

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

**ZONING MINUTES
REGULAR MEETING
June 5, 2006
7:00 p.m. Town Hall**

I. CALL TO ORDER

Chairman Peter Klein called the regular meeting to order at 7:05 p.m. Members Anita Calder, Jill Conklin, Robert Martin, Lise Wood and Alternate Member Terry Kuzman were present and constituted a quorum. Town Planner Patrice Carson was also present.

II. INTERVIEW DESIGN REVIEW BOARD CANDIDATES

This item was deferred because there were no applicants to interview.

III. MINUTES APPROVAL

The following changes were made in the heading for Items B, Public Hearing and Old Business of the May 15, 2006 minutes: "Nursury" was changed to "Nursery".

A motion was made by Robert Martin, seconded by Lise Wood and unanimously voted to approve the minutes of the May 15, 2006 Zoning Commission Meeting as amended.

IV. OLD BUSINESS:

a. Special Use Permit Application for Gravel Bank, South Road, Bordeaux Farm – Set Public Hearing

A motion was made by Rob Martin, seconded by Lise Wood and unanimously voted to set a public hearing date on the Application for June 19, 2006 at 7:00 p.m.

b. Special Use Permit Application for Gravel Bank, Egypt Road, Charter – Set Public Hearing

A motion was made by Rob Martin, seconded by Anita Calder and unanimously voted to set a public hearing date on the Application for June 19, 2006 at 7:00 p.m.

c. Special Use Permit Application for Gravel Bank, South Road, Pleasant View Farms Realty – Set Public Hearing

A motion was made by Lise Wood, seconded by Jill Conklin and unanimously voted to set a public hearing date on the Application for June 19, 2006 at 7:00 p.m.

- Mrs. Wood recused herself at this time and Terry Kuzman was seated in her place.

- **d. Special Use Permit Application for Gravel Bank, Stafford/Root/Wood Roads, Wood Gravel Operation LLC – Set Public Hearing**

- Mrs. Carson explained that Town Engineer Merv Strauss is waiting for additional information on this gravel bank before being able to set a bond amount. Bruce Wood and Jay Ussery from J. R. Russo and Associates offered to present information which has been gathered recently and a new set of plans which will be submitted to Mr. Strauss for review.

Mr. Ussery has examined the original plans for the Permit Application presented in 1987. It was his recollection that the Zoning Commission at that time was concerned about how the site would look upon completion of the gravel operation and Mr. Wood had included plans showing his eventual intent that the site would be subdivided into building lots once the gravel operation was totally complete. He explained that the removal of the areas of trees in both sites in question is in accordance with this eventual plan.

Mr. Klein noted that a neighbor had complained about the wind stirring up dust and moving it across their property. Mr. Ussery suggested that as the stockpiles in the center of the site are removed, any additional work be done at the rear of the site, which should alleviate most of the neighbor's concerns about dust. In addition, Mr. Wood explained that he intends to hydro-seed the berm area which will prevent any further dust from leaving that site.

Mr. Klein also expressed concern that Zoning Regulation 214-70 regarding activity taking place within the 100-foot regulated area might be in violation as well. The Commission reviewed the regulation and it was determined that this should not be an issue. It was also noted that if a public hearing were held at the next meeting, the Zoning Enforcement Officer would be present to answer questions.

Mrs. Carson suggested that if Mr. Strauss could review the plans and then get a letter to the Planning Commission for it's next meeting, the public hearing date could still be set.

- A motion was made by Jill Conklin, seconded by Terry Kuzman and unanimously voted to set a public hearing date on the Application for June 19, 2006 at 7:00 p.m.

- **e. Special Use Permit Application for Gravel Bank, 164 Hampden Road, Grower Direct Farms – Set Public Hearing**

- Mrs. Carson reported that the Town Engineer is still reviewing the plans but should be done in time for a public hearing on June 19. A motion was made by Robert Martin, seconded by Anita Calder and unanimously voted to set a public hearing date on the Application for June 19, 2006 at 7:00 p.m.

