

TOWN OF POMFRET
PLANNING & ZONING COMMISSION
AUGUST 18, 2021, PUBLIC HEARING/MEETING MINUTES

Prior to the Public Hearing, P. Allegretti made a motion to seat P. Mann for J. Rivers and L. Grossman for R. Huoppi. B. Champany seconded. All in favor.

I. Public Hearing

- A. Robert & Joan Macneil, 73 Cooney Road**, application for a 2-lot re-subdivision. P. Archer, B. DeLuca, and Mr. & Mrs. Macneil were present. P. Archer explained that they wished to divide this property into two lots, one being 3.29 acres and the other 8.42 acres. There are no wetlands on the property. He showed the possibility of a new driveway. The Macneils are not looking to sell either lot. They are planning to build a single floor home for themselves. They have agreed to submit an open space fee of \$4,500 if they change ownership of the property within 5 years. B. DeLuca of CA Engineers spoke regarding his design for the septic system and a potential driveway for the new rear lot. P. Allegretti asked what soil types in the potential driveway area. B. DeLuca said it's bony, like rock or ledge. B. Champany then made a motion to close the Public Hearing. R. Wishart seconded. All in favor.
- B. Robert & Joan Macneil, 73 Cooney Road**, special permit application for a rear lot from a 2-lot re-subdivision. The commission felt they had enough information from the previous application. P. Mann made a motion to close the Public Hearing. B. Champany seconded. All in favor.
- C. Michael Wolchesky, Mashamoquet Averill Roads**, 3-lot subdivision. Haven't received DOT and NDDH responses yet. P. Allegretti made a motion to continue this Public Hearing until our September 15th meeting at 7pm. P. Mann seconded. All in favor.
- D. Wayne Orlowski for Peter Schultz, 69 Ragged Hill Road**, special permit for a 22' x 46' building. Present for the application was W. Orlowski, Kate and Marc Cerrone, and W. Rucki. The applicant is looking to put up a 3 stall, single floor garage. There are no wetlands. There will be a new driveway and it will be a carriage style 3-car garage. The Cerrone's wished to know the distance between the garage and the property line. W. Orlowski said it is 50-60 feet and there is no encroachment. R. Brais said the driveway can be 10 feet off the property line. K. Cerrone asked if there were any trees being removed. W. Orlowski said 3-4 trees will be removed. M. Cerrone asked in which direction the garage will be facing. W. Orlowski said it will face Ragged Hill Road). W. Rucki asked if he could take a closer look at the plans. W. Orlowski brought plans to show him. He explained that this application had to be by special permit because of the size of the garage. Anything over 800 square feet has to have a special permit and public hearing. W. Rucki asked if he could take a photo of the plans. It was approved, so he took pictures. Then M. Cerrone asked if he could do the same and he did. P. Mann moved to close the Public Hearing. R. Wishart seconded. All in favor.

E. J.A.S. Design & Screen-Printing Studio, 589 Pomfret Street, special permit application for a manual screen-printing, embroidery, graphic/web design, sublimation/heat press products, and photography. Keeping with the theme of the house, we plan to maintain the garden and presence that Martha's Herbery had by offering small gatherings like baby/bridal showers, yoga, etc. in the garden area. Seth Jarret and Shannon Malloy were present to speak for the application. James & Kathleen Kasdorf were also present. They said that their customers will only come into the building through the back. Their business will be in the carriage house. P. Allegretti asked if they had a site plan. S. Jarret said that there are no changes to the inside of the building and the parking will remain the same. He went on to explain the lay-out of the building. N. Stellitano asked how they would do baby showers? S. Jarret they will continue as Martha's Herbery did by using the garden. J. Rabbitt said this is an existing non-conforming, single-family home with retail and outdoor events (in-line with the historical use of the property). He said there are 15-16 parking spaces available. James & Kathleen Kasdorf said that they approved of the use. They are neighbors to the property. L. Grossman asked about using the carriage house and abandoning use. J. Rabbitt said the commission would have to determine an intent to abandon use. K. Kasdorf asked if the carriage house is separate. S. Jarret said that that the carriage house is not separate, it is attached to the back of the house. P. Mann made a motion to close the Public Hearing. B. Champany seconded. All in favor.

II. Regular Meeting

A. Roll Call – R. DiBonaventura, P. Allegretti, B. Champany, R. Wishart, N. Stellitano L. Grossman, P. Mann, R. Brais, M. Nicholson, D. Merriam, D. Porter, C. Tracy, B. Woodis, S. Jarret, and S. Malloy. Absent: R. Huoppi, J. Rivers, and M. Hart.

