

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
PUBLIC HEARING/MEETING MINUTES
WEDNESDAY, APRIL 17, 2019 AT 7:00 PM
OLD TOWN HOUSE**

Meeting was opened by Chairman Walter Hinchman at 7:05 pm. P. Allegretti made a motion to seat P. Mann for A. Benway. R. DiBonaventura seconded the motion and it was approved.

I. Public Hearing-

A. **NELTA, Inc., 10 Murdock Road**, special permit application for a proposed crane training facility building and existing training building addition. B. Woodis of KWP was present to speak for the application, along with Rick Jackson who is the architect for the project. Bruce said the building is proposed for the south end of the campus. It will be 100' wide and 192' long. The front of the building will be offices and classrooms, with bathrooms and a small kitchenette. The rear section of the building will be for small crane training indoors. Discussion of placement of building (showed on map) and where septic and drainage will be. There will be five (5) doors that will open to allow the cranes access to the building. The addition for the other building is to add septic and water. They have already received NDDH and State Dept. of Health approval. The wetlands are upgrade from the crane training facility and they have already received Wetlands approval for this project. The building itself will be grey with a maroon roof and it will be a metal building. Rick Jackson said they are keeping it to look like what is on the property already. There will be fully insulated metal panels, which are ten (10) times better than the older buildings. There will be five (5) entry doors with a 40' clearance for the cranes to enter. They will have 15-25 students maximum at one time in two (2) separate classrooms and bathrooms. There will also be two (2) offices and a small kitchenette, all of which will be ADA compliant. P. Allegretti asked what type of cranes. R. Jackson said he believes they are run on propane. B. Smith of Babbitt Hill Road was a citizen at the meeting who asked if there would be any acoustic/noise on a regular basis. R. Jackson said the panels being used help to stifle noise and that propane cranes are very quiet compared to diesel cranes. B. Woodis mentioned that there is constant equipment traffic going on at the property (skid steer, forklift, etc.) and the noise from those pieces of equipment are noisier than anything that will be inside the building. R. Jackson agreed with B. Woodis on this point. J. Rabbitt mentioned that the doors are facing NW slightly, which is facing Babbitt Hill Orchard rather than Babbitt Hill Road. P. Allegretti asked how far the property line is from the splash pad. B. Woodis said it is 100-150'. P. Allegretti asked about the water runoff from the office building built two years ago. Jamie said the runoff goes to a settling basin in a State road. W. Hinchman said he felt that the only place where this building would be visible is east of the property. B. Woodis added that it would only be visible from the back of the house. P. Mann asked if when they drove around, did they get a view at the 35-40' height. B. Woodis said no. P. Mann thought they might have used a balloon. B. Smith asked about the capability of there being a larger prospect to this. R. Jackson said this is the only going up; they are renovating the existing training building. B. Woodis said that he is not aware of any other long-term goals. He mentioned that page 3 of the plans shows the addition to the existing building. P. Mann asked why the addition needs a special

permit. Jamie said the criteria for the special permit is (1) it's an educational facility, and (2) the height of the building. P. Allegretti asked about a landscape plan. B. Woodis said there is no plan. He asked for a waiver of that as well as other waivers. Jamie then asked about the references on applications being referred to as NELTA and the references on maps being referred to as LIUNA. Is there a correct one to use? B. Woodis said we could use NELTA/LIUNA. B. Champany made a motion to close the public hearing. R. Wishart seconded the motion and it was approved.

II. Regular Meeting –

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

B. Items to add to the agenda –

C. Approve minutes of March 20, 2019– P. Allegretti made a motion to approve the minutes as submitted. B. Champany seconded the motion and it was approved. There was one abstention.

