

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

**ZONING MINUTES  
REGULAR MEETING  
June 16, 2008 - 7:00 p.m.  
TOWN HALL**

**I. PUBLIC HEARING**

**a. Zoning Commission's Proposed Amendments To The Zoning Regulations For Outdoor Wood Burning Furnaces (OWBF's)**

Vice-Chairman Jill Conklin called the public hearing to order at 7:05 p.m. The legal notice was read. Ms. Carson explained the history of the proposed regulation on OWBF's beginning with the original Public Hearing to ban the structures and the public comment that resulted in this regulation. The proposed regulation bans burning by homeowners between April 15<sup>th</sup> and October 15<sup>th</sup> except for agricultural or farm use. An OWBF must be at least 200 feet from the nearest neighboring residence and its chimney must be higher than the roof peaks within 500 feet. The proposed amendment addresses suggestions and concerns voiced by residents at the previous Public Hearings. The Planning Commission and the Capital Region Council of Governments have recommended approval of the regulation.

The floor was opened for public comment in favor of the regulation:

**Deb Murphy, 18 Lance Drive**, said she felt that some regulation is better than none although some towns, like Hebron and Tolland have banned them completely. She lives near an OWBF that she believes is used to burn trash and does not like being unable to breathe. She wants the Town to be able to check what is being burned in the units and believes the Town should consider the impact of these very polluting units on the environment.

**Robert Owens, 5 Pine Knob Road**, favors the regulation and believes that OWBF's should be allowed for agricultural use but he is opposed to the units for residential use. His neighbor had his OWBF burning on a recent 97° day when there was a health alert and the smoke settled without rising and dissipating. He is concerned regarding air quality if more of the devices are used.

**Concetta Jez, 135 Stebbins Road**, is in favor of the regulation because some people do not use common sense regarding when and what to burn, however she favors the devices.

**Deb Murphy, 18 Lance Drive**, agreed that burning wood is a good heating source, but it is also a great polluter. One OWBF equals the pollution of 45 passenger cars.

**Chris Clark, 282 Turnpike Road**, agrees that the OWBF's must be regulated because people can be inconsiderate.

The floor was opened to those opposed to the regulation:

**Bob Pettee, 190 Springfield Road**, opposes the regulation. He has an OWBF and has no problems with his neighbors. He feels the no burn dates are too early and too late. He was burning his in May. He wants the Town to be lenient if it gets cold during the no burn times.

**Jodi Sobaski, 398 Ninth District Road**, spoke against the regulation. She pointed out that there can be snow in April and frost in May. She uses an OWBF on her farm and feels that agricultural concerns should be able to use the devices at any time. She thinks the Town should just go with the DEP regulations. She also objected to the \$130 cost of the special use permit for farmers and agricultural use.

**James Wysocki, 62 Eaglebrook Drive**, spoke against making regulations of this sort because it infringes on our Constitutional rights. He does not believe that the members of the Commission have recited the proper oath to conduct the business of the Town. He cautioned the Commission to abide by their oaths and to research whether they have the right to impose this regulation. He said that the Commissioners may be subject to charges of libel for what they do to individuals.

**Robert Owens, 5 Pine Knob Road**, feels the regulation maybe should be by temperature, not by date. He is concerned about the health hazard.

**Bob Pettee, 190 Springfield Road**, reminded the Commission that DEP can overrule the Town and shut down any furnace.

**Jodi Sobaski, 398 Ninth District Road**, spoke against requiring a Special Use Permit.

*A motion was made by Wes Smith; seconded by Dan Fraro and unanimously voted to close the Public Hearing at 7:40 p.m.*

## **II. CALL TO ORDER**

Vice-Chairman Jill Conklin called the regular meeting of the Zoning Commission to order at 7:41 p.m. Members Jill Conklin, Dan Fraro and Wes Smith were present and constituted a quorum. Town Planner Patrice Carson was also present.

## **III. MINUTES APPROVAL:** April 7, 2008 (regular meeting) & May 5, 2008

The minutes of April 7, 2008 were not available so approval of them was deferred.

*A motion was made by Dan Fraro; seconded by Wes Smith and unanimously voted to approve the minutes of the May 5, 2008 meeting as written.*

*A motion was made by Wes Smith; seconded by Dan Fraro and unanimously voted to take the agenda out of order and proceed to **V. New Business** to accommodate the applicants present in the audience.*

**V. NEW BUSINESS****f. Special Use Permit Application For Gravel Bank, Stafford/Root/Wood Roads, Wood Gravel Operation Llc**

- Dana Steel, an engineer with J.R. Russo and Associates of East Windsor spoke on behalf of the applicant's gravel pit renewal and to answer questions. He stated that he has prepared an estimate for the bonding for the project. Ms. Carson confirmed that this was received along with the application, the fee and the new set of plans. The bond is proposed as \$49,209 and Mr. Strauss and Bob Cafarelli will review the plans and perform a site visit. Mr. Steel reviewed the plans with the Commission.

*A motion was made by Wes Smith; seconded by Dan Fraro and unanimously voted to accept Wood Gravel Operation LLC's special use permit application for a gravel bank at Stafford/Root/Wood Roads and refer it to the Planning Commission.*

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

- Applicant Len Van Wingerden was present for Grower Direct. He explained the scope and history of the gravel bank operation over the last four years. They expect that gravel excavation activity will continue for another 3 years. Ms. Carson notified the Commission that the application, fee, a map and the bond estimate of \$50,000 have been received.

