

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
PUBLIC HEARING/MEETING MINUTES
MONDAY, FEBRUARY 24, 2014 AT 7:00 PM
POMFRET SENIOR CENTER**

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

Walter Hinchman opened the meeting at 7 pm. He made a motion to seat K. Bergendahl for M. Paquette. R. DiBonaventura seconded the motion and it was approved unanimously.

I. Public Hearing

1. Peter B. Mann, 125 Valentine Road, Class II Home Occupation; home office. Mr. Mann was present. Mr. Mann turned in the CRR green cards for the file and then spoke regarding the 800 square foot office he wishes to put over his existing garage. He is a manufacturing representative. No customers come to the office and there will be an occasional UPS delivery. J. Rabbitt drafted a letter dated 2/24/14 regarding this application with six conditions of approval. W. Hinchman then mentioned the waiver request from Mr. Mann regarding Section 14.4.2 a-cc. P. Allegretti asked if Mr. Mann had any issues with the six conditions of approval. Mr. Mann said he had no issues with them. E. Pohlman asked what the maximum number of employees could be. J. Rabbitt said there could be three with Mr. Mann being one of them. P. Allegretti then made a motion to close the Public Hearing. It was seconded by R. DiBonaventura and approved unanimously.

II. Regular Meeting –

A. Roll Call - done

- B. Items to Add to the Agenda – Under New Applications – Pomfret School**
Under Commission Business – Windham County 4-H Foundation, Inc. for a discussion on the modification of approved site plans
W. Hinchman made a motion to add the two items. P. Allegretti seconded the motion and it was approved unanimously.

C. Current Business

1. Approve Minutes of Public Hearing/Regular Meeting of January 27, 2014. R. DiBonaventura made a motion to approve the minutes as submitted. K. Bergendahl seconded the motion and it was approved unanimously.

D. Pending Application(s)-

1. Peter B. Mann, 125 Valentine Road, Class II Home Occupation; W. Hinchman said he would entertain a motion to approve the waivers requested by Mr. Mann. P. Allegretti so moved. It was seconded by R. DiBonaventura and approved unanimously. W. Hinchman then read a motion to approve an application by Peter B. Mann, as written by J. Rabbitt. A. Benway seconded the motion and it was approved unanimously.
2. Jaehyun Park, 92 Longmeadow Drive, Class II Home Occupation; educational counseling and residential house; Mr. Park and a friend were present at the meeting. He said he would act as a consultant primarily to people in S. Korea and Japan. He gives parents information regarding the schools in the area but there

will be no use as a residential house. No one will stay at the house. Jamie then said that this application should be a Class I Home Occupation but it has to meet the site plan requirements. There is no designation of parking, etc. This application was received at the December meeting so tonight the commission would need an extension request or to make a motion on the application. As the application stands, it is incomplete and is up for denial. There is no special permit necessary but we need further documentation to clarify exactly what is being done. Ryan will speak with the applicant to do the extension request and on Wednesday he will help them supplement their application. P. Allegretti made a motion to continue this item to the March meeting. R. DiBonaventura seconded the motion and it was approved unanimously. The commission also granted a 65 day extension on this application due to request submitted by the applicant.

III. New Business

A. Acceptance of New Application(s)

- 1. Rectory School, 528 Pomfret Street**, construction of new 3,403 square foot two-family dwelling. John Everett of New England Design spoke regarding the application. This will be new housing for faculty and families. It will be located on the back side of the campus near the other faculty housing in a large open field bordered by woods. It is in the wetlands review area and there is an application before the wetlands commission at this time. This new dwelling will utilize the existing septic system and they have submitted a change of use to NDDH. It will have white clapboard siding to match the other buildings. There will be one three-bedroom and one four-bedroom in the duplex (behind the pond and ball field). W. Hinchman stated that the commission is just accepting the application tonight. E. Pohlman asked how many single-family or duplex are there. J. Everett said there are only two right now. E. Pohlman asked what the drive was for this building. J. Everett said there is a lack of housing and to keep faculty on site. R. DiBonaventura made a motion to accept the application. A. Benway seconded the motion and it was approved unanimously.
- 2. Pomfret School, 467 Pomfret Street**, special use (faculty residence). Tony Malagrino was present from Pomfret School. He said that the Morgan estate purchased the Eaton home and donated it to Pomfret School. It will be changed from residential to special permit for faculty housing. There will be light modifications done to the interior for 3 units: two one-bedroom and one larger. He also requested a waiver of the site plan requirements. E. Pohlman said the house is 6 bedrooms now, so will it be going to 4 or 5 bedrooms? T. Malagrino said it is a 4800 sq. ft. home and they are looking to split the upstairs into two one-bedroom apartments. They want to have a three bedroom apartment downstairs. Then he stated that the upstairs could possibly be one small apartment with one-bedroom and the other a two-bedroom apartment with the downstairs still having a three-bedroom apartment. A. Benway asked if there is ample parking. T. Malagrino has there is enough for 3 units, up to 4 cars. Jamie stated that the application needs to be supplemented with floor plans. He also wondered if the commission would approve two options or just one, regarding the apartment set ups. He also said the site need to be able to accommodate 6-10 vehicle spaces. R. DiBonaventura mentioned a change outside and that 6 spaces seem reasonable for vehicle parking and there are no real changes inside. He felt he could tend to be more flexible regarding both plans. W. Hinchman mentioned that sewage disposal, adequate water supply, and parking are the most critical issues. T. Malagrino said they will connect the house to their water tower. P. Allegretti agreed with Rich. He feels the commission could give them some