D. Pending Application(s) –

1. NELTA, Inc., 10 Murdock Road, special permit application for a proposed crane training facility building and existing training building addition. Jamie referred to the application as having one outstanding item – waivers. The waiver request was read by W. Hinchman into the record. Request was for waiver of Section 14.4.2 c, d, h, j, k, l, o, y, aa, bb, and cc. Also requested was Section 14.6.8 Landscape/Screening. P. Allegretti made a motion to approve the waivers as requested in the letter from KWP dated 2/20/19. R. DiBonaventura seconded the motion and it was approved. P. Allegretti then made a motion to approve the application of NELTA for a new crane building and addition stated in the letter dated 4/16/19 from Jamie, with the conditions of approval including an added condition, as follows: 1) A preconstruction meeting should be held with Commission/town staff (Planner, Engineer, ZEO, Building Official) and with building contractor prior to any construction, grading and/or excavation activity associated with the construction of the office; 2) Full architectural rendering (24"x36" – Mylar) shall be filed as part of the special permit and plan set in addition to the site plan; 3) Plans are to be revised to stipulate that a Petroleum emergency spill kit will be kept inside the building at all times; 4) Shop 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 \$4,000 (irrevocable letter of credit, and/or cash) shall be posted with the Town of Pomfret prior to any construction/deconstruction, grading and/or excavation activity at the site. In addition to the \$4,000 surety, \$1,000 in cash (bank check) shall be given to the Town of Pomfret and held as an emergency contingency fund. The type of final surety shall be reviewed and approved by the Planning & Zoning Commission's legal counsel; 6) The applicant shall submit \$1,200 to the Town of Pomfret to be used as 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 & Zoning Commission's approved site plan is necessary to receive a Certificate 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 & 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, curbing, landscaping, buildings, signage, utilities (depth, size, location, type) and drainage. As-built may include additional information deemed necessary by town staff to determine compliance with approvals; 9) Prior to issuance of a certificate of zoning compliance, which is required in order to receive a certificate of occupancy from the Town's Building Official, they shall receive a permit to discharge from the appropriate regulatory authority (i.e., Northeast District Department of Health and/or the State Department of Energy and Environmental Protection (DEEP); 10) The applicant shall receive approval from the Northeast District Department of Health, State of Connecticut Department of Public Utilities, and/or State of Connecticut Department of Health for water supply or other appropriate authority prior to the issuance of a certificate of occupancy. Any required and/or appropriate easement agreements shall be filed with the Town regarding water supply; and 11) 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.

III. New Business

A. Acceptance of New Application(s) – none

B. Citizen's Comments –

1. Darlene Ignacio of 73 Fox Hill Road was present regarding letter they received about the shipping containers on their property. Darlene had her husband Isaac on the phone during this part of the meeting. They said they are working at getting rid of the containers and one of them is already gone. She wanted to know if the regulations could be changed so that they containers could be used. Ryan said that shipping containers are industrial in nature and not residential. Walter wondered if there was a way to find something out about this. Jamie stated that he has seen a shipping container skimmed with siding and a roof on them.

C. Correspondence – there were two letters from the CT DOT. One was for a shared driveway, letter dated 3/20/19 and one for a proposed driveway, letter dated 4/8/19. Both items were denied by the DOT. Jamie will do a follow-up regarding this.

D. ZEO Report – Permits Issued:

288 Orchard Hill Road – Hill Top Builders – New house
69 Jericho Road – Shawn Densmore – 20'x20' deck and 20' porch
92 Chase Hill Road – Thomas Shippee – Solar Array

1. Complaints/Violations
 - a. Barry Peloquin, 59 Longmeadow Drive – commercial vehicles in a residential zone. A stipulated judgment has been reached. All vehicles (commercial) must be removed by December 31, 2018. Mr. Peloquin will pay the Town \$2,434.00 for legal fees. Any future violations of this judgment will result in a \$250 per day fine. There was a difference of opinion between Mr. Peloquin and the ZEO regarding what vehicles were allowed on the property. The gooseneck trailer M35 cargo truck and a grey GMC remained. A court hearing was held March 11, 2019. We came to an agreement that the GMC could remain. It is only a C-20

(equivalent to the 2500). The trailer and M35 are to be removed by May 31st. Nothing new (4/17/19).

- b. Intersection of Paine and Fay Roads: complaint received regarding a camper being used for a home (submitted to Wetlands Commission). Ryan brought this over to the P&Z commission. Camper as dwelling – property has been surveyed and the owners are in the process of laying out the house and septic on plans to receive a zoning permit. Once zoning and building permits are obtained, an application for the temporary trailer will be submitted (4/17/19).
- c. 73 Fox Hill Road; there are two overseas shipping containers being used as sheds, which is not allowed. A warning letter has been sent. They are in the process of selling these containers, as noted in a letter received from the owners. They also want the record to show that they learned about the Commission's discussion through a friend who read the minutes. They had not received the letter that was sent due to an incorrect mailing address. Note discussion with Darlene Ignacio previously under citizen's comments (4/17/19).
- d. 433 Wrights Crossing Road, advertised wedding venue – a letter sent was simply an FYI that they are not allowed to operate as an events venue. Have not heard from them. Nothing new (4/17/19).

IV. Commission Business –

- A. **Need to discuss and decide what to do with the Planning and Zoning fund balances** that were distributed to Walter and Jamie at the last meeting. Walter is going to contact the clerk next week to finish up this list.
- B. **Discussion of Air bnb's** - this was tabled until next month
- C. **Medical Pods** - this was tabled until next month

V. Adjournment – B. Champany made a motion to adjourn. P. Mann seconded. The meeting adjourned at 8:26 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date approved:_____