

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
PUBLIC HEARINGS/MEETING MINUTES
WEDNESDAY, MAY 16, 2018 AT 7:00 PM
OLD TOWN HOUSE**

Meeting was opened by Chairman Walter Hinchman at 7:01 pm.

I. Public Hearing

A. Daniel Nagy, 94 Hampton Road, application for a text amendment for “Farm Distilleries”. Daniel & Aubrey Nagy were present and Daniel spoke for the application. He state that first up, he will be making potato vodka, which can’t be made on the same site as a residence per Federal law. His current residence is across from Hull Forest Products and the tentative site for the distillery is on Rte. 44 and corner of Wolf Den (across from the Airline Grill). Martha Emilio asked where the distillery would actually be. D. Nagy replied on the corner of Rte. 44 and Wolf Den. D. Nagy explained they would use 50 gallon stills with a 6’ column on top and have 4 vessels going. He stated that first the Federal permit has to be approved and he is working with the ATF and TTB for this permitting process. Then, the State permitting has to be approved, with an annual fee of \$300 for the permit. M. Emilio asked where the tasting/bottling would be done. D. Nagy said it would occur on the land where the distillery is. Tony Emilio said the text amendment has the same address on it as Mr. Nagy’s home address. Why doesn’t it have the address of the tentative property? Ryan Brais stated that a text amendment is not attached to a specific property. Ann Stoddard said that the vodka would be made, bottled and sold on site. A. Stoddard asked if he would be able to sell from the property to a liquor store/distributor. D. Nagy said that tastings and selling can be done at the distillery site. P. Deary asked if the potatoes are grown on farm land and not the distillery land. D. Nagy said that he would eventually like to farm the new property also so he could use 100% from his own site. He also mentioned that the farm stand at his residence will remain there. P. Allegretti asked how long it would take to make a gallon of vodka. D. Nagy said it would take 20 lbs. of potatoes, yeast, a copper still and it would take about a week to make a gallon. Phil then asked if potato vodka has been around a while and Dan replied that it’s been around for a very long time. M. Hart asked if the distilling process would cause a lot of pollution/smoke from the building. Dan explained that the still has a water bath inside the distiller and a hot water heater which is electrically powered. M. Nicholson asked if it would be similar to the distillery in Ashford. Dan said the product would be similar and the building, which will be 24’ by 30’, will fit in with the neighborhood. Monique Wolanin said you are asking for a language change on a property you don’t own yet; the neighbors who are present would like to be assured that your home at 94 Hampton Road won’t become a non-residential lot. W. Hinchman stated that in the Rural Residential district (most of the town is RR), that if the text amendment is granted, the zone would still remain

Rural Residential. There would also be a special permit within the residential zone tied to the new property and the commission would have to review the application. An approved text amendment would allow anyone to apply for a family distillery permit. T. Emilio said that farming is great; but he has grown an international reputation with his labs, and he's been in Pomfret over 30 years. He had no problems until recently and the neighbors are present because they are trying to protect their properties. M. Nicholson spoke in favor of the application. She stated that farming has evolved and changed, and this is a good way to support agriculture. W. Hinchman stated that he learned 2 new things tonight: 1) that Federal law prohibits distilleries on a property that has a residence on it; and, 2) assumed that this would be on Rt. 97 at Dan's residence. He then asked if the commission was ready to close the hearing. L. Grossman asked how everyone felt about the language. He feels it needs a strength of terms ensuring that a big chunk of the crop is grown in Pomfret. He feels the language is ambiguous. R. Wishart thought about addressing it in a very straight-forward manner: 1) Can we allow citizens to distill; and 2) liberalize a little bit on the laws on farm stands. W. Hinchman said we can modify the text amendment, even more strict than State Statute, if Town feels it's necessary. There was a discussion about what percentage of crops would be grown in Town and would additional crops need to be brought in. Dan said he's hoping he won't need to bring in any crops, that it will all be grown right here. Dan is comfortable with 25% as a comfortable number. M. Emilio asked what the reason is for the text amendment. W. Hinchman said that zoning laws are permissive; this item needs to be an addition/modification to our regulations. We have had wineries in Town; now, this is another specific situation. M. Emilio then stated that wineries and distilleries are different issues. W. Hinchman then made a motion to keep the Public Hearing open for one more meeting. We will continue the Public Hearing to our 6/20/18 meeting. L. Grossman seconded the motion. P. Deary asked what makes a property a farm property. W. Hinchman said anything you produce on the property. P. Deary then said that he is not against the distillery at all. M. Wolanin then asked what percentage of Sharp Hill winery grapes are grown in Pomfret. R. Brais said that they import a high percentage of their grapes. R. DiBonaventura said that there is no minimum lot size for a farm distillery, yet wineries need x amount of acres, home based businesses need x amount of acres. It seems we need specific standards for a farm distillery. B. Champany then asked if we could have something like 5 acres as a minimum lot size for this particular application. M. Emilio then said that they're going to take vegetables to make a controlled/regulated substance and not potato chips. Ryan said that's where the special permit comes in. M. Emilio said that why the concerned neighbors are present, due to wondering about the process. M. Nicholson then stated that she had spoken to R. Brooks who spoke favorably of the distillery. She also stated that things don't stop at the boundary of the Town line; agriculture doesn't stop at town lines. P. Deary then made a motion to move the prior motion made by W. Hinchman. Motion was approved with 1 opposed. This will be continued at the 6/20/2018 meeting.

