

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

**ZONING MINUTES
REGULAR MEETING
May 1, 2006
7:00 p.m. Town Hall**

I. CALL TO ORDER

Chairman Pete Klein called the regular meeting to order at 7:02 p.m. Members Anita Calder, Rob Martin, Lise Wood, and Alternate Members Wes Smith (seated for Jill Conklin) and Terry Kuzman were present and constituted a quorum. Town Planner Patrice Carson was also present. The Commission welcomed new Alternate Member Terry Kuzman.

II. MINUTES APPROVAL

A change was made to Page 2, Item B of the Minutes from the April 17, 2006 meeting. "Geisslers" was changed to "Geissler's". A motion was made by Rob Martin, seconded by Lise Wood and unanimously voted to approve the minutes of April 17, 2006 as amended.

III. OLD BUSINESS

a. Special Use Permit Application for Construction Trailer, Shaker Road (Somers Village ARH Project), Gingras Development, LLC - Set New Public Hearing Date

Mrs. Carson explained that since the last meeting there were some difficulties with the Journal Inquirer and she was unable to get the notice of public hearing date published in time to hold the hearing as scheduled.

A motion was made by Rob Martin, seconded by Lise Wood and unanimously voted to reschedule the public hearing on Gingras Development LLC's Special Use Permit Application for May 15, 2006 at 7:00 p.m.

b. Site Plan Application for Shopping Center, 85 South Road, Somers Crossing LLC

Architect Chuck Bomley of Plan B Retail Design presented the plans for the site. The light level will be kept around 1.75 watts, with 2-foot candles. The fixtures will be 40 watt. There is to be a mix of light at the pole junctures, with forward throws where needed. No lighting was included on the perimeter or on the side of the building. It has been decided to use more lights now than originally intended, because the poles will be shorter. Those used will be positioned within the islands to give more control and satisfy the cutoffs better. The fixtures will provide all down lighting, with nothing turned to face outward. Mr.

Bomley will submit a cut sheet of the light fixture, but described it as a traditional looking fixture not intended as a design element but rather functional. Low-wattage wall lighting will be installed for security on the back of the building.

At this time, the landscape design is concept-oriented and includes stone-wall berms with decorative grasses. These will provide full, attractive plant coverage even in the winter. They will avoid taller species.

The entrance design, including lanes, may be changed by what the state requires, but currently a dual entrance is planned. A raised island berm is planned, and will be designed to accommodate tractor-trailer trucks, which will pull into the parking lot at the front entrance. They will move into the back for receiving. The front of the building will not be designed for tractor-trailer access. There will be 243 parking spaces, which has been calculated by the square footage of the buildings.

At this time there was still nothing to refer to the Planning Commission. The applicant will be submitting additional information for review.

c. Other - There was no other Old Business.

IV. NEW BUSINESS

a. Special Use Permit Application for Nursery School/Day Care, 27 Quality Avenue, Bonazelli

The applicant is seeking to open a daycare/nursery school at the rear of the building at 27 Quality Avenue. They would like to have a playground on the side and at this point are considering options for making it blend into the building nicely. Fencing will be included around the area, perhaps green wire, surrounded with arborvitaes.

With respect to handicap access, he believes that most children will be small enough to carry, and the proposed tenants confirmed this, noting that the children using the center will be rather young. However, they have not yet received any information from the state regarding requirements, and should handicap access be required, they expect to comply with that.

Concern was expressed that the river flowing behind the building would be a problem for a daycare. The proposed tenants feel that this may not be a problem because the children will be tethered together, but should state requirements demand further measures, they will be considered. The tenant has spoken with the State Licensing Commission regarding this and has been assured that a fence should not be an issue.

Parking was discussed briefly and it is expected that the tenant will need access for about 40 cars. Drop-offs and pickups will be at different times and a turnaround area will be included. Handicap access will need to be marked.

Discussion followed about the various approvals needed and the tenant and applicant explained that they will need local approval before getting state approval.

The tenant explained that she expects the state will allow up to 48 children with one teacher for each 4 children.

A motion was made by Lise Wood, seconded by Rob Martin and unanimously voted to accept the application, refer it to the Planning Commission and set a hearing date for May 15, 2006.

b. Special Use Permit Application to Build New Solar Home with No Basement, 87 Pioneer Heights, Grant

Mr. Grant explained that he is seeking to build an approximately 1,680 square foot passive solar home at 87 Pioneer Heights in accordance with research he has been doing for the past 20 years. The solar home has been designed to require no basement. He hopes to use a convection system requiring vents on the south side of the home so that the sun can access them in the winter. Heat will be stored by concrete thermal mats which would heat up during the day and hold the heat through the night. The flooring would generate heat.

Discussion followed about the utilities and plumbing and they will be designed to be stored under slab flooring. Approximately 70 to 80 percent of the building will be situated on concrete slab.

A motion was made by Lise Wood, seconded by Wes Smith and unanimously voted to accept the Special Use Permit Application, refer it to the Planning Commission and set a public hearing date for May 15, 2006 at 7:00 p.m.

c. Special Use Permit Application for Gravel Bank, South Road, Bordeaux Farm

On March 1, 2006 the Zoning Enforcement Officer sent a letter to all the gravel bank owners requesting their plans by mid-April. The Land Use Office has received this application for review which hasn't changed much since it was just modified a few months ago. It should be sent to Jim Taylor and Merv Strauss for review and comments.

A motion was made by Lise Wood, seconded by Rob Martin and unanimously voted to accept this application and refer it to the Town Engineer, the ZEO and the Planning Commission for review and comment.

d. Special Use Permit Application for Gravel Bank, Egypt Road, Charter

The Commission was reminded that the gravel bank is situated on property between both Ellington and Somers. The portion situated in Somers has frontage along Egypt Road which is the area that is being worked on now. The bond is anticipated to be \$34,200.00, but the Town Engineer has not yet reviewed the plans.

