

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

**ZONING MINUTES  
REGULAR MEETING  
Tuesday, January 17, 2006  
7:00 p.m. Town Hall**

**I. CALL TO ORDER**

Chairman Peter Klein called the regular meeting to order at 7:03 p.m. Members Anita Calder, Peter Chipouras, Peter Klein, Robert Martin, Lise Wood, and Alternate Members Jill Conklin and Wes Smith were present and constituted a quorum. Town Planner Patrice Carson was also in attendance.

**II. MINUTES APPROVAL**

A motion was made by Lise Wood, seconded by Peter Chipouras and unanimously voted to approve the minutes of the December 5, 2005 meeting as written.

**III. OLD BUSINESS**

**a. Application for Renewal of Special Use Permit for Flea Markets and Auctions, 430 South Road, Pleasant View Farms Realty – Set Public Hearing**

Mrs. Carson explained that a complaint was received by the Zoning Enforcement Officer which states that the Zoning Commission does not have a legal right to waive a public hearing. The letter was received after the decision at the December 5, 2005 Zoning Commission meeting during which it was voted to waive the public hearing for Pleasant View Farms Realty. Upon discussion with the Town Attorney, it was determined that there was some merit to the complaint and the Commission's should hold a hearing. Mrs. Carson suggested that the Commission set a public hearing date.

A motion was made by Lise Wood, seconded by Anita Calder and unanimously voted to set a public hearing for the renewal of Pleasant View Farms Realty's Special Use Permit for flea markets and auctions at 430 South Road for February 6, 2006 at 7:00 p.m. in the town hall.

**b. Other - There was no other Old Business.**

#### **IV. NEW BUSINESS**

##### **a. Modification of Special Use Permit Application for Gravel Bank, South Road, Bordeaux Farm**

Cliff Bordeaux presented a map of his gravel bank on South Road. Designated thereon was an area he would like to add called Phase 11 located between current Phase 9 and 10. At this time, Phase 10 as originally outlined is almost complete, with only some sub-surface grading remaining to be done. Adding to the gravel bank as designated on the plan would enable Mr. Bordeaux to remove some of the mogulling, thus creating a more uniform area.

While his Special Use Permit is in effect through June, Mr. Bordeaux is seeking to modify the permit so that work on the additional area can begin before that renewal date. Mr. Bordeaux expects the bank will be complete a year from this July, as long as market conditions remain as they currently are.

Discussion of the regulations for modifying the application followed and it was concluded that a fee of \$600.00 would probably not have to be charged again because the applicant had paid the annual fee at renewal in June 2005. Mrs. Carson will check and see if this is the correct procedure and, if it is not, she will let the Commission know.

A motion was made by Lise Wood, seconded by Rob Martin and unanimously voted to accept Bordeaux's modification of his special use permit application for his gravel bank on South Road, refer it to the Planning Commission and set a public hearing date of February 6, 2006, at 7:00 p. m. in the town hall.

##### **b. Zoning Commission's Amendment to the Zoning Regulations Section 214-93. Temporary Commercial Uses to Include Uses for Farms – Set Public Hearing**

Mr. Klein drew everyone's attention to the recent Planning Commission Meeting minutes containing a suggested change to the Zoning Commission's proposed Zoning Regulation amendment. The Planning Commission's comments, along with the proposed amendment, have been referred to the Town Attorney and CROCOG for review.

Mrs. Carson explained that any application for temporary commercial uses will come before the Zoning Commission and require a public hearing. Any determination of whether someone has a farm will be made by either the ZEO or the Zoning Commission.

A motion was made by Rob Martin, seconded by Anita Calder and unanimously voted to set a

public hearing on the amendment for February 6, 2006 at 7:00 p.m. in the town hall.

**c. 2006/2007 Budget**

- Mrs. Carson presented the proposed 2006/2007 budget for review. After discussion, the Zoning Clerical was changed from \$1,400.00 to \$1,300.00 and Dues and Seminars was changed from \$300.00 to \$400.00.

A motion was made by Lise Wood, seconded by Anita Calder and unanimously voted to approve the proposed budget as amended.

**d. Election of Officers**

- A motion was made by Lise Wood and seconded by Anita Calder to nominate the current slate of officers. A motion was made by Anita Calder, seconded by Peter Chipouras and unanimously voted to close the nominations. A motion was made by Lise Wood, seconded by Anita Calder and unanimously voted to elect the current slate of officers for another term.

**e. Review Bylaws**

- The Commission reviewed the Bylaws. A motion was made by Rob Martin, seconded by Peter Chipouras and unanimously voted to continue with the current Bylaws, as written.

**f. Other** - There was no other New Business.

**V. DISCUSSION: PLAN OF CONSERVATION AND DEVELOPMENT**

- The next POCD meeting is scheduled for Monday, January 30, 2006, at 7:00 p.m.

**VI. STAFF/COMMISSIONER REPORTS**

Mrs. Carson handed out the Zoning Enforcement Officer's Report, noting that the Report covers the period through January 17, 2006. After brief discussion, a motion was made by Lise Wood, seconded by Rob Martin and unanimously voted to accept the report as amended to cover the period through January 17, 2006.

Mrs. Carson reported that she had reviewed 13 Certificates of Occupancy and issued 10. In addition, she had received and issued 13 Zoning permits.

She also reported that someone has inquired about purchasing several of the multi-family houses

on Main Street in the Somersville area and will be meeting with staff to see what potential they hold. Mrs. Calder noted that these homes are currently on the National Registry and they hold much value to the Somersville Mill District.

**VII. CORRESPONDENCE AND BILLS**

Mrs. Carson presented a letter received from Ken and Michele Prior regarding Worthington Pond Farms.