II. Regular Meeting – W. Hinchman seated L. Grossman for A. Benway

A. Roll Call – W. Hinchman, Chairman; P. Allegretti, Vice Chairman; R. DiBonaventura, Member; B. Champany, Member; P. Deary, Member; R. Wishart, Member; L. Grossman, Alternate; M. Hart, Alternate. **Staff:** Ryan Brais, ZEO.

Absent: A. Benway, Member; P. Mann, Alternate; and J. Rabbitt, Town Planner.

B. Items to add to the agenda – letter from Archer Surveying

C. Approve minutes of April 18, 2018 – P. Deary made a motion to approve as amended. R. DiBonaventura seconded and it was approved.

D. Pending Application(s)

1. Daniel Nagy, 94 Hampton Road, application for a text amendment for “Farm Distilleries”. Item has been continued to 6/20/2018 meeting.

III. New Business

A. Acceptance of New Application(s) –

1. The Rectory School, 528 Pomfret Street, site plan review for a 1,124 sf 2-story, 2 bedroom apartment addition to existing Fisher Dormitory. In attendance for the application were John Everett of NE Design and Fred Williams, Headmaster of Rectory School. J. Everett spoke regarding the application. The addition will be about the size of an average 2-car garage. Copies of the plan were distributed to the commission members. He then went over the plan with the commission members. W. Hinchman made a motion to accept the application. P. Allegretti seconded the motion. Ryan stated that he doesn’t see that a surety would be needed for this application. Jamie will need to do a no-fee ruling due to the property being 130’ from the wetlands. To expedite this process, we can have Jamie do a no-fee ruling, then contact commission members for a special meeting regarding this application.

B. Citizen’s Comments –

C. Correspondence – Two letters from State of CT Siting Council dated 4/19/18 and 4/26/18 for Woods Hill Solar, LLC; one letter from State of CT Siting Council dated 5/17/18 for T-Mobile intent to modify existing telecommunications facility located at 398 Pomfret Street; one letter from State of CT DOT regarding Jonathan Fahey, 270 Killingly Road/Route 101 for work within the State right of way or perform work that may affect State property has been denied (6 items need to be completed)

D. ZEO Report – Permits Issued:

86 Fox Hill Road – deck
13 Day Road – in ground pool
419 Valentine Road – 28’ x 24’ garage
31 Paine Road – 30’ x 24’ barn/garage
188 Peterson Road – demolish and replace existing deck

1. Complaints

- a.** Jerry Clark, 7 River Road complaint of a commercial box trailer and shipping container used for storage. The garage is up and the trailers have been removed. This can be removed from the agenda.
- b.** Barry Peloquin, 59 Longmeadow Drive – commercial vehicles in a residential zone. Still waiting on a court date.

IV. Commission Business –

- A. Discussion of Air bnb's** – this item was moved to next month's meeting due to the length of the meeting tonight
- B. Letter from Archer Surveying requesting a 90 day extension on Mylar submission for Garceau/Fortier** – W. Hinchman made a motion to grant the 90 day extension. P. Deary seconded and it was approved.

V. Adjournment – Motion made by B. Champany to adjourn. R. Wishart seconded and the meeting adjourned at 8:47 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date approved:_____