

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
PUBLIC HEARING/REGULAR MEETING MINUTES
MONDAY, MARCH 23, 2015 AT 7:00 PM
POMFRET SENIOR CENTER**

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

- I. Regular Meeting – W. Hinchman opened the meeting at 7 pm and seated K. Bergendahl for B. Champany.**
 - A. Roll Call taken**
 - B. Items to add to the agenda-**
 1. Discussion about home-based businesses
 2. Discussion of future text amendment for PSR district
P. Allegretti made a motion to put these items under Section III Commission Business as C & D. It was approved by the commission members.
 - C. Current Business**
 1. Approve Minutes of meetings on February 23, 2015 and March 9, 2015.
P. Allegretti made a motion to approve the 2/23/15 minutes as submitted.
W. Hinchman seconded the motion and it was approved unanimously. There were 2 abstentions. P. Allegretti made a motion to approve the 3/9/15 minutes as submitted. W. Hinchman seconded the motion and it was approved unanimously. There was one abstention.
 - D. Pending Application(s)- none**
- II. New Business**
 - A. Acceptance of New Application(s)**
 1. **David F. Loiselle, 69 Mashamoquet Road**, special permit application for an in-law apartment. Mr. Loiselle was present and spoke to the commission regarding his plan to add an in-law apartment onto his existing home. After discussion and making sure all items were in the file, W. Hinchman made a motion to accept the application for the in-law apartment. A Public Hearing will be held at our next regularly scheduled meeting on April 27, 2015.
 2. **Brian MacKenzie/Iryna Izotova, 757 Wrights Crossing Road**, Class I Home Occupation for bread bakery. Both applicants were present and Iryna spoke regarding the baking of bread that is planned on their premises. W. Hinchman mentioned that there was a restriction and there could be no retail sales which Iryna said she was aware of. E. Pohlman asked if the baking would all be done in one area of the home. Jamie said that NDDH is the Town Sanitarian. The health department issues a license to bake goods. He also said it looked as if no site plan was in the file. He then found a waiver request for the site plan and a statement that there would be no employees and no retail sales. W. Hinchman then asked the applicants to get something in writing from NDDH that they don't have a problem with just baking bread. Jamie then said that the

letter from NDDH is that they don't have jurisdiction/permit for pure bakery; the applicants need zoning approval not for NDDH but for CPA (Consumer Protection Agency). The Commission After discussion, the commission asked the applicants to get a letter from NDDH that states they have no jurisdiction regarding this use and that the septic is appropriated to handle a bakery of this size and then submit it to the commission. At this time,

P. Allegretti made a motion to accept the application. R. DiBonaventura seconded the motion and it was approved unanimously.

B. Citizen's Comments – none

C. Correspondence –

a) **ZEO Report** – no permits this month

b) **Complaints/Violations:**

a. Barry Peloquin, Longmeadow Drive (commercial trucks). Atty. Higgins told Ryan that he will get the paperwork to court this Friday for an injunction to remove vehicles.

K. Bergendahl asked about possibly discussing sanctions regarding violations. Ryan told her that per State Statute, there is a \$250 fine per day (willful violation). Jamie then said that the fines are appealable, but there would need to be a hearing officer. This could take a while as court order can take time.

II. Commission Business

A. Citizen's Comments – none

B. Discussion of Plan of Conservation and Development

At this point, Walter asked to move item III C up in the agenda due to citizen's who have been waiting to discuss home-based business. The citizen's in attendance were Don Hay and Jilly Gordon. Jilly has had an art studio for 20 years. They got married last year and want to combine their houses into hers. They talked to Jamie about possibly buying land across the road to build a studio with garage – there is also a drainage ditch issue. Jamie did a follow-up on what could be done. First there is a locational aspect that all Class I and Class II home occupations are designed to be on the same parcel as the home. The other side of the road doesn't work without possible text amendment. The second is the use aspect where Class I, Class II, and home –based businesses can use an outbuilding. The regulations need some coding. This is an existing none-conforming use. There are three issues to consider: locational, vague usage, and size (50% of square feet of home). D. Hay said that the house is another part of the plan but there are issues with that too (culvert and intermittent stream). W. Hinchman asked what was across the street. J. Gordon said there is 1.8 AC owned by Ellsworth but couldn't put a house on it as it's too small. Walter asked how the commission members felt about this issue. P. Allegretti said he has no problem with changing the regulations but the dimensional requirement is tough. Walter agreed with Phil. E. Pohlman asked if the studio would be 1500 sq. ft. Jamie gave an example: if the house is 1000 sq. ft., they are allowed 50% for 500 sq. ft. but the commission can, by vote, add 500 sq. ft. to that for a total of 1000 sq. ft. It was suggested that a text amendment be submitted for add a studio across the street (lots of roadblocks). Phil then said that he felt that the commission should sponsor the text amendment for an adjacent property. R. DiBonaventura agreed with Phil. Jamie said he could write it to clarify location, use, and size. Rich then said that they would start out with 50% of current home sq. ft. and 500 sq. ft. and once the new home was built

they could then occupy the full 1500 sq. ft. D. Hay then said that effectively they could 950 sq. ft. but could still build a 1500 sq. ft. and once the new home was built they could use the whole building. Walter said that a home based business is an accessory to a home and this would be an adjacent property delineated by a road. Jamie said to remember that the outbuilding is the accessory and not the business. Walter said that if everyone is comfortable with Jamie writing the text amendment, we should move ahead. P. Allegretti made a motion for Jamie to write the language for the text amendment. R. DiBonaventura seconded the motion and it was approved unanimously.

- C. Discussion of home-based business – at this point we discussed the POCD. Walter said that Maureen sees this as a crisis. He stated that the commission has already settled on the format, cover, and the first and last few pages of the document. Last month demographics were brought in. The commission looked over the draft of the survey to go on-line and added a few corrections/additions. They are going to try to get it up and running this week and keep the survey up until 4/17/15. Walter then asked everyone to look at page 15 of the current POCD. He went over a number of pages that really don't need much work at all. We will need to add a "sustainability piece" to the POCD; i.e., solar, recycling, bulky waste, geothermal, etc. Walter then asked Jamie is there was anything we haven't addressed. Jamie read the list of issued to be covered by the POCD and there are some new pieces that need to be added to the current POCD; i.e., existing land use and future land use, sewer line should be referenced, and develop specific chapters and timeline. It was decided to hold a special meeting on 4/13/15 at 7 pm specifically to discuss the POCD.
- D. Discussion of future text amendment for PSR district – the Congregational Church can't do what they need to under the current regulations so a possible text amendment might be needed to help them get their application to the commission.

It was discussed that the May 28th meeting needs to be changed, so the commission decided to hold a Special Meeting on May 27th and the clerk will cancel the meeting of the 28th.

IV. Adjournment

K. Bergendahl made a motion to adjourn the meeting. P. Allegretti seconded the motion. The meeting adjourned at 9:30 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date approved _____