

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
PUBLIC HEARINGS/MEETING MINUTES
WEDNESDAY, AUGUST 15, 2018 AT 7:00 PM
OLD TOWN HOUSE**

Meeting was opened by Vice Chairman Phil Allegretti at 7:03 pm. He also made a motion to seat L. Grossman for A. Benway and seat P. Mann for W. Hinchman. R. DiBonaventura seconded and it was approved.

I. Public Hearing –

A. Watercure Farm, LLC, 426 Mashamoquet Road, special permit application for farm distillery and farm store. Dan and Aubrey Nagy were present for the meeting. Dan spoke regarding the application. He stated the property is on the corner of Mashamoquet Road and Wolf Den Road. He said there will be a total of 10 parking spaces. The building will be built on a 24' by 32' slab foundation. The distillery will be in the back of the building, with the store in the front. Steve, who lives at 9 Wolf Den Road, said that there is a lot of water that comes off of the aforementioned property. D. Nagy said there will be erosion protection controls put in place. John Wolchesky of 293 Hampton Road feels that using Pomfret grown products to make additional products is a great thing. He said he just wanted to make sure the focus is on what he's growing. J. Rabbitt stated he had a draft letter with a favorable motion if the commission decides to approve. He stated that an ADA parking space will be provided. There will be underground utilities. Additional landscaping will be done with apple trees. The building is set back off of the road by 200'. The draft motion contains 9 items as conditions of approval. These 9 items were read into the record by J. Rabbitt. P. Allegretti asked what size sign Dan would be putting up. D. Nagy said it will be 8' by 2'. Phil also asked if he would be using the right-of-way to the Brooks house. Dan said yes. Chris Vargas of 90 Wolf Den Road asked about waster from the distillery. D. Nagy explained that with a distillery you ferment and the alcohol is put into the still which collects the spirits. There is a very low amount of odor, if any. C. Vargas then asked if there would be any noise from the still. D. Nagy said the still is very quiet, sort of like a water heater, and that they will be using a small furnace for heat. P. Allegretti asked about the hours of operation. D. Nagy said the right now he is planning on Thursday through Sunday 10 am – 6 pm. P. Mann asked if Dan had purchased the property yet. Dan said no, and that it hinges on the approval of the special permit for the distillery. At this point, First Selectman, Maureen Nicholson, stated for the record, that she believes that this is a benefit/assed to the Town and she is in favor of this application. Rhonda Brook of 426 A Mashamoquet Road approves of this application whole-heartedly. D. Nagy had submitted a waiver request. P. Allegretti read the waivers and other

defining information. B. Champany made a motion to close the Public Hearing. L. Grossman seconded the motion and it was approved.

- B. Town of Pomfret Planning and Zoning Commission, Five Haven Road,** regarding the “opt-out provision” contained in Public Act 17-155 regarding Temporary Health Care Structures. P. Allegretti stated that after the Planning & Zoning Commission acts on this issue, it goes to the Board of Selectmen for them to act on it. Planning & Zoning must make a recommendation to the BOS first. R. DiBonaventura stated that a 15 day deadline is impossible to meet. He feels we should opt-out. L. Grossman said he felt the deadlines were unreasonable. M. Nicholson said there is a need for these options for people in Town. She would like something passed in Town. P. Allegretti made a motion to close the Public Hearing. P. Mann seconded and it was approved.

II. Regular Meeting –

- A. Roll Call** –Chairman; P. Allegretti, Vice Chairman; R. DiBonaventura, Member; B. Champany, Member; R. Wishart, Member; L. Grossman. Alternate; P. Mann, Alternate. **Staff:** Ryan Brais, ZEO; and James Rabbitt Town Planner. **Absent:** W. Hinchman, A. Benway, Member; and M. Hart, Alternate.

- B. Items to add to the agenda – none.**

- C. Approve minutes of July 18, 2018–** L. Grossman made a motion to approve 7/18/18 minutes as submitted. Motion was seconded and approved.

D. Pending Application(s) –

- 1. Watercure Farm, LLC, 426 Mashamoquet Road,** special permit application for farm distillery and farm store. P. Mann made a motion to approve the application with the 9 conditions Jamie stated. R. DiBonaventura seconded the motion. Phil then mentioned that there were waiver requests from D. Nagy from Section 14.4.2. Jamie said he would support the waiver requests. L. Grossman made a motion in support of granting the waiver requests. B. Champany seconded the motion and it was approved. P. Mann withdrew his former motion to approve the application. R. DiBonaventura withdrew his second of the motion. J. Rabbit then stated that the submission of information for landscaping/buffer issues meets the intent of the regulations. P. Mann then made a motion to approve the special application with the site plan done by KWP and the following 9 conditions of approval: 1) A preconstruction meeting should be held with the Commission/Town staff (Planner, Engineer, ZEO, Building Official) with building contractor prior to any construction, grading and/ or excavation activity associated with the construction of the farm distillery; 2) Modify site plan to show ADA compliant space; 3) Modify site plans to clearly depict the installation of underground utilities; 4) Show drawings and samples of building materials including colors (markups) shall be submitted to staff and reviewed to determine compliance with Commission approval prior to installation; 5) Surety in the amount of \$500 (irrevocable letter of credit, performance/insurance bond and/or cash) shall be posted with the Town of Pomfret prior to any construction/deconstruction, grading, and/or excavation activity at the site for erosion and sediment control. The type of the final