A motion was made by Lise Wood, seconded by Wes Smith and unanimously voted to accept this application and refer it to the Town Engineer, the ZEO and the Planning Commission for review and

comment.

e. Special Use Permit Application for Gravel Bank, South Road, Pleasant View Farms Realty

- Revised plans have been received. The bond amount presented by Mr. Lipton's engineer has not yet been reviewed by Mr. Strauss, but it is anticipated that it will be around \$39,000.00.

A motion was made by Rob Martin, seconded by Lise Wood and unanimously voted to accept this application and refer it to the Town Engineer, the ZEO and the Planning Commission for review and comment.

At this time, Lise Wood recused herself from the meeting. Terry Kuzman was seated.

f. Special Use Permit Application for Gravel Bank, Stafford/Root/Wood Roads, Wood Gravel Operation LLC

- Bruce Wood presented plans which have been received by staff but have not yet been reviewed. Mr. Wood explained that he is seeking to use a portion of the area as pastureland and the entire process of completing this work will take approximately 5 to 7 years. He explained how the pasture is to be created and it was explained to him what approvals he will need throughout the process. He noted that should he have any questions, he will check with staff.

A motion was made by Rob Martin, seconded by Anita Calder and unanimously voted to accept this application and refer it to the Town Engineer, the ZEO and the Planning Commission for review and comment.

g. Special Use Permit Application for Gravel Bank, 164 Hampden Road, Grower Direct Farms

- No application or fee has been received from the applicant at this time regarding renewal. However, information on this bank was just reviewed a few months ago and probably won't change much. A bond amount has been set. The applicant will be reminded to get his paperwork into the Commission for next meeting.

At this time, Lise Wood returned to the meeting.

h. Other - No Other New Business was presented.

V. DISCUSSION: PLAN OF CONSERVATION AND DEVELOPMENT

A reminder was given that the next POCD meeting is scheduled for May 22, 2006 at 7:00 p.m. The POCD Consultant will be attending this anniversary meeting to discuss the year's activities.

VI. STAFF/COMMISSIONER REPORTS

Since her last report, the Town Planner reviewed 13 zoning permits and issued 11. She also reviewed 5 Certificates of Occupancy and issued 4.

Jim Taylor's Zoning Enforcement Officer Report was reviewed and after brief discussion, a motion was made by Lise Wood, seconded by Rob Martin and unanimously voted to accept the Report.

VII. CORRESPONDENCE AND BILLS

A letter has been received from the Fire Commission dated May 21, 2006 regarding long-range planning for the Fire Department. Correspondence was also received from Linda Crzanowski at 312 Root Road regarding the Wood Gravel bank which will be sent to the Zoning Enforcement Officer for his review and comment.

No bills were received.

VIII. ADJOURNMENT

A motion was made by Wes Smith, seconded by Lise Wood and unanimously voted to adjourn the May 1, 2006 Zoning Commission meeting at 8:49 p.m.

Respectfully submitted,

A.P. Calder, Secretary

Robin Timmons, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING.

Town of Somers Zoning Enforcement Officer
For the Zoning Commission Meeting of May 1, 2006

Covering from 4/16/06 thru 4/28/06 Activities listed by Address

Enforcement activity:

1, 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.

2. 3/21/06 663 Main St. P. Smith. Sections 214-98 (Storage of Junk Material) and 214-60 (Storage of Unregistered Vehicles). Issued Cease & Desist Order.

4/13/06. In 30 day appeal period. Appeal period expires 30 days from date of receipt which was 4/04/06.

3. 4/03/06. 63 Bradfield Dr. M. Kloter. Section 214-98.A. (Failure to meet Set-Back requirements. Requested compliance.

4/27/06. Mr. Kloter is in process of application for a variance to the ZBA.

4. 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 2nd week of May 2006. The reason for this delay is winter weather. Will follow up in May.

5. 4/05/06. 124 Main St. F. Albano. Section 214-98.B.22. (Non-permitted Motor Vehicle Sales). Issued Cease & Desist Order.

4/28/06. violation Eliminated.

6. 2/07/06 64 Main St. L. Sonski. Sections 214-101 (Failure to obtain Zoning Permit for accessory building) and 214-98.A (Failure to comply with Set-Back Requirements). Requested Compliance.

3/15/06. In process of obtaining permits.

3/25/06. Permit for structure has been issued. Structure to be moved to comply with Set-Back requirements.

7.. 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.

2/02/06 No change at this time.

3/01/06 Building Official is working with property owner toward compliance.

4/24/06. It has been agreed to use this structure only as a pool house as originally intended.

8. 3/14/06. 701 Stafford Rd. R. Bourque. Sections 214-98 (Storage of Junk Material) and 214-60 (Unregistered Vehicles). Requested Compliance.

3/29/06. Issued Cease & Desist Order.

4/13/06. Pending 30 day Appeal Period.

4/28/06. Owner is in the process of compliance and should be in total compliance by May 22, 2006.

9. 2/01/06. 515 Springfield Rd. M. Bushior. Section 214-98.B. (Storage of Junk Material). Requested Compliance.

3/02/06. About to commence further enforcement action.

3/15/06. Issued Cease and Desist Order.

3/29/06. Pending 30 day appeal period.

4/24/06. Owner has gained partial compliance and has agreed to further compliance.

10. 3/22/06._3 Turnpike Rd. R. Dembinske. Section214-98..B.22. (Motor Vehicle Sales in Residential Zone) Requested Compliance.

4/28/06. Violation Eliminated.

Respectfully submitted:

James R. Taylor

Zoning Enforcement Officer