

**TOWN OF SOMERS
PLANNING COMMISSION
P.O. BOX 308
SOMERS, CONNECTICUT 06071**

**PLANNING MINUTES
REGULAR MEETING
THURSDAY, APRIL 12, 2007
7:00 P.M. TOWN HALL**

I. PUBLIC HEARING

a. Continuation: Subdivision Application #398, 10 Lots (Stone Crossing) 185 Stafford Road, Mink Farm Associates, LLC

Vice Chairman Cliff Bordeaux opened the public hearing at 7:04 p.m. Patrice Carson explained that there has been a Connecticut Supreme Court Case ruling that continuances of public hearings are not published in the newspapers anymore. Only notice of the meeting in which a public hearing is opened is published. For this reason, the town has been advised by its attorney to no longer publish public hearing continuances in the newspaper. She explained that there is legal risk exposure resulting from this because if a notice is published incorrectly or late, the town may be held liable. Neighbors within 200 feet of the property to be subdivided are still always notified by mail in accordance with the Town's regulations.

Town Sanitarian Steve Jacobs has requested that test pit information, locations and feasibility study results for Lot 4 be included on the plans. This has been done.

The erosion control officer's main concern was that stormwater quality meet state requirements. Town Engineer Merv Strauss explained that 80% of the total suspended solids are required to be removed from the stormwater. This involves a 20-foot round septic-type system separated into 2 basic compartments. One compartment separates out the oil and the other separates out the sediment, with a metering system that takes out the first part of the storm and bypasses the larger flows. All changes that are required have been made and the system now meets with approval.

All other staff comments have been addressed. There were no comments from the audience.

A motion was made by Joe Iadarola, seconded by Brad Pellissier and unanimously voted to close this portion of the public hearing at 7:15 p.m.

b. Special Use Permit Application for Age Restricted Housing, Eleanor Road, Eleanor Road, LLC

Vice Chairman Cliff Bordeaux opened the public hearing at 7:16 p.m. and the legal notice was read.

Karen Usherwood, a Project Manager with Design Professionals as the civil and traffic engineers and the

landscape architect explained that the parcel is a 22½ acre parcel located at the end of Eleanor Road.

There will be 17 units of privately owned homes to be maintained by a common homeowners association. There will be 11 buildings, five of which will be duplexes. Sixteen of the 1,780 square foot units include 2 bedrooms and a 2-car garage. One unit has one bedroom and is 1,650 square feet and has a one-car garage. There will also be five 2-bedroom detached units. All of the units have full basements and have one-floor living areas with consideration given to future interior renovations to provide for accessibility for people with physical limitations.

Access to the site will be via Eleanor Road onto a 24-foot wide private road terminating in a cul-de-sac. There will be no-parking signs along one side of the road as required for all roads that do not maintain 26 feet minimum width. There will be 4-foot wide concrete sidewalks along the western side of the road. The sidewalk where it enters the site will be connected to a proposed 6-foot wide bark mulch trail containing approximately 3,000 linear feet, which is approximately .55 miles.

They are proposing 13 light poles 14 feet in height. The site will have public water. There is existing water located farther south at the intersection with Route 190. As part of the original subdivision plan, they were going to extend the water along Eleanor Road to service the 3 sites. The design was submitted to the Connecticut Water Company, the town and the fire marshal and hydrants have been placed on the plans in accordance with their recommendations. They are proposing extending a 12-inch main to where it extends with Eleanor Lane, where it will be brought down to an 8-inch main along Eleanor Road until it reaches the site. There the 8-inch main will continue to where it will serve the site. It was requested by the Water Company that a loop be put in for the water service for Gillette Crossing off to the northwest. They are providing the appropriate easement for this and it will be the responsibility of the owners on Gillette Crossing to extend their main from their roadway to meet up with this property line.

All utilities will be situated underground. The units will be served by private septic systems located behind the units on the west. The units to the east have wetlands behind them and therefore their systems will be crossing under the road and tying into the systems across the street. The state has been sent the plans for review and approval. She has not yet received written comments from them but has been notified that they are requesting changes because of the depths associated. Design Professionals has developed a remedy to the state's request which will meet the code, and they will make the necessary modifications to address the comments prior the continuation of this hearing.

