

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

Public Hearing called by Vice Chair at 7:04 pm.

I. Public Hearing

Jamie Stately, 299 Hampton Road, special permit application for a Class II Home Occupation (tree service with commercial truck parking). Greg Glaude of Killingly Engineering Associates went over the new plans, showing the elimination of some of the fence and adding pine trees in a double staggered row for screening purposes. There is 20' of fence toward the Land property, 60' of 11.5" fence on the road side, and the 6' fence is going to 10'. These plans were modified to today's date. Submitted site plan requirement for waiver requests. Requested waivers for items 14.4.2 h - storm drainage, 14.4.2 o - site line plans, 14.4.2 p - site lighting, and 14.4.2 x - septic system analysis plan. Mr. Glaude feels that they are providing suitable screening. Atty. D. Williams representing Chip Land said he had met with G. Glaude last week. He would like to ask the commission to place a condition on this application that all repairs are to be done in the parking area. They would like an extension of the fence from the barn west for more extensive screening. G. Glaude showed the commission photos taken by C. Land and photo A was taken from the road, photo B was taken from Mr. Lang's back yard, photo C was taken from atop a ladder against the fence, and photo D was taken above the fence. G. Glaude then showed the photos he took: photo 1 was at a 6' camera height towards Mr. Lang's house (garage), photo 2 was taken from the same location but at a 14' height, photo 3 was taken from the same location but looking north at a 6' height, photo 4 was from the same location but at a 14' height, photo 5 was taken at access point at 6' height towards Mr. Lang's house, photo 6 was taken at the same location but at a 14' height, photo 7 was taken towards the road (hill blocks portion of the road), and photo 8 was taken from where Mr. Stately's vehicles will be parked towards Mr. Lang's property. Tom Garrette, a citizen at the meeting, asked if there would be screening on the other side or if it's even needed. G. Glaude said that the regulations don't require screening towards the farm. J. Wolchesky then asked what the rest of the procedure is. P. Allegetti explained that we need to close the public hearing tonight and the commission then has up to 65 days to make a decision. Atty. William then said that he and his client are in about 85% agreement, but again, he would like a condition that the vehicles are parked in the properly defined area. They would like screening between the properties. Trucks come and go 2, 3, maybe more times a day. His client lives next door. They have a border fence which is 6' high. He would like it raised to 8' high. G. Glaude said this fence is exactly on the property line and sees no reason to raise it because he won't be able to see the vehicles due to screening. Jamie said the commission can make some decision but they may not be able to solve property fence issue without clarity from an attorney. There are a number of fences on the property: fence A runs from the barn NW, fence B runs NW to NE, fence begins after hedgerow NE to SE, fence D runs from the SE corner of the barn E for 16', and fence E is the property line fence. B. Champany thought maybe a new fence could be built 6" in from current fence. Jamie said there could be an issue not knowing who owes fence. J. Navarro stated that the finished side of a fence always goes to the neighbor side. He wanted to know why the barn can't be used for maintenance. B. Navarro said that the Atty. and client are requesting that work only be done in the parking area. He has a barn that has already been set up with his tools, etc. J. Rabbitt then said that the only requests on this application were for office space and parking space on site. B. Champany asked if he could bring the chipper into the barn to work on it. Jamie said he can't as the application stands. C. Lang then spoke saying he is the affected party. The banging next door is chronic and you can the diesel engine idling. The commission has the authority to put conditions on the permit. He also said that his photo B was taken from his back door. He then referred to a conversation he has with J. Stately regarding

work being done on a Sunday. G. Glaude then added two additional points that they have only 2 personal vehicles (both diesel) and where the vehicles (commercial) will be parked. T. Garrette then asked if there is a noise ordinance. P. Allegretti said there is no regulation he is aware of. P. Deary then said that the applicant has agreed to park in the proper area. If he fails to park there, the only recourse would be to see ZEO and file a Notice of Violation. C. Lang then said that all is asking for is to have fence removed and moved 6" in. Atty. Williams then said that if you look at the big picture - the permitting process, the consideration of the neighbors – he doesn't feel it's overly burdensome to have the applicant do an 8' fence, especially because this violation has been going on for 8 months. P. Deary then asked how long fence E is. G. Glaude measured 90' with hemlocks in between (62' of fence). J. Rabbitt then handed out 4 photos and read into record a draft letter he prepared. There is a need for waiver requests which was submitted by G. Glaude this evening. R. DiBonaventura made a motion to close the public hearing. It was seconded by P. Deary and approved.

