO. **Absent:** M. Hart, Alternate.

**B. Items to add to the agenda – motion by P. Allegretti to move the two following items. R. Wishart seconded and it was approved.**

1. questions regarding 248 Modock Road; moved to ZEO report
2. Nora Lane Realty, LLC, for M&E Transportation, 4 Nora Lane, special permit application, modification to originally approved site plan. Moved to new applications.

**C. Approve minutes of November 20, 2019**– R. DiBonaventura made motion to approve the minutes as submitted. B. Champany seconded and it was approved. There were two abstentions.

**D. Pending Application(s) –**

### **III. New Business**

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

- 1. Sameera/Mohammed Choudhry, 793 Mashamoquet Road,** convenience store. A list of items to be sold is attached to the application. This is a legally non-conforming use and it is allowed to continue as operated previously. Expansion can only be up to 25%. Application was accepted tonight. R. DiBonaventura made a motion to defer this application to Staff. B. Champany seconded. J. Rivers mentioned that there was a previous issue that this is not a restaurant. At this point, a vote was taken to refer this to Staff, and it was approved.
- 2. Valerie Champany, 16 Tyott Road,** text amendment for farm winery. The applicant realizes that for a farm winery, some of the crop must be grown on the farm, but they would like to only start with  $\frac{3}{4}$  to 1 acre. R. DiBonaventura made a motion to schedule a public hearing for this application for 3/18/20 at 7pm at the Senior Center.
- 3. Nora Lane Realty, LLC, for M&E Transportation, 4 Nora Lane,** special permit application, modification to originally approved site plan (under NOV for operating without zoning compliance and CO). They want to move the parking and break the project into two phases. R. DiBonaventura made a motion to schedule a public hearing for 3/18/20 at 7pm at the Senior Center. L. Grossman seconded and it was approved.

#### **B. Citizen's Comments –**

1. Zachary Cook, who owns 30 acres on River Road, wished to discuss with the commission the possibility of a brewery. He is looking to teach how to brew beer. Will not be making thousands of gallons of beer. P. Allegretti asked if it would be a farm brewery. Z. Cook said there could be the option of growing hops and barley if there was not objection to him doing so. P. Allegretti asked if we need to amend the regulations to specifically add "beer". Z. Cook said he would probably brew around 15,000 gallons per year for a brew/pub, but there would be no massive amount and it can't be distributed. J. Rabbitt said this may have a lot of gray area. Requires some regulations changes. R. DiBonaventura thought that a text change including tastings, tours, etc. might be the only thing needed along with a special permit. L. Grossman asked if he got approved in Town, would he need to apply elsewhere. Z. Cook said he needs the Town approval prior to applying to the State. J. Rivers asked if he would live there or put up an outbuilding. Z. Cook said he would put up an outbuilding. R. Huoppi then said that people would come, the ingredients would be supplied to them, and each customer would take home 1 gallon of beer. Z. Cook said yes. R. Wishart mentioned the process that a customer would have to come back 4-6 weeks later to brew the batch (brewing bottling and take home). This is correct. R. Brais mentioned that if this is strictly for instruction, it could possibly be listed as a home-based business. J. Rabbitt was concerned regarding the consumption issue. The liquor commission is strict. P. Allegretti stated that as a commission, we can form a sub-committee to work a text amendment with the applicant. R. Wishart and R. Huoppi both volunteered to be the sub-committee.

- C. Correspondence –** letter from Eversource regarding Section 401 Water Quality Certification Application, Pomfret to Killingly Pipeline; DOT letter that 354 Putnam Road still does not have the apron paved; DOT letter that 200 Orchard Hill (Hilltop Contractors) had their sightline approved.

**D. ZEO Report** – discussion of 248 Modock Road

Ryan stated that there is a poured concrete perimeter for a 24' x 24' garage that was done 32 years ago. It is closer to the road than we currently allow and need to know if this is a legally non-conforming use. There is only a knee wall right now, but the owners would like a poured floor. Jamie said it's approximately 30' from the pavement in the front yard set-back. P. Allegretti we are going to leave it to Ryan to check the other home on the road for their setbacks. R. DiBonaventura made a motion to encourage Staff to find a way to make it work. P. Allegretti seconded (if it can be built on).

**Permits Issued:**

185 Deerfield – Jurczyk – 24' x 24' addition to house (garage w/bedroom above and 10' x 12' breezeway)

169 Cherry Hill – Marshall – 55' x 48' single family home w/drive under garage

170 Gary School Road – DiMillo – 14' x 30' barn

37 Freedley Fork – Smutnick – 24' x 26' addition (first floor mudroom & family room, second floor laundry room and closet)

**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<sup>st</sup>. 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 of \$2,434.42 by June 1, 2019; and a caveat was not filed on the land records. Property has been sold. Inspection is needed to determine if Peloquin has moved (02/19/2020).
- b. Intersection of Paine and Fay Roads: camper as dwelling – nothing new. Ryan received a site plan. Waiting on permits to be submitted (02/19/2020).
- 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. I spoke with a contractor in January who is helping with the process (02/19/2020).
- d. Nora Lane Realty, LLC, 4 Nora Lane – operating without a zoning compliance certificate and CO. NOV was sent for noncompliance with site plan. Returned unclaimed. Contact was made with the owner in January. Owner is working with Town Planner to complete the site and we have a new application for revisions to the approved plan (02/19/2020).
- e. 77 Deerfield Road – Listed in real estate ads as commercial. Letter was mailed out to the listing agent December 18<sup>th</sup> to correct the ads. Real estate agent has been in contact and there is interest in the property.

**IV. Commission Business –**

- A. **Election of Officers** – P. Allegretti made a motion to elect R. DiBonaventura as Chairman. L. Grossman seconded. B. Champany made a motion to elect P. Allegretti as Vice Chairman. L. Grossman seconded. R. DiBonaventura made a motion to elect R. Wishart as Secretary. L. Grossman moved to close the nominations. A vote was taken, and motions were approved.
- B. **Planning & Zoning fund balances** – need permission from the commission to allow us to use bond money from P&Z to pay off the IWWC balance still due to the Town; have

permission from Brenda Bullied to use the bond money to pay off the fees due. After discussion, R. DiBonaventura made a motion to release the P&Z funds to cover the IWWC fees that are due. Vote was taken with 7 for and 1 against. Clerk needs to submit the exact amount covered for next month's meeting.

**C. Discussion of Air bnb's – workshop prior to this meeting**

**V. Adjournment** – B. Champany made a motion to adjourn. L. Grossman seconded. The meeting adjourned at 9:03 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

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