A traffic study was done in 2006, noting peak traffic times. This type of development, when looking at a straight condominium use which is the closest thing available to age-restricted housing use, is a very low traffic generator for the 22½ acre parcel. They are looking at 13 vehicle trips during morning peak travel time. That increases in the afternoon peak to 14 vehicles. With the development, they are looking at only a 2% increase.

Drainage will consist of catch basins in the roadway to catch runoff. Within these is an underground pipe drainage system that will move the runoff down toward a micro-pool extended detention water quality basin designed to meet the criteria of the Connecticut 2002 Erosion Control Guidelines and the Connecticut Storm Water Quality Manual. They have received wetlands approval for the application.

She discussed the planting schedule including the foundation plantings. The street trees will include oak and ash. The foundation plantings include crabapples, daylillies, Japanese holly, junipers and fountain grass. Additional plantings have been requested along the basin. They will use natural plants to take care of insect pests and attract birds. The plants are non-invasive and native.

She has spoken with the Fire Chief and sample “no parking” signs have been placed on the plans to show where they are intended. If these locations meet the Fire Chief’s approval, then the remaining signs will be included on the final plans. It has also been requested that a statement be placed on the plans indicating that the section of the roadway is a private road which is not going to be maintained by the town.

Merv Strauss has requested that wire mesh be placed in the sidewalks to prevent cracking. The applicant has agreed to do this.

The plans are required to have 2,000 square feet of recreational space per unit, which means that they will need to have 34,000 total. She has identified the total area on the plans but it does not meet the requirement. She will be addressing this and modifying the plans accordingly by the next meeting. She requests that she could see how the previously approved age restricted housing site designated their area, in an effort to help her meet the current requirements.

They have included a paved turnaround section for the snowplows. It is 15 feet by 25 feet and an easement will be provided for the area to allow for any fencing that may go up in the future.

Architect David Holmes from Capital Studios explained that the project is specifically designed for the elderly and include laundry on the main level, basement stairs which include switchbacks, open design floor plans, and large wheelchair accommodating bathrooms. Building exteriors are modest and elegant. The ranch-style buildings are designed with high-pitch roofs and jogged fronts to break rooflines. The units have front porches or patios. Building materials include full clapboard siding, encasement windows. The front stairs will have double handrails and can be modified to accommodate ramps if necessary.

Mr. Iadarola asked if the current Eleanor Road is designed to accommodate the increased traffic. It was noted that the road is flat, straight, and wide, and currently has an industrial building which serves trucks. The road was considered to be adequate.

There were no comments from the audience.

Mrs. Carson noted that the documents from the homeowners association have been submitted to the Town Attorney for his review and any comments he may have will be noted at the next meeting.

Because it often takes some time for the state to review plans, it was suggested that the public hearing be continued to May 10.

At 7:45 p.m., a motion was made by Greg Genlot, seconded by Brad Pellissier and unanimously voted to continue the public hearing to May 10, 2007 at 7:00 p.m. in the Town Hall.

c. Resubdivision Application #400, 1 Lot, 603 Hall Hill Road & White Oak Road, Richard A. McCullough, Inc.

Vice Chairman Cliff Bordeaux opened the public hearing at 7:46 p.m. and the legal notice was read.

Mike Mocko spoke on behalf of the applicant and presented plans with the latest revisions based upon staff comments. They propose subdividing an existing lot which will front on White Oak Road. The existing lot is Lot 4. The proposed lot is 4A and will contain 16 acres of land. An open space easement as requested by the Conservation Commission will be deeded and permanently protect a wetlands corridor that exists to the rear of the properties. Approximately two-thirds of Lot 4 is buildable area, with the rear portion designated as part of the open space easement, and is connected to the open space easements on the other lots.

The lot fronting on White Oak Road contains 42 acres, more or less. Thirty acres of this is protected by the conservation easement and 12 acres will be considered buildable land. Approximately ½ of the conservation area is wetland area. The applicant has received wetlands permit approval for the construction.

A driveway is proposed off of White Oak Road and crosses 270 feet of wetland to come to an upland area at the rear of the property. The driveway is 600 feet long and the Fire Department has required a turnout for safety purposes. The turnout as proposed on the plans has received Fire Department approval.