*A motion was made by Dan Fraro; seconded by Wes Smith and unanimously voted to accept Grower Direct Farms' special use permit application for a gravel bank at 164 Hampden Road and refer it to the Planning Commission.*

*A motion was made by Dan Fraro; seconded by Wes Smith and unanimously voted to take the agenda out of order and to proceed to Item VI.a.*

**VI. DISCUSSION: PLAN OF CONSERVATION & DEVELOPMENT****a. Ridgeline Regulations – Review Draft & Talk With Guest Forester Joe Voboril**

- Ms. Carson introduced Mr. Voboril, who is a consulting forester in Willington formerly with the CT DEP.

Mr. Voboril had reviewed the Somers proposed Ridgeline Regulation §214-86.1 item by item and presented and explained his suggestions to the Commission. He also gave the Commission a sample forestry plan and explained it and how such a plan could be incorporated into Ridgeline and Hillside District Plan.

He stressed that the most important thing the Commission needs to include in a forestry plan is a provision that trees to be cut must be marked at eye level and at the root line. With the root line mark one can

immediately see that a cut tree was intended to be cut; without the mark it is far more difficult to ascertain. He further suggested the use of GPS to mark the location of trees on a map.

The Commission agreed to review and digest Mr. Voboril's suggestions and to further discuss the proposed regulation at a later meeting.

## **V. NEW BUSINESS**

### **a. Renewal Of Special Use Permit Application For Office Trailer, 367 Hall Hill Road (High Ridge Estates Subdivision), Leaska Construction Co.**

Ms. Carson explained that the applicant sent a letter requesting a one-year extension of his special use permit which allows a work trailer to stay in a previously approved area while work on High Ridge Estates is done. A public hearing is required to grant the extension.

*A motion was made by Dan Fraro; seconded by Wes Smith and unanimously voted to refer the request to the Planning Commission and schedule the Public Hearing date for Monday, July 14, 2008 beginning at 7:00 p.m. in the Town Hall.*

### **b. Request For Extension Of Zoning Permit For New House, 7 Aspen Ridge, Leaska**

Ms. Carson explained the regulation for the expiration of Zoning permits that allows the Zoning Commission to extend the period by one year at a time more than once. The applicant has not been able to begin work for good cause because the market has been slow and requested an extension. A public hearing is not required.

*A motion was made by Wes Smith; seconded by Dan Fraro and unanimously voted to approve Leaska's extension of a zoning permit for new house at 7 Aspen Ridge.*

### **c. Special Use Permit Application For Gravel Bank, South & Egypt Roads, Charter**

Ms. Carson stated that an application, a fee, a new map and the bond estimate have been received. Mr. Strauss and Bob Cafarelli will perform the site inspection.

*A motion was made by Wes Smith; seconded by Dan Fraro and unanimously voted to accept Charter's special use permit application for a gravel bank at South & Egypt Roads, refer it to the Planning Commission and set the Public Hearing date for Monday, July 14, 2008 beginning at 7:00 p.m. in the Town Hall.*

### **d. Special Use Permit Application For Gravel Bank, South Road, Bordeaux Farm**

The application, fee, new map and the bond estimate have been received. Mr. Strauss and Bob Cafarelli will perform the site inspection.

*A motion was made by Wes Smith; seconded by Dan Fraro and unanimously voted to accept Bordeaux Farm's special use permit application for a gravel bank at South Road, refer it to the Planning Commission and set the Public Hearing date for Monday, July 14, 2008 beginning at 7:00 p.m. in the Town Hall.*

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

The application, fee, new map and the bond estimate have been received. Mr. Strauss and Bob Cafarelli will perform the site inspection.

*A motion was made by Wes Smith; seconded by Dan Fraro and unanimously voted to accept Pleasant View Farms Realty's Special Use Permit Application for a gravel bank at South Road, refer it to the Planning Commission and set the Public Hearing date for Monday, July 14, 2008 beginning at 7:00 p.m. in the Town Hall.*

*A motion was made by Wes Smith; seconded by Dan Fraro and unanimously voted to set the Public Hearing date for items V.f. (Woods Gravel Bank) and V.g. (Grower Direct Gravel Bank) for Monday, July 14, 2008 beginning at 7:00 p.m. in the Town Hall as well.*

**h. Determination Of Staff Review: Site Plan Application For Change Of Use To Office Space, 24 Scitico Road, Scitico Llc**

Ms. Carson explained that this is for an interior renovation of space that will be used by STR. The 6,165 square foot space will be used for offices. Standard business hours will be Monday through Friday, 8:00 a.m. to 5:00 p.m., no hazardous waste will be generated, and there is plenty of parking.

It was the consensus of the Commission to allow staff review of the application.

**i. Other** – There was no Other New Business.

**IV. OLD BUSINESS**

**a. Other** – The Commission discussed adding a Discussion and Possible Decision of the OWBF Regulations to the agenda, but decided, since most of the public had left the meeting, to wait until their next meeting when they could place the item on the agenda and people would know they would be discussing their decision. There was no Other Old Business.

**VII. STAFF/COMMISSIONER REPORTS**

The Town will be hiring a Zoning Enforcement Officer (ZEO) who will be shared with the Town of Ellington. The new ZEO will work the same amount of hours for Somers as did Joy O'Connor.

**VIII. CORRESPONDENCE AND BILLS**

The following bills were presented:

Journal Inquirer	April 7, 2008 Public Hearing	\$157.40
Journal Inquirer	May 5, 2008 Meeting	\$55.09

*A motion was made by Wes Smith; seconded by Dan Fraro and unanimously voted to pay the bills and to allow the Planner to pay any other Commission bills up to \$500 for the