

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
PUBLIC HEARING/MEETING MINUTES
WEDNESDAY, OCTOBER 16, 2019 AT 7:00 PM
OLD TOWN HOUSE**

Meeting was opened by Chairman Walter Hinchman at 7:00 pm.

I. Public Hearing –

- A. Town of Pomfret, 5 Haven Road**, text amendment regarding agriculture. This application was withdrawn by the First Selectman.
- B. Alan Bundy, 203 Orchard Hill Road**, special permit application for the addition of a 12' x 26' lean-to onto a barn. Mr. Bundy was present. This application had previously been discussed at our prior meeting in September. The commission members had no additional questions regarding the application. W. Hinchman made a motion to close the public hearing. It was seconded by P. Allegritti and approved.

At this point, the commission seated P. Mann for A. Benway.

II. Regular Meeting –

- A. Roll Call** – W. Hinchman, Chairman; P. Allegritti, Vice Chairman; R. DiBonaventura, Member; B. Champany, Member; R. Huoppi, Member; R. Wishart, Member; L. Grossman, Alternate; P. Mann, Alternate; and Staff: James Rabbitt Town Planner and Ryan Brais, ZEO. **Absent:** A. Benway, Member; and M. Hart, Alternate.
- B. Items to add to the agenda** – **Atty. David Brunelle** would like to speak to the commission regarding issues at 253 Pomfret Street. We returned to this item after item D2 in this section of the agenda. The attorney stated that the new homeowners can't get their construction loan turned to a regular mortgage without a TCO or CO. They are stuck. P. Mann asked if the property had met all the zoning issues. Ryan said no, there are outstanding issues, as follows: 1) The \$5000 fee-in-lieu-of payment needs to be made; 2) no as-built has been submitted for the property; 3) they have not installed the conservation easement posts; and, 4) there was no driveway apron. Jamie then said that regarding authority, the as-built can be submitted by the builder or the homeowner. There should've been a fee for transfer of title. The homeowners may need to re-apply to modify the prior approved application. R. DiBonaventura said that if the homeowners are willing to pay the \$5,000, they should pay it up front. D. Brunelle told the commission that the builder is being sued by the homeowners. P. Mann stated that the title had not yet been transferred, to which D. Brunelle replied that it had been transferred and the contract states that the seller (J. Fahey) will provide the CO. Mr. Brunelle thanked the commission for their time and input regarding this situation.
- C. Approve minutes of September 18, 2019**– W. Hinchman suggested someone make a motion to approve the minutes of 9/18/19. P. Allegritti moved to approve the minutes as submitted. B. Champany seconded and it was approved. There was one abstention.
- D. Pending Application(s)** –
 - 1. Town of Pomfret, 5 Haven Road**, text amendment regarding agriculture. This item was withdrawn.
 - 2. Alan Bundy, 203 Orchard Hill Road**, special permit application for the addition of a 12' x 26' lean-to onto a barn. Jamie stated that the purpose of this application was

clear because the lean-to pushed the barn over the 800 sq. ft. limit; therefore, the public hearing for a special permit. B. Champany made a motion to approve the special permit application for a 12' x 26' lean-to addition onto the barn. P. Mann seconded the motion and it was approved.

III. New Business

A. Acceptance of New Application(s) –

1. **Mark Skarani, 532 Taft Pond Road**, special permit application for the construction of a 30' x 96' barn. P. Mann made a motion to accept the application. B. Champany seconded and it was approved. W. Hinchman motioned to schedule a public hearing for 11/20/19 at 7 pm. P. Mann seconded the motion and it was approved.
2. **LIUNA/NELTA, 10 Murdock Road**, special permit application for proposed additional paved driveway and additional parking to proposed crane building. Bruce Woodis from KWP was present for the application. The applicant found that they needed more areas to park. There will be approximately 300' of driveway and 12 additional parking spaces added. P. Mann made a motion to accept the application. P. Allegretti seconded the motion and it was approved. W. Hinchman motioned to schedule a public hearing for 11/20/19 at 7 pm. P. Mann seconded and it was approved.

B. Citizen's Comments – none

C. **Correspondence** –there was a letter addressed to R. Brais regarding B. Peloquin, which Walter read into the minutes. After discussion, clerk was told we need to do a caveat on the land records for this issue.

D. ZEO Report – Permits Issued:

153 Angel Road – two decks

1. Complaints/Violations

- a. Barry Peloquin, 59 Longmeadow Drive – commercial vehicles in a residential zone. The trailer and M35 were to be removed by May 31st. M35 military truck is still in the rear of the property. Counsel is preparing to file for contempt of a court order due to the following: failure to remove the M35 military cargo truck from the property; failure to make restitution to the Town in the amount of \$2,434.42 by June 1, 2019; and a caveat needs to be filed on the land records (10/16/19).
- b. Intersection of Paine and Fay Roads: camper as dwelling – nothing new. Ryan received a site plan. Waiting on permits to be submitted (10/16/19).
- c. 73 Fox Hill Road; there are two overseas shipping containers being used as sheds, which is not allowed. One box has been removed. They are working on removing the other. Further discussions have been had with the owner on moving towards a new house (10/16/19).

IV. Commission Business –

A. **Planning & Zoning fund balances** – only 2 major ones to work on

B. **Discussion of Air bnb's** – Jamie said Rich laid out some groundwork regarding this issue and he is now editing Rich's work. Jamie said that B&B's and Country Inns serve food, but Air BnB's only have a room. He is trying to simplify the process. R. Huoppi asked if we should be worried about the serving of food. Jamie said the facility is not to serve food. B. Champany questioned Section 12.22.2g because what if you get a whole house and it has 3 bedrooms? P. Allegretti said that the person listing usually states how many people can stay in the air bnb and it is usually in the rental agreement. P. Mann said he doesn't see how we could limit it to 2 bedrooms. Jamie then said that 12.22.2g could be

removed. B. Champany then asked if we could modify this so that there are 2 people per bedroom. R. DiBonaventura said we need to get rid of the number of bedrooms but not the number of days per year. P. Mann said he feels we need to put the responsibility on the owners. R. Huoppi said it seems that the owner has a vested interest and would police the property. R. DiBonaventura then said that maybe there could be two adults maximum per rental room. P. Allegretti thinks that it should be removed completely. It was decided to strike Section 12.22.2t from the document. W. Hinchman stated that a standard zoning permit is \$110.00. Do we need to discuss this further? R. DiBonaventura said we need to clean up this document and then have a public hearing. P. Allegretti said he thought a workshop with Air BnB owners already active in Town would be a productive thing to do. R. DiBonaventura said if we clean it up and look at it next month, then we could schedule a workshop. P. Allegretti mentioned a part Section 12.22.2a regarding no having any outside employees. He felt that most people would probably have someone who comes in to clean the rooms, to do landscaping, and plowing snow, etc. It was decided to strike out the part of Section 12.22.2a that states there shall be no outside employees.

C. Medical Pods - this item can be removed from the agenda for now

V. Adjournment – B. Champany made a motion to adjourn. R. Huoppi seconded. The meeting adjourned at 8:14 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date approved: _____