The open space issue was discussed in detail. The original plan to donate the area under conservation easement was not acceptable to the Planning & Open Space Trails Subcommittee or the Planning Commission because the wetland corridor was created to prevent disturbance to the wildlife and to add this property to the open space trails would be counter-productive. The applicant also offered an offsite parcel on Stafford Road which abuts Land Trust property, but this was also not acceptable because it was landlocked and didn't really preserve either a ridgeline or farm land.

As an alternative, the applicant offered to pay an open space fee in lieu of land for the 58 acres. An appraisal has been received which came in at \$475,000.00.

Mr. Bordeaux gave the audience the opportunity to review the plans and then opened the meeting for comments.

Ed Cunningham, 77 White Oak Road, asked what happens to the portion designated as conservation area should someone purchase the property. It was explained that this property is required by law to be kept as open space based upon the conservation easement. He also questioned why the Open Space Committee did not want to purchase the property. Mrs. Carson explained that the Open Space Committee seeks to purchase land to be used for passive and active recreational purposes in keeping with the POCD. This generally leads to creating trails used by people and horses and these trails generally connect with others within the trail system. The Conservation Commission is seeking to create a wildlife corridor, which will keep the parcel undisturbed and self-preserving. It will not be used for recreation.

Mr. Cunningham also asked if the cul-de-sac will now legally be closed. Mr. Strauss explained that cul-de-sac will remain in place just as it is. The Town Attorney has said that this can remain as a temporary cul-de-sac. The town will be receiving a quit claim deed from the applicant containing language granting the right for the town to come onto the property to maintain the cul-de-sac and a box culvert.

Stephen Rice, 623 Hall Hill Road, commented that Mr. McCullough has had two variances granted to him already, and now he is asking to go over 250 feet of wetlands. He also presented a copy of an article from the Hartford Business Journal reporting that Somers is 6% below the state average of 69% for open space. Mrs. Carson noted that the numbers presented in the article are not factual, and she added that the correct figures are available in the Town's Plan of Conservation & Development which can be found on the web.

Deanise Shewokis, 61 White Oak Road, stated this project needs Army Corp of Engineers approval because the driveway is going through 5,000 square feet of wetlands and she wondered what guarantee the town has that he will go and get the approval.

Mike Mocko stated that Army Corp of Engineers permits are being sought pending the approval of the town.

Mr. Rice asked if the Town can request that approval be received from the Army Corp of Engineers prior to giving its approval. Mrs. Carson responded that the town's approval is separate from all other state and federal approvals. Mr. Mocko added that there is no state intervention in the town approval and no town intervention in the state approval.

Deanise Sherwokis submitted a letter written by her cousin, Mr. James S. Shewokis, stating his disapproval of the application as well as his feeling that the applicant keeps "backdooring" the issues in order to get approval.

She added that Chapter 104-A2 of the driveway ordinance states that no storm water discharge from a public roadway can be allowed to flow into the driveway. But the map that was presented to the Conservation Commission shows drains that will go into the driveway. Mr. Strauss explained that a modification can easily be made to the driveway to prevent this if necessary.

She also asked that by taking a fee is the town diminishing the request of the Conservation Commission's call for an easement. It was noted that the Planning Commission can in no way diminish the requests of the Conservation Commission.

In addition, she asked about Section 213-3(c) regarding the 22-lot regulation regarding the requirement for no more than 22 lots when creating a subdivision. This resubdivision would result in 23 lots. Mr. Strauss explained that this regulation is for a stem and loop road only. In addition, this application is for an existing cul-de-sac and the regulation is for new cul-de-sacs. Approved lots cannot be removed from an existing and approved subdivision.

Stephen Rice, 623 Hall Hill Road, noted that this application will present no economic hardship to the applicant, but it will present an economic hardship to the town regarding education, fire, emergency services and taxes, which means that the Planning Commission is moving backwards.

Deanise Shewokis, 61 White Oak Road, stated that Section 213-42-c-6 said that the Commission should not approve any application that would increase flood prone areas or flows on other properties. She commented that the applicant is putting in the culvert and is filling in 5,000 square feet of wetlands. But if we get a lazy landowner who does not maintain the culvert, what will happen if the water flows onto.