Notice was received from CAZEO regarding a seminar entitled "Too Much Parking" to be held on February 1, 2006 at the Yankee Silversmith Inn in Wallingford beginning at 11:30am. A motion was made by Lise Wood, seconded by Rob Martin and unanimously voted to authorize Mrs. Carson to contact CAZEO regarding the seminar and, if she determines that it is something that would help with the parking regulations, authorize the payment of \$25.00 for the seminar fee.

**VIII. ADJOURNMENT**

A motion was made by Lise Wood, seconded by Robert Martin and unanimously voted to adjourn the January 17, 2006 Zoning Commission meeting at 8:25 p.m.

Respectfully submitted,

A.P. Calder, Secretary  
Secretary

Robin Timmons, Recording

***MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING.***

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Town of Somers Zoning Enforcement Officer  
For the Zoning Commission Meeting of January 17, 2006  
Covering the Weeks of 12/04/2005 thru 1/08/06 Activities listed by Address

**Enforcement activity:**

Page 1 of 2.

1. 25 Dennison Rd. J. Reddicks. Section 214-38.H.(Location of Buildings Housing Animals). 10/06/05 Issued Cease & Desist Order.

12/01/05 Agreement has been reached for compliance. Will follow-up in two weeks.

**12/13/05.** Violation Eliminated

2, 359 Mountain Road. Worthington Pond, LLC. Section 214-87.D. (Sales & consumption of alcoholic

beverages .Issued Cease and Desist Order. Cease and Desist Order has been appealed to the ZBA with a hearing set for Sept 14, 2004. 9/20/04, The ZBA hearing has been continued to October 19, 2004. The ZBA voted to uphold the C&D order. Mr. Roulier has appealed the ZBA decision to the Superior Court. Case Pending.

3. **12/06/05.** 138 Main Street. M. Redmond. Section 214-98.B. (Failure to obtain Site Plan Approval) Requested Compliance.

4. 150 Stebbins Road. J. Galinski. Section 214-98.24 (Operation of non-permitted Contractor's Yard. 10/12/05 Requested Compliance.

11/17/05 Mr. Galinski has agreed to eliminate this violation. Will monitor his progress.

12/01/05 Will continue to monitor for at least one month.

**12/29/05.** Violation has been eliminated.

5. 12/01/05. 77 Wood Road. C. Gengenbach. Sections 214.24 (Non-permitted Contractor's Yard) and 214-92.C Non-permitted Storage Container. Requested Compliance.

**1/03/06.** Mr. Gengenbach has agreed to compliance before February 28, 2006

6. 16 Birch Hill Dr. R. Mohammah. Section 214-101 (Failure to obtain Zoning Permit for Accessory Structure. Requested Compliance. 9/22/05 Spoke with owner's attorney. They are in process of how to best come into compliance. 10/13/05 No progress on a resolution to this matter. Issued Cease & Desist Order.

11/16/05 Awaiting appeal to expire before taking further action.

11/19/05. Referred file to Town Attorney to commence injunctive action in Superior Court.

**12/08/05.** Mr. Mohammah has agreed to obtain a Zoning Permit and relocate the building on or before the 2<sup>nd</sup> week of May 2006. The reason for this delay is winter weather.

**1/10/06.** 318 South Road. D. Paley. Sections 214-101 (Failure to Obtain Zoning Permit) and 214-98.A. (Violation of Side Yard Set-Back). Requested Compliance.

**12/22/05.** 74 Main Street. T. Groody. Section 214-98.B. (Storage of Junk Material). Requested Compliance.

8. 164 Hampden Rd. Growers Direct. Section 214-67 (Removal of Earth Products without Special Use Permit) and 214-101 (Failure to obtain Site Plan Approval for Site Changes and Improvements. 7/14/05 Site plan application in process of being prepared for submission according to Mike Mocko of Ward Engineering. 9/06/05 Spoke with Mike Mocko. Site Plan is approximately 80% prepared. He was advised to expedite the Site Plan Application. 9/16/05 No change. Commission may want consider setting a deadline for the submission of a Site Plan application in order for Growers Direct to avoid Enforcement of the Cease & Desist Order which was issued on May 18, 2005. 10/3/05 Commission to consider deadline for submission of completed Site Plan application. 10/11/05 Sent letter to Growers Direct setting a deadline of October 17, 2005 for submission of Site Plan Application. Subject application was received in the Land Use Department on October 14, 2005.

11/05/05 Commission is anticipating Mr. Van Wingerden or his representative to appear at the November

21, 2005 meeting to present the subject application.

12/01/05\_Mr. Van Wingerden has granted to the Commission an extension to February 6, 2006 to apply for a permit for a Gravel Bank.

**1/11/06.** No change at this time.

9. 34 Schneider Rd. D. Caverly. Section 214-98.24 (Contractor's Yard). Commenced Enforcement Action.

**11/15/05** Issued letter requesting compliance.

11/30/05. Issued Cease & Desist Order

**12/13/05.** Mr. Caverly has agreed to compliance on or before January 23, 2006.

10. 11/16/05\_ 343 Hall Hill Road, T. Barnes. Sections 214-98.B.1.(More than one single family dwelling per lot) and 214-98.101 (Failure to obtain Zoning Permit).

**11/28/05** Barnes has agreed to cease the residential use of the subject building. Waiting for promised affidavit stating that agreement to close this file.

**1/05/06.** Resolution of this case is pending Building Code compliance with Building Official.

11. **1/03/06** 124 Main St. F. Albano/Mickey Finn's. Section 214-98.B.22. (Non-permitted Motor Vehicle Sales). Requested Compliance.

Respectfully submitted:

James R. Taylor  
Zoning Enforcement Officer