

TOWN OF POMFRET
PLANNING & ZONING COMMISSION
JUNE 16, 2021, PUBLIC HEARING/MEETING MINUTES

Prior to the Public Hearing, P. Allegritti made a motion to seat P. Mann for J. Rivers. R. Huoppi seconded. R. DiBonaventura made a motion to seat L. Grossman for N. Stellitano. P. Allegritti seconded. All in favor. L. Grossman was unseated as N. Stellitano was in attendance.

I. Public Hearing

- A. Watercure Farm, 426 Mashamoquet Road,** proposed text amendment to the Town's Zoning Regulations to allow Farm Distilleries to sell and serve food and beverage prepared on site and develop facilities to hold special events (i.e., wedding, dinners, luncheons, corporate parties) with up to 200 guests. The proposed text amendment includes provisions to allow special events to be held until 10:00 pm and include a provision to allow outdoor music. D. Nagy discusses the differences between the two drafts he submitted. Jamie discussed the changes made to Provision A which prohibits serving alcoholic beverages not produced on site. Provisions B and C are for possible future special permits to serve liquor. Alcohol may not be served at an event that is not produced on site. Under Section 12.24.3 there will be an Item G added as follows: the service of alcoholic beverages not produced on site is prohibited. M. Washburn asked if they would be able to sell by the glass as a drink. J. Rabbitt said customers are only allowed 2 ounces per day. F. Fay asked is anyone could sample 12 of the 2-ounce samplings. Jamie said the limit is on the 2 ounces (it depends on the size of the sample i.e., tsp, etc.) D. Nagy said he has a sample menu with a limit of 1 flight/cocktail (1/2 oz. pours have a limit of 4). They only serve cheese and crackers. E. Sistare asked about liquor license rules. R. Brais said that the Town regulations mimics State law. Jamie said that if the State went to 4 ounces, the applicant couldn't go to 4 ounces because the regulations state 2 ounces. M. Washburn said that she is an abutter, ZEO, and registered soil scientist and applaud their agricultural approach, but she is opposed to outdoor music. It would be like a nightclub being dropped in the center of an agricultural area. She is very concerned about the decibel level and asks that the commission not approve the application. Jamie mentioned that the regulations will be modified that any proposed Farm Distillery Restaurant under 10 acres can't have outdoor music. M. Washburn then said OK. R. Wishart made a motion to close the public hearing. P. Mann seconded. All in favor.
- B. Lance Sistare for Big Boy's Toys, LLC, 341 Orchard Hill Road, 30' x 60'** addition to match existing building. Jamie mentioned receiving a written request for a waiver of Section 12.2.4 a-cc. R. DiBonaventura asked the commission if they felt they had enough information to make a decision. Jamie answered yes. B. Champany made a motion to close the public hearing. P. Mann seconded. All in favor.
- C. Jason & Kristin Allard, 12 Putnam Road,** special permit application for therapist office on 1st floor and residence on 2nd floor. J. Allard turned in the CRR cards.

P. Allegretti asked if the signs were going to change. J. Allard said they're going to use the existing post but there will no signs on the building. B. Champany made a motion to close the public hearing. P. Mann seconded. All in favor.

- D. Woodstock Building Associates for Peter Trudo, 2 Evelyn Circle, special permit for an in-law apartment.** D. Porter was present and requested that the commission continue the public hearing to their next meeting. He mentioned that if the new regulations went through, it would become as-of-right. P. Mann made a motion to continue the public hearing until the July 21st meeting at 7pm. R. Huoppi seconded. All in favor.

II. Regular Meeting

- A. Roll Call** – R. DiBonaventura, P. Allegretti, R. Huoppi, R. Wishart, B. Champany, N. Stellitano, L. Grossman P. Mann, R. Brais, J. Rabbitt, D. Nagy, M. Nicholson, F. Fay, D. Porter, M. Washburn, and E. Sistare. Absent: J. Rivers and M. Hart.

- B. Items to add to the agenda** – addition of 3 applications from P. Archer. Ryan gave an overview of the 3 applications, one of which is a re-subdivision at 73 Cooney Road. There were 2 other special permit applications for a rear lot and a shared driveway. It was decided that a special permit for a shared driveway was unnecessary. P. Mann made a motion to set a public hearing for Robert & Joan Macneil for a re-subdivision for July 21. R. Wishart seconded. All in favor. P. Mann made a motion to schedule a public hearing for Robert & Joan Macneil for July 21 for a special permit for a rear lot from a 2-lot re-subdivision. R. Wishart seconded. All in favor.

Also, the First Selectman would like to go to executive session regarding two real estate items.

