

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, MARCH 16, 2016, AT 7:00 PM
OLD TOWN HOUSE**

I. Regular Meeting

- A. Roll Call- Present:** W. Hinchman, P. Allegretti, R. DiBonaventura, R. Wishart, P. Deary; R. Wishart, M. Hart, and L. Grossman, Staff: R. Brais, and J. Rabbitt. **Absent:** A. Benway, B. Champany, and A. Amaral.
L. Grossman was seated for B. Champany.
- B. Items to add to the agenda** – request for return of fees for 90 Modock Road, Robert & Lois Hall
- C. Current Business** –
- 1. Approve minutes of February 17, 2106.** W. Hinchman made a motion to approve the minutes as submitted. P. Deary seconded the motion and it was approved. There were two abstentions.
- D. Pending Applications(s)**

II. New Business

- A. Acceptance of New Application(s) –**
- 1. Jamie Stately, 299 Hampton Road,** special permit application for a Class II Home Occupation (tree service with commercial truck parking). Jamie Stately and his wife were present along with property owner John Wolchesky. Ryan said he feels this application fits under Class II Home Occupation rather than the Home Based Business section. P. Allegretti stated that the word “contractors” is listed under Class II Home Occupation. Jamie R. then stated that “contractor” was added to Home Based Business and not Class II Home Occupation. R. DiBonaventura said he is comfortable with it being a Class II HO. P. Deary, L. Grossman, and P. Allegretti all agreed with Rich. W. Hinchman then said a Public Hearing needs to be scheduled for our next meeting on 4/20/16 for this application. A question was raised by Mrs. Stately regarding the notifying of abutters to which Jamie R. responded by reading the regulation. At this point, J. Wolchesky said just tell us what to do and we’ll do it. A commission member asked what the name of the business was to which Mr. Stately said it is Stately Tree Service, Jamie Stately, owner. Mr. Edwin Lane, a concerned citizen, stated speaking on the application. Jamie R. interrupted saying the citizen is testifying regarding this application and that can’t be done until the public hearing. Ryan stated that he received an e-mail from Atty. St. Onge. W. Hinchman then stated that the Public Hearing will be held on 4/20/16 at 7 pm at the Old Town House. R. DiBonaventura so moved the statement. It was seconded by L. Grossman and approved unanimously.
- B. Citizen’s Comments –**
- 1. Anthony Simpson, Deerfield Road,** spoke regarding the continued use of his buildings for events (i.e. weekend events, summer events, band rehearsals, seminars, political functions, etc.). Stated that the use was never abandoned and was concerned because whenever someone gets information from the town regarding the property (which is up for sale), they’re told it’s for residential use only. W. Hinchman asked Mr. Simpson what he plans to do with the property from today forward. Mr. Simpson said it will be used for residential, musical practice room, functions and events, and he does welding and fabrication on the property. R. Brais said that for a legally non-conforming use, he should bring in documents showing what has taken place on the property. Ryan said the building official shut down the property twice. Mr. Simpson said the shut-down was caused by tenants who took it upon themselves to do some unauthorized electrical work; therefore, the cease work order. W. Hinchman asked Ryan and Jamie if they see an issue here. Jamie said we need to look at the use on the date when the regulations were established; the problem is with multiple uses of the property. It’s complicated because there’s a question of intent to abandon. L. Grossman said this is only an advisory issue. W. Hinchman said Mr. Simpson is here to have the commission protect him. He said that if someone were to sue the Town or Mr. Simpson, documentation about the events that were held would give us the proper evidence to use in the case. It was stated by Mr. Simpson that the religious use of the property has been abandoned. P. Deary said he believes Mr. Simpson understands that he would need permit for any work to be done to the property (i.e., kitchen, electrical, etc.). Jamie said we need to look at the historic uses and whether they have been carried on.

2. **John Wolchesky** – has run Lapsley Orchard for 30 years or so. He is wondering if he could have a food trailer and what needs to be done to have it (cider and doughnuts) for September and October. Jamie said that if something isn't specifically stated in the regulations, then it's prohibited. It would be eligible for a text amendment (adjunct use to agricultural use). W. Hinchman said the basic answer is "yes".

C. Correspondence –.

1. ZEO Report –Permits issued:

71 Youngs Road, Fred Williams – 12'x12' addition to house
357 Wrights Crossing Rd., Kenneth Loiselle – 8'x18/5' addition to kitchen
172 Hampton Rd., Scott Jellison – in ground pool
161 Putnam Rd., Larry Lane – greenhouse
33 Tyott Rd., Shane Pollock – new house

2. Complaints – A complaint came in that Barry Peloquin once again has vehicles behind his house at 59 Longmeadow. For the past month there has been a white panel truck and a white truck without a bed located behind the house. The stipulated agreement does not allow for any commercial sized trucks on the property. This matter has been forwarded to Attorney Higgins. We are working on this issue.

299 Hampton Road, Jamie Stately – complaint of a tree trimming business. An application has been received for a Class II home occupation for this property.

59 Jericho Rd., Margaret Davis – mobile home without permits. A mobile home was recently placed on this property. A letter was sent out informing Ms. Davis that mobile homes are not permitted under the Pomfret Zoning Regulations.

III. Commission Business

- A. **Air B&B's** – no new information at this time; leave on agenda

- B. **Robert & Lois Hall, Modock Rd.**, request for return of bond/inspection fees remaining. Jamie has no further billing on this application. P. Deary made a motion that we return the fees. R. Wishart seconded the motion and it was approved unanimously.

- IV. Adjournment** – P. Deary made a motion to adjourn. W. Hinchman adjourned the meeting at 8:35 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date Approved: _____