surety shall be reviewed and approved by the Town Treasurer; 6) The applicant shall submit \$250 to the Town of Pomfret to be used as a deposit for site inspections associated with the site. However, the final dollar amount necessary to complete the inspection is subject to the actual time required to insure compliance with the approved site plan. Consequently, all costs associated with the review and inspection of the project with regards to compliance with the Planning and Zoning Commission's approved site plan is necessary to receive a Certificated of Zoning Compliance, which is required to receive a final Certificate of Occupancy shall be the responsibility of the applicant; 7) Minor field adjustments to grading and landscaping may be made based on field conditions upon written approval from the Town Planner, who has been given the authority on behalf of the Town's Planning and Zoning Commission to act on their behalf. The Town Planner cannot approve any change that jeopardizes the integrity of the original design (approved plans); 8) Final as-built should be submitted to the Town to determine compliance with the approved plans. As-built shall include final grades, landscaping, buildings, utilities (depth, size, location, type), and drainage. As-built may include additional information deemed necessary by town staff to determine compliance with approvals; and, 9) That all costs associated with the review and processing of the application shall be paid in full by the applicant prior to the signing of mylars and filing of a special permit. R. DiBonaventura seconded the motion and it was approved.

2. **Town of Pomfret Planning and Zoning Commission, Five Haven Road,** regarding the "opt-out provision" contained in Public Act 17-155 regarding Temporary Health Care Structures. P. Mann made a motion to "opt-out" of the provision in Public Act 17-155. B. Champany seconded. Discussion ensued. After discussion, the commission felt that although this is a good idea, they disagreed with the time constraints and felt that the State rules weren't feasible. Therefore, by unanimous vote, the commission chose to "opt-out" of Public Act 17-155. The commission would like to make sure this doesn't drop off of their radar.

II. **New Business**

A. Acceptance of New Application(s) – none

- B. Citizen's Comments** – John Ricciardelli, who recently moved to Pomfret, asked the commission about how to go about possibly being able to train dogs on his property. He has been a dog trainer for numerous years and he understands why there are restrictions in the regulations. He said he has 6 acres and it would be very micro dog training (private). There is already an existing 20' by 15' building on the property. The entire property is fenced in and there are 4 parking spots in front of the house. P. Allegretti stated that seeing this is not allowed under our regulations, he could try to change the regulations to allow dog training. He felt that John should schedule some time with the Town Planner (Jamie) and talk over how this might be done. He would need to discuss details and decide the scale of

his operation. R. DiBonaventura said that maybe you could limit the number of dogs per acre.

C. Correspondence –there were 3 letter from the Siting Council. One was regarding modifying the telecommunications structure at 398 Pomfret Street. One was the agenda for an upcoming meeting. The third was about the proposed tower on Ragged Hill. They are proposing 3 different locations at that site.

D. ZEO Report – Permits Issued:

43 Tyott Road – DelSanto – 24’ by 32’ pole barn

181 Mashamoquet Rd – Downer – 14’ by 24’ shed

Complaints/Violations

1. Barry Peloquin, 59 Longmeadow Drive – commercial vehicles in a residential zone. No improvement to conditions. Still awaiting court date. No updates.
2. Jamie Stately, 299 Hampton Road – special permit for tree removal business allowed for 3 unique vehicles/pieces of equipment. Complaint was received via neighbor regarding the number of trucks in the yard. As of tonight (8/15/18) there was a bucket truck, commercial dump truck, equipment trailer, skid steer, mason dump, and wood chipper on the property. Letter will be sent informing Mr. Stately that he is over the number of vehicles he is allowed on the property.

III. Commission Business –

- A. Discussion of Air bnb’s:** due to the extent of the public hearings, etc. tonight, the commission decided to table this discussion until next month
- B. Medical Pods:** this was discussed previously in the meeting. Jamie will write up a punch list for the September meeting to possibly change the regulations.

IV. Adjournment – B. Champany made a motion to adjourn. R. Wishart seconded. The meeting adjourned at 8:20 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date approved:_____