- C. Approve minutes of meeting of May 19, 2021** – P. Allegretti made motion to approve the minutes as amended. P. Mann seconded. All in favor. There was one abstention.

D. Pending Applications:

- 1. Watercure Farm, 426 Mashamoquet Road,** proposed text amendment to the Town's Zoning Regulations to allow Farm Distilleries to sell and serve food and beverage prepared on site and develop facilities to hold special events (i.e., wedding, dinners, luncheons, corporate parties) with up to 200 guests. The proposed text amendment includes provisions to allow special events to be held until 10:00 pm and include a provision to allow outdoor music. P. Allegretti assumed this would be a small change but has evolved into a difficult amendment. R. DiBonaventura felt it should mirror Farm Winery Restaurant but it was difficult. The amendment works for him if it works for the applicant. P. Mann is not totally convinced that it is a good thing because we could have these popping up all over. We need to be very stringent when doing special permits. R. DiBonaventura mentioned that we could eventually go back into the Farm Winery Restaurant and adjust the regulations. R. Wishart said this is mirroring winery restaurants and it is only the 2nd request for something similar. P. Allegretti made a motion to approve the text amendment as submitted with adding Item 12.24.3 g and no to the option on

page 3. B. Champany seconded the motion. P. Allegretti said he has no problem with the text amendment, but it all comes down to the particulars (i.e., parking, acreage, etc.). P. Mann stated that this is for a Farm Distillery Restaurant; you can still have a distillery on 5 acres. P. Allegretti stated that during the special permit hearing we can get the applicant to make changes. M. Nicholson said that a lot of changes and compromises have already been made by the Nagy's and that traditional farming does not exist anymore. R DiBonaventura said that for the last 3 months, no one spoke up against the use (lot size was mentioned as was noise); music was the biggest issue. R Brais said the original amendment had live music and tonight that was changed. It can always be modified. A vote was taken, and the motion carried.

2. **Lance Sistare for Big Boy's Toys, LLC, 341 Orchard Hill Road**, 10'x60' addition to match existing building. Jamie said that all is in place and the abutters were notified. P. Allegretti made a motion to approve the waiver of Section 12.2.4 a-cc. P. Mann seconded. All in favor. P. Allegretti made a motion to approve the application. P. Mann seconded. All in favor.
3. **Jason & Kristin Allard, 12 Putnam Road**, special permit application for therapist office on 1st floor and residence on the 2nd floor. It is an existing facility, and all is in place. Need written request for waiver of Section 12.2.4 a-cc from the applicant. This is in line with the prior use. P. Mann made a motion to approve the waiver of Section 12.2.4 a-cc. P. Allegretti seconded. All in favor. P. Mann made a motion to approve the application. B. Champany seconded. All in favor.
4. **Woodstock Building Associates for Peter Trudo, 2 Evelyn Circle**, special permit for an in-law apartment. This was continued to the July 21 meeting.

III. New Business

A. Acceptance of New Applications –

B. Citizen's Comments –

C. Correspondence – none

1. ZEO Report – Permits Issued:

- a. 73 Fox Hill Road – temporary CO for 60 days (remove trailer and storage container)

2. Complaints/Violations

- a. Barry Peloquin, 59 Longmeadow Drive, no change to property. Ed Higgins stated that the courts should be open around the end of May. Ryan and Atty. Higgins are sending a C&D letter out to the new property owner of record.
- b. Intersection of Paine and Fay Roads – nothing new
- c. 73 Fox Hill Road – nothing new
- d. 4 Nora Lane – P. Allegretti asked where we go from here; should we go into executive session? J. Rabbitt said there's possible litigation that could be discussed in executive session. The fines could be substantial. WE should double check with legal counsel. He is operating without a CO or Certificate of Compliance for over a year. P. Allegretti mentioned that the

lights are a quality-of-life issue. P. Mann asked why weren't we trying to get him to comply? J. Rabbitt thought we should have R. Brais seek guidance from Atty. Higgins. P. Mann made a motion to have Ryan speak to Atty. Higgins and then have an executive session. P. Allegetti seconded. All in favor.

- IV. Commission Business** – R. DiBonaventura asked the commission members how they feel about going back to full in-person meetings or continue with the hybrid meetings. The commission preferred to go to in-person, so we will now be meeting in-person at the Senior Center at 7pm on the 3rd Wednesday of the month.
- V. Executive Session-**
 - A. Possible acquisition of property** – out of executive session at 8:41
 - B. Possible litigation** – into executive session at 8:45 and out at 9:06pm
- VI. Adjournment**– B. Champany made a motion to adjourn. P. Mann seconded the motion. All in favor. Meeting adjourned at 9:08 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Dated: _____