Stephen Rice, 623 Hall Hill Road, commented that the State of Connecticut has been contacted regarding the katydids, piliated woodpeckers and barn owls. A gentleman from the state has stated in an email to Deanise Shewokis that he will come out in the summer to check to see if these are the endangered katydids.

A recess was taken to give the Town Planner and the Town Engineer time to review the revised plans. The meeting reconvened and Mrs. Carson noted that outstanding 5 or 6 items have been addressed.

Anthony LaQuarry, 20 Valley View Drive, spoke positively as a character reference for Mr. McCullough.

A motion was made by Joe Iadarola, seconded by Brad Pellissier and unanimously voted to close the public hearing at 9:25 p.m.

II. CALL TO ORDER

Vice Chairman Cliff Bordeaux called the regular meeting to order at 9:30 p.m. Members Cliff Bordeaux, Greg Genlot, Brad Pellissier and Alternate Member Joe Iadarola (seated for Karl Walton) were present and constituted a quorum. Town Planner Patrice Carson and Town Engineer Mervyn Strauss were also present.

III. OLD BUSINESS

a. Discussion/Possible Decision: Subdivision Application #398, 10 Lots (Stone Crossing) 185 Stafford Road, Mink Farm Associates, LLC

Mrs. Carson commented that the applicant has been working on this application with staff for over a year.

After a brief discussion, a motion was made by Brad Pellissier, seconded by Joe Iadarola and unanimously voted to approve Mink Farm Associates, LLC's 10-lot resubdivision, application #398, in accordance with the plans known as "Resubdivision Survey Prepared for Mink Farm Associates, LLC, Showing Property at Hamden Road and Stafford Road, Somers, Connecticut", dated: 1/30/06, Nov. 2006, 12/28/05, 11/12/06, 11/1/2005, 2/20/07, 3/20/2007, 11/8/05, 12/1/2005, & 1/3/06 revised: through 4/10/07, 15 sheets, which is conditional on the following:

1. A note shall be placed on the plans:

“The filing of a \$26,000.00 fee in lieu of open space (\$2,600.00 per lot) is required to be paid to the Town of Somers upon the sale or transfer of each lot.”

The Town of Somers shall also place a notice on the land records to insure payment.

2. The signatures of the Town Engineer and Town Sanitarian shall be on the plans signifying their approval of the plans in accordance with Section 213-19 of the Subdivision Regulations.

3. All appropriate seals and signatures of the design professionals for this plan shall be on the plans.

4. In accordance with Section 213-46. the developer shall install streetlighting as required and approved by the Selectmen.

5. “No Parking This Side of Street” signs shall be posted for the entire length of the new road, “Stone Crossing” on one side of the street chosen by the Fire Chief prior to installation.

6. A bond for site improvements in the amount of **\$406,272.00** and in a form acceptable to the Town Attorney shall be filed with the Planning Office as required by Section 213-54.

7. A Quit Claim Deed shall be provided to the Town of Somers for the strip of land between the road pavement and the street line established by the subdivision plans running along the frontage of Stafford Road.

The Commission waives the requirement in Section 213-22.C. of the Subdivision Regulations which requires, where practicable lot lines to be either at right angles or radial to street lines.

The Planning Commission finds with these conditions the plan meets the requirements of the Somers Subdivision Regulations.

b. Discussion/Possible Decision: Special Use Permit Application for Age Restricted Housing, Eleanor Road, Eleanor Road, LLC

This item was deferred until after the public hearing is closed.

c. Discussion/Possible Decision: Resubdivision Application #400, 1 Lot, 603 Hall Hill Road & White Oak Road, Richard A. McCullough, Inc.

After a brief discussion, a motion was made by Greg Genlot, seconded by Joe Iadarola and unanimously voted to approve Richard A. McCullough, Inc.’s 2-lot resubdivision, application #400, in accordance with the plans known as “Resubdivision and Conservation Easement, Lot 4 and 4A Bridle Path Ridge, Hall Hill Road and White Oak Road, Somers, CT 06071”, dated: January 2, 2007 & July 10, 2006, revised: through April 12, 2007, 5 sheets, which is conditional on the following:

1. A note shall be placed on the plans:

“The filing of a \$47,500.00 fee in lieu of open space (\$23,750.00 per lot) is required to be paid to the Town of Somers upon the sale or transfer of each lot.”