latitude for the final inside configuration. Jamie then said that this is a single-family residential being converted to private school faculty housing. They need to show some sort of configuration to get to occupancy. This facility will be absorbed into the existing campus. W. Hinchman made a motion to accept the application. P. Allegretti said so moved and R. DiBonaventura seconded the motion. It was approved unanimously.

At this point, W. Hinchman mentioned he would like to move the Windham County 4-H Foundation, Inc. up in the agenda from IV C.

Barry Rider spoke for the 4-H Foundation who is the owner/operator of the 4-H camp. They submitted an application last year that was approved. Since then they have applied to the USDA for a \$50,000 grant but it wouldn't be approved without the installation of an elevator, which would cost approximately \$100,000 to install. An elevator would have to be an add-on to the building; they would have to modify the entrance. They would like to make a modification to the approved plan to accommodate the elevator at a future date. They would move the handicap parking closed and it would be more convenient to entrance. This modification would make the addition 30%, which is more than the 25% expansion allowed by the regulations. P. Allegretti asked why they needed an elevator. B. Rider said the elevator is a federal funding requirement and they aren't completely sure they're going to use this funding. P. Allegretti asked if as far as the building codes go, does it meet all the codes without the elevator. B. Rider said it did. W. Hinchman had told Barry to come in and speak with the commission regarding this issue. Jamie said that by regulatory standing, it is zoned residential (non-conforming) which allows a 25% addition. The commission can't vary that 25% limit. Regarding the building code, they are reasonably compliant with all accommodations for ADA. With Federal funding, they don't follow building code. If you receive Federal funding, you have to be fully compliant with ADA, not just reasonably compliant. ADA is a Federal law. The ZBA could visit this issue because the applicant can't comply with the zoning regulations. P. Allegretti then said that if they do receive a variance from ZBA, do they come back to P&Z with three scenarios? Jamie said that they should come back with the plan they want to use. It was decided by the commission to have Ryan attend the ZBA meeting for this issue to represent the Planning & Zoning Commission.

B. Citizen's Comments –none

C. Correspondence – back-up to cell tower on Babbitt Hill Road

A. ZEO Report –

Permits: No permits were issued.

1. Complaints/Violations:

- a. 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. This violation is ongoing. There hasn't been any activity seen over the past few weekends. There are signs still up around town. Ryan stated that the M. Nicholson is acting as a moderator between the Lee's and Pixie to see what can be done. Ryan said that he has to do what he has to do.

IV. Commission Business

A. Citizen's Comments – none

- B. Discussion of 189 Pomfret Street; possible placement of caveat on land records. W. Hinchman said that on 1/15/14, a letter was sent to Dr. Modica (President of Jupiter Investments, LLC), who owns 189 Pomfret Street. There has been no response as of

this date. P. Allegretti thought that someone should call Dr. Modica, in all fairness. Jamie said that if the commission approves, the caveat would be removed upon receipt of payment. A. Benway made a motion to place a caveat on the land records. R. DiBonaventura seconded the motion. Jamie said a follow-up letter and phone call could be made stating a caveat will be placed in 7 days if the bill is not paid. The prior motion was amended by W. Hinchman to empower Phil to contact Dr. Modica via phone and give him 7 days for caveat to be placed on the land records, which would be 3/3/14. The previous motion by A. Benway and seconded by R. DiBonaventura was withdrawn. The new motion was approved unanimously.

C. Windham County 4-H Foundation, Inc. – questions regarding modification of approved plans – this was discussed earlier in the meeting.

IV. Adjournment

E. Pohlman made a motion to adjourn the meeting. It was seconded by K. Bergendahl and approved unanimously. The meeting adjourned at 9:03 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date approved_____