- At this time, Mrs. Wood returned to the meeting and Mr. Kuzman was unseated. A motion was made by

Lise Wood, seconded by Anita Calder and unanimously voted to take New Business out of order.

V. NEW BUSINESS

a. Special Use Permit Application for Nursery School/Day Care, 399 Billings Road, Wohlers

Jay Wohlers presented plans for an addition onto his current split-level style home which will include two levels. The upper level will include additional living space for his family and the bottom portion will include a Nursery School/Day Care which will accommodate up to 12 children. The hours of operation are expected to be weekdays between 7:00 a.m. and 5:30 p.m.

An outdoor playground will be constructed and fenced within a 24' x 48' area. Arborvitaes will be planted along the rear portion of the fenced area and once the bushes have grown and filled in, the back area of fencing will be removed.

The driveway will be horseshoe-shaped and 12 feet wide, with traffic flowing in a one-way direction. There will also be parking at the side of the building, which will accommodate the one additional employee the applicant intends to have.

Mr. Wohlers explained that he will need town approval before applying for state approval.

A motion was made by Robert Martin, seconded by Lise Wood and unanimously voted to accept the application, refer it to the Planning Commission and set a public hearing date for June 19, 2006 at 7:00 p.m.

b. Other - No Other New Business was presented.

OLD BUSINESS: (cont.)

f. Discussion/Review of Proposed Amendment to the Zoning Regulations for Change in Allowable Building Height

This item was deferred pending further information.

g. Other - No other Old Business was presented.

VI. DISCUSSION: PLAN OF CONSERVATION AND DEVELOPMENT

The next Plan of Conservation and Development meeting has been set for June 26, 2006 at 7:00 p.m.

VII. STAFF/COMMISSIONER REPORTS

The Zoning Enforcement Officer's Report of May 14, 2006 through June 2, 2006 was reviewed by the Commissioners. After brief discussion, a motion was made by Robert Martin, seconded by Jill Conklin

and unanimously voted to accept the Report as presented.

VIII. CORRESPONDENCE AND BILLS

Correspondence was received from Chairman Klein that he will be resigning from the Zoning Commission at the expiration of his term, June 25, 2006.

Correspondence was received from the First Selectmen reminding the Commission to use their nameplates at each meeting.

A notice dated May 22, 2006 was received from the DEP that it is reviewing the Town's application to renew its permit for discharging into the Scantic River.

No bills were received.

IX. ADJOURNMENT

A motion was made by Jill Conklin, seconded by Lise Wood and unanimously voted to adjourn the June 5, 2006 Zoning Commission meeting at 8:11 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 June 5, 2006

Covering from 5/14/06 thru 6/2/06 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.

5/10/06. Very little progress made to compliance. Will consider legal action within two weeks.

5/24/06. Referred to Town Attorney for injunctive action.

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. 5/09/06. 63 Bradfield Dr. M. Kloter. Section 214-19 (Improper Storage of Recreation Vehicle). Requested Compliance.

5/30/06. Violation Eliminated.

6. **5/31/06.** 107 Billings Rd. J. Petkis Jr. Section 214-101. (Failure to obtain Zoning Permit. Requested Compliance.

7. 5/10/06. 8 Bittersweet Hill, T Denehy. Sections 214-101 (Failure to obtain Zoning Permit) and 214-98 (Failure to comply with Front Yard Set-back requirement. Request Compliance.

5/29/06. Violation Eliminated.

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 In the process of compliance and should be in total compliance by May 22, 2006.

5/17/06. Referred to Town Attorney for injunctive Action.

9. **5/31/06.** 31 Sunshine Farms Dr. D. Brierley. Section 214-101 (Failure to obtain Zoning Permit and Section 214-38.G. (Failure to comply with 75 foot set-back requirement.. Issued Cease & Desist Order.

10. **5/31/06.** 423 Billings Rd. R. Bruch. Section 214-101 (Failure to obtain Zoniong Permit). Requested Compliance.

Respectfully submitted:

James R. Taylor

Zoning Enforcement Officer