The Town of Somers shall also place a notice on the land records to insure payment.

2. The \$825.00 fee for the appraisal for open space shall be paid in full and proof of payment shall be submitted to the planning office.

3. Within 90 days of this approval all iron pins and monuments be set and certified in

accordance with the plans or a \$10,000 bond received by the Town in accordance with Section 213-54.c. of the Subdivision Regulations.

4. The signatures of the Town Engineer and Town Sanitarian shall be on the plans signifying their approval of the plans in accordance with Section 213-19 of the Subdivision Regulations.
5. All appropriate seals and signatures of the design professionals for this plan shall be on the plans.
6. The Inland Wetlands and Watercourses statement from Section 213-27 of the Subdivision Regulations shall be on the plans, near the Soil Scientist's signature. The wetland note and the signature of the soil scientist who flagged the wetlands and watercourses, shall also appear on sheets 4 and 5 of the plans and any future lot plans which contain wetlands.
7. A Quit Claim Deed shall be provided to the Town of Somers for the strip of land between the road pavement and the street line established by the subdivision plans running along the entire frontage of lot #4A of the property on White Oak Road.
8. Test pit and percolation data for lot 4 shall be on sheet 2.
9. Provide a drainage easement in favor of the Town of Somers centered on the leak off of the street frontage labeled L=103.59'. This easement shall be 30' wide and extend a minimum of 10' beyond the end of the existing paved leak-off.
10. Provide and note a right to drain on Lot 4A on sheets 3 and 5 of 5 in favor of the Town of Somers and Joseph & Teresa Cardinale through the box culvert proposed underneath the new driveway.
11. A high point shall be inserted in the proposed driveway to prevent town road water from running down the driveway onto the proposed lot.

The Commission waives the requirement in Section 213-11.A.(2) of the Subdivision Regulations which requires the plan to be at a 1"=40' scale map to allow the plan to be shown at 1"=100'.

The Commission waives the requirement in Section 213-22.C. of the Subdivision Regulations which requires, where practicable, lot lines to be either at right angles or radial to street lines.

The Planning Commission finds with these conditions the plan meets the requirements of the Somers Subdivision Regulations.

d. Other – No other Old Business was presented.

IV. NEW BUSINESS

A motion was made by Brad Pellissier, seconded by Joe Iadarola and unanimously voted to take the new business items out of order.

b. Zoning Referral: Special Use Permit Application for Boy Scout Hall, 78 Battle Street, Friends of Somers Boy Scouts Troop 387 Inc.

Tim Morello and Donna Roberts presented plans for the Hall, which were submitted several years ago, but fundraising did not allow for completion of the project. Now they are ready to move forward with the application, which is proposed on a parcel just under 1 acre in size leased from Fred Meyer.

Discussion followed about the traffic flow and the reason for placing the driveway in the current location. Mrs. Carson explained that the purpose for working with the plan as it is presented is that only 25% of the area could be covered and that the applicant was trying to keep activity away from the neighbor's property.

The lighting includes floodlights on the building and lighting in the parking lot which is shielded down. Mr. Strauss commented that enough lighting is definitely important, particularly since the driveway is not going to be a fully paved surface. He also recommended handrails on both sides of the stairways.

The building is a log cabin 24 feet by 58 feet. There will be 2 bathrooms, a full basement with a walkout on the side.

Fred Meyer has requested that the project not sit uncompleted over the winter, and that once work has begun, that it be completed. In addition, he has requested that the tree line buffer be kept in tact as much as possible.

They are considering rotating the parking area in order to give a bit more space where the scouts could walk around. Mrs. Carson cautioned that this will require driving over the septic system and the plans will need to be modified.

A motion was made by Mr. Genlot; seconded by Mr. Pellissier and unanimously voted to recommend to the Zoning Commission approval of Conklin's Special Use Permit Application for a home occupation for a real estate office at 3 School Street, because this use was in keeping with the Plan of Conservation and Development and does tie in with the efforts to revitalize the area by promoting mixed use and appropriate business.