B. Items to add to the agenda – none

C. Approve minutes of meeting of July 21, 2021 – P. Allegretti made motion to approve the minutes as amended. B. Champany seconded. All in favor. There were two abstentions.

D. Pending Applications:

- 1. Robert & Joan Macneil, 73 Cooney Road,** application for a 2-lot re-subdivision. P. Mann made a motion to approve the application for a 2-lot re-subdivision. B. Champany seconded. J. Rabbitt said he has 2 conditions of approval for this application; (1) all new utilities shall be underground; and, (2) accepted appraisal of the lot at \$45,000, a fee in lieu of open space will be due when the property is transferred to another owner, subject to the exemptions. This is to be placed on the mylars and land records. P. Allegretti amended the motion. R. Wishart seconded. All in favor.
- 2. Robert & Joan Macneil, 73 Cooney Road,** special permit application for a rear lot from a 2-lot re-subdivision. P. Mann moved to approve the special permit application for a rear lot from the 2-lot re-subdivision. R. Wishart seconded. J. Rabbit said it is consistent with zoning and the neighborhood (in like, kind, and character) with the criteria in the special permit. Site plan

was accepted and there are no conditions of approval. N. Stellitano asked what you would look for that would preclude the commission from approving this application. J. Rabbitt said intense grading and manipulation of the lot with harmony to the area. Vote was taken all were in favor.

3. **Michael Wolchesky, Mashamoquet Averill Roads**, 3-lot subdivision. Haven't received DOT and NDDH responses yet. This was continued to the September 15, 2021, meeting.
4. **Wayne Orlowski for Peter Schultz, 69 Ragged Hill Road**, special permit for a 22' x 46' building. J. Rabbitt said there is sufficient information for criteria with the understanding that the outbuilding cannot be used for a living area. He mentioned that the commission needed a waiver request from Mr. Orlowski. W. Orlowski wrote a request for the waiver of site plan in Section 14.4.2 a-cc of the regulations and submitted it to the commission. P. Mann made a motion to approve the special permit application for a 22' x 46' building, not to be used for residential purposes, and the waiver of Section 14.4.2 a-cc of the regulations. R. Wishart seconded. All in favor.
5. **J.A.S. Design & Screen-Printing Studio, 589 Pomfret Street**, special permit application for a manual screen-printing, embroidery, graphic/web design, sublimation/heat press products, and photography. Keeping with the theme of the house, we plan to maintain the garden and presence that Martha's Herbery had by offering small gatherings like baby/bridal showers, yoga, etc. in the garden area. J. Rabbitt said he had a couple of items that are needed. A waiver request for Section 14.4.2 a-cc of the regulations is required, and the applicant should have a sketch/site plan to submit. There is not going to be any revisions to the signage; would the commission be comfortable with Staff approving the new sign? They can use the same size sign that was there (like, kind, and quality). R. Brais can do the approval. R. DiBonaventura noted that the applicant has submitted the waiver request of Section 14.4.2 a-cc. B. Champany made a motion to approve the application. R. Wishart seconded. All in favor.

III. New Business

A. Acceptance of New Applications – none

B. Citizen's Comments – none

C. Correspondence – none

1. ZEO Report – Permits Issued: - none

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. Ryan had a meeting with Atty. Higgins and Atty. Cotnoir on July 16th. Atty. Cotnoir will be taking over the case. He is researching the best strategy to bring the new property owner into the process (7/21/21). Nothing new (8/18/2021).

- b. 73 Fox Hill Road – the new house is complete. A temporary C.O. has been issued while the mobile home is being removed (7/21/21). Nothing new (8/18/2021).
- c. 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. Allegretti seconded. All in favor. Atty. Cotnoir will be taking over this issue. He and Ryan are strategizing on the best avenue to handle this matter (7/21/21). Ryan took photos at M&E to show the issues that are outstanding. Atty. Cotnoir is going through the minutes and will look at photos and decide from that what he is going to do. They still have not complied with the lighting (they have spotlights which weren't approved) and the landscaping does not comply either.

IV. Commission Business –

A. Addition to the September 15, 2021, Agenda

- 1. 8:00 PM Workshop with Dwight Merriam** – discussion and review of the amendment to the regulations regarding ADU's (Accessory Dwelling Units).

B. Adjournment– B. Champany made a motion to adjourn. P. Mann seconded the motion. All in favor. Meeting adjourned at 8:15 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Dated: _____