At this point in the meeting, P. Allegretti made a motion to seat M. Hart and L. Grossman for W. Hinchman and A. Benway. It was seconded by B. Champany and approved.

II. Regular Meeting

A. Roll Call- Present: P. Allegretti, R. DiBonaventura, B. Champany, P. Deary; R. Wishart; M. Hart, and L. Grossman, **Staff:** R. Brais, and J. Rabbitt. **Absent:** W. Hinchman, A. Benway, and A. Amaral.

B. Items to add to the agenda – new complaint at 6A Modock Road – this item is moved to Section III C of the agenda for further discussion.

C. Current Business –

- 1. Approve minutes of June 15, 2106.** P. Deary made a motion to accept the minutes as submitted. B. Champany seconded the motion and it was approved. There were two abstentions

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). P. Deary said that Killingly Engineering has demonstrated site lines for about 20 different angles, following the letter of the law. He made a motion to approve the application. R. DiBonaventura seconded the motion. The motion and second were withdrawn due to not dealing with the waiver request. P. Deary made a motion to grant the waiver requests. L. Grossman seconded the motion and the waivers were granted. After a small discussion, P. Deary made a motion to approve the application as presented and that all commercial equipment will be stored in the fenced in area as shown on the plans prepared by Killingly Engineering Associates, revised 7/20/16, sheets 1 of 2 and 2 of 2.

III. New Business

A. Acceptance of New Application(s) –

B. Citizen's Comments –none

C. Correspondence

- Farm stand at 6A Modock Road – T. Garrette spoke stating that this farm stand has turned into a produce stand. There are 15-20 signs up and they're a hazard. It used to be a farm stand that sold only what was grown in the garden. She is now bringing in produce (corn) from Hartford and selling it. She's also selling flowers and also opens the barn doors and sells stuff from in there. P. Deary said he only sees issues with the signs. There was no mention of produce in the ZEO report. P. Allegretti said the commission has been aware of this since last fall. T. Garrette then thanked the commission. Unsure of how quickly this could be remedied. The ZEO can write a NOV, which can be appealed to the ZBA. If no appeal, the NOV stands and there could possibly be an injunction through the court. The owner could come in for a permit for a farm stand.

District 2 could come out and if signs are in the right-of-way, they can remove those signs.

2. ZEO Report –Permits issued:

76 Blossom Drive (Tedechi) – 12’ by 16’ shed

147 Jericho Road (Sturni) – private workshop/art room/rec area

104 Putnam Road (Incera) – 10’ by 45’ farmer’s porch

3. Complaints –

- a. Jamie Stately, 299 Hampton Road, commercial vehicles – permit was granted tonight but will remain on the agenda
- b. Margaret Davis, 59 Jericho Road – tiny house/mobile home on property. A NOV was sent out but was returned as unclaimed a few weeks back. I have since located the address of the property owner. She is living in Maple Courts across from Ellis Tech, even though her mailing address is still listed as Jericho Rd. on our records. A NOV was sent to her new address last week giving her 15 days to remove the mobile home.
- c. Marion Baillargeon, 6A Modock Road, farm stand with excessive use of signs. This property was subject to discussions and written warnings last season regarding the amount of signage displayed for her farm stand. Last season, she complied with my requests to limit the signage. This season there are well over a dozen signs on the lawn at any time. A letter was sent last week instructing her to remove the excessive signage with 5 days. She is allowed to have up to 2 signs measuring no larger than 16 square feet each.

IV. Commission Business

- A. Air B&B’s** – L. Grossman said that if you ask some municipalities, they will tell you who has an Air B&B. B. Champany said they’re anywhere in CT. Jamie said it is a hot topic and everyone is waiting for someone else to do something (need health, safety and public welfare). Within 6-12 months we should have more information on this. P. Allegretti said we could possibly change the regulation on B&B’s. L. Grossman said that once we have a light agenda, we can have further discussion of B&B’s and Air B&B’s. P. Deary asked for this to remain on the agenda.
- B. Discussion of POCD** – Jamie said that once the corrections are made, a final draft will be printed and given to the Selectmen. They have 65 days and then we have a Public Hearing for approval (modifications). P. Deary said we need to get this out ASAP. R. Wishart asked how much we’ve spent on this project. Jamie said originally to-date \$12-\$14K but asked to finish for \$4K. R. Wishart then submitted a copy of Eastford’s POCD to the record.

V. Adjournment –B. Champany made a motion to adjourn. It was seconded by R. Wishart and approved. The Vice Chair adjourned the meeting at 8:55 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date Approved:_____