A motion was made by Brad Pellissier, seconded by Greg Genlot and unanimously voted to recommend to the Zoning Commission approval of the Friends of Somers Boy Scouts Troop 387 Inc.'s Special Use Permit application for a Boy Scout Hall at 78 Battle Street, with the consideration that the lighting plan conform to the Town's regulations.

c. Resubdivision Application #401, 1 Lot, 000 Scully Road & Turnpike Road, Barnes

Mrs. Carson explained that this is a re-subdivision of a subdivision in order to create a new lot. It has gone through staff review and there is adequate area for septic. It has also received approval from the wetlands. The state has also come out and looked at the driveway on the State road and they will issue a permit once the town has issued theirs.

A public hearing is required. In addition, a fee in lieu of open space is also recommended. The applicant agreed to a fee in lieu of land and agreed to have Mrs. Carson schedule the appraisal with Stewart Appraisal.

A motion was made by Brad Pellissier, seconded by Greg Genlot and unanimously voted to accept the application and schedule a public hearing for May 10, 2007 at 7:00 p.m. in the Town Hall.

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a. Zoning Referral: Modification of Special Use Permit Application For Gravel Operation, South & Egypt Roads, Charter

The Commission reviewed the plans to expand the current gravel operation. Mr. Strauss has looked at the area and the existing banks are all in good shape.

A motion was made by Brad Pellissier, seconded by Joe Iadarola and unanimously voted to recommend to the Zoning Commission approval of Charter's modification of Special User Permit Application for a gravel operation on South and Egypt Roads, as part of his continuing gravel operation.

d. Discussion: 2007/08 Budget

Mrs. Carson presented the 2007/08 Budget, explaining the various items that were lowered. She expressed concern about the dues and seminars budget because the requirements for her certification have been changed which will require her to attend conferences more often to keep her certification. The Commission reviewed the other items and felt that \$300.00 could be added to this item.

A motion was made by Brad Pellissier, seconded by Greg Genlot and unanimously voted to request that the Board of Selectmen reduce the Copier account by \$100.00 and the Open Space account by \$200.00 and reallocate these \$300.00 in funds to the Dues and Seminars account to fund the increase in CEU's required for the Town Planner.

e. Other – No other New Business was presented.

V. DISCUSSION: PLAN OF CONSERVATION AND DEVELOPMENT

There was no discussion on this item.

VI. STAFF/COMMISSIONER REPORTS

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No reports were presented.

VII. AUDIENCE PARTICIPATION – There was none.

VIII. CORRESPONDENCE AND BILLS

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A bill was received from the Town Engineer for the first quarter of 2007 (January, February and March) in the amount of \$7,418.75. A bill was received from the Journal Inquirer for the meeting notices for March 8 and March 22, 2007 in the amount of \$157.40. A motion was made by Joe Iadarola, seconded by Brad Pellissier and unanimously voted to pay the bills as presented.

IX. MINUTES APPROVAL

A change was made to the March 22, 2007 minutes: Section IX, Minutes. Greg Genlot abstained from the vote to approve the minutes. The motion was seconded by Cliff Bordeaux. A motion was made by Brad Pellissier, seconded by Greg Genlot and unanimously voted to approve the March 22, 2007 minutes as amended.

Mrs. Carson also explained that the minutes from November 16 and December 7, 2006 both referred to a hearing for High Ridge Estates and both referred to Mr. Kasperzak. His name was spelled wrong several times on both sets of minutes. These include: On the Nov. 16th minutes: Page 1, under item a., 3rd paragraph, on the December 7th minutes at the bottom of page 1, and 3 places on the bottom of page 2. It was the consensus of the Commissioners to correct the spelling of Mr. Kasperzak's name in each of these places.

X. ADJOURNMENT

A motion was made by Cliff Bordeaux, seconded by Brad Pellissier and unanimously voted to adjourn the April 12, 2007 Planning Commission meeting at 8:30 p.m.

Respectfully submitted,

Brad Pellissier, Secretary

Robin Timmons, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING.