

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
PUBLIC HEARING/REGULAR MEETING MINUTES
WEDNESDAY, APRIL 20, 2016, AT 7:00 PM
OLD TOWN HOUSE**

Before the Public Hearing was opened, L. Grossman was seated for A. Benway.

I. Public Hearing

- A. Jamie Stately, 299 Hampton Road,** special permit application for a Class II Home Occupation (tree service with commercial truck parking). Before discussion began, P. Allegretti asked if there is any proof of the registration of the vehicles involved with this application. Doug Williams spoke on behalf of Ed “Chip” Lang, who complained about this operation going on at 299 Hampton Road. He said Mr. Lang has owned his property for 13 years and it is a rural residential zone. He said there are a large truck, a bucket truck, and a chipper on the property. He also said he feels the application appears to be incomplete because the Wetlands form is not filled out and there are wetlands at the rear of the property. He is not sure how far away from his client’s home the vehicles are stored and if there is a weight limit on the trucks (18,000 lbs. per vehicle stated by ZEO). His client is concerned because he feels the trucks are an eyesore. John Wolchesky, owner of the property at 299 Hampton Road stated that he moved into his house in 1959. He said Mr. Lang wasn’t there for very long. He stated that Mr. Stately is trying to do the right thing by coming before the board for a special permit; they’re trying to create something that’s doable. John Navarro, who lives close to this neighborhood, asked if there were any other complaints regarding this application. Ed Lang stated he bought his house 13 years ago and we’re discussing the use of the property. He sees and hears the trucks. He objects to the use and doesn’t think the Town wants to set a precedent. He feels he’s entitled to quiet at his house. Mrs. Emily Stately then spoke about how Mr. Lang came over and introduced himself to them when they moved in and he did not complain when he found out that they had a tree service. John Navarro then spoke again saying the reason he asked about addition complaints is because he’s very good friends with the Modica’s, who on Sundays shoot skeet for 3-4 hours and that’s a lot of noise. At this point, W. Hinchman introduced the letter from Bill Hull, who is in favor for Mr. Stately’s application for the following reasons:
- 1) The location at 299 Hampton Road is on a State Highway regularly used by local and through truck traffic. Being a State Highway, the level of local concern about traffic should be much less than, for example, a Town road cul-de-sac situation where residential use is the only use; 2) The impact of Mr. Stately parking his few commercial truck vehicles is not more than what a homeowner might have with a motorized travel coach with a pull behind vehicle or a boat and trailer combination; and, 3) The difference here is we are talking about a man’s lively hood and I feel as a Town we should encourage a home occupation that enables a person to be self-sufficient, a resource townspeople can call on when in need, a responsible taxpayer, and productive member of society. L. Grossman wondered if maybe there are factors that might accommodate to make things less noisy. D. Williams said they might be looking for a resolution. W. Hinchman then said, going back to D. Williams, L. Grossman is new to the commission and hasn’t been through many Public Hearings. He then spoke of the special permit being new to people who recently moved here. He feels there may be some items missing from the application and thought the applicant should speak with staff. He then read a letter written by J. Rabbitt, which noted the items missing from the application. At this point, Mr. Lang told the commission that he introduced himself to Mr. Stately around Christmas time but didn’t realize how invasive the business is. Jamie then said the commission has sufficient time to continue this hearing until our next meeting on 5/18/16. He said that he feels the applicant should meet with him ASAP, so he can submit the needed documents to complete the application. R. DiBonaventura asked what his intent is to conduct business....what trucks does he have. J. Stately said he has a 1996 F350 dump truck, 1 bucket truck, and a chipper. He said he starts his truck around 6:30 am and lets it idle for about 5 minutes then leaves and doesn’t return until 7-8 pm. E. Lang then said that there are trucks in and out of their property all day. He said he needs a special permit and he doesn’t have it. J. Navarro said he has a diesel truck and he goes over to visit with the Stately’s often. Brenda Navarro stated that most of her family owns trucks and they go over to visit and sometimes they go in and out all day. Mrs. Navarro is Emily Stately’s mother. W. Hinchman then said that rather than getting into more discussion right now, we should continue this. B. Champany made a motion to continue the Public Hearing until the next scheduled meeting of 5/18/16 at 7pm at the Old Town House. R. DiBonaventura seconded the motion and it was approved unanimously.

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:** A. Benway, P. Deary; M. Hart, and A. Amaral.
- B. **Items to add to the agenda** – release of caveat; W. Hinchman moved to put this item under Section IV #2 on the agenda. R. DiBonaventura seconded the motion and it was approved unanimously.
- C. **Current Business** –
 - 1. **Approve minutes of March 16, 2106.** R. DiBonaventura made a motion to approve the minutes as submitted. R. Wishart seconded the motion and it was approved. There was one abstention.
- D. **Pending Applications(s)**
 - 1. **Jamie Stately, 299 Hampton Road,** special permit application for a Class II Home Occupation (tree service with commercial truck parking).

III. New Business

- A. **Acceptance of New Application(s) – none**
- B. **Citizen's Comments –none**
- C. **Correspondence** – letter from CT Citing Council about 17.61 MW generating facility
 - 1. ZEO Report –Permits issued:
 - Ledogar, 89A Cooney Rd. – 12' x 12' addition
 - Hayden, 669 Hampton Rd. – replace above ground pool with 24' above ground pool
 - Navarro, 84 Freedley Rd. – 20' x 20' shed
 - Corbin, 351 Mashamoquet Rd. – 12' x 20' shed
 - Nagy, 94 Hampton Rd. – 17' x 12' farm stand
 - Tracy, 25 Blossom Dr. – 10' x 12' shed
 - 2. Complaints –
 - a. Barry Peloquin, 59 Longmeadow Drive – inspected property on 4/6 and 4/20. Bucket Truck in front yard and white truck in rear. Atty. Higgins will be sending out a letter to comply with the 2015 agreement or face immediate legal action. Letter will go out 4/21.
 - b. Jamie Stately, 299 Hampton Road – continued Public Hearing; verification of a business running without a permit. R. DiBonaventura said that in fairness, and seeing the complainant obtained counsel, he wondered if we should send a letter to Mr. Stately regarding a specific time frame to obtain a special permit or send him a cease and desist if he doesn't. R. Brais, ZEO, said we're handling this issue in the proper manner. The complaint came in and before he could even send out a letter to Mr. Stately, Mr. Stately came in and submitted an application. L. Grossman said because he's new to the commission, he asked if we don't need to write a letter. R. Brais said that in his opinion, at this time it isn't necessary.

IV. Commission Business

- A. **Air B&B's** – L. Grossman spoke about some information he read on this issue. Jamie said he was involved in a discussion about legally operating Air B&B's (changes in the structure, tax report, sanitation, etc.). Leave on agenda
- B. **Lloyd Davies and Hilda Mosely, 176 Paine Road,** request for release of caveat. The fee in lieu of open space has been paid in full. P. Allegretti made a motion to release the caveat. B. Champany seconded the motion. There was one abstention.
Jamie explained fee in lieu of open space.

- V. **Adjournment** – B. Champany made a motion to adjourn. P. Allegretti seconded the motion. The Chairman adjourned the meeting at 8:13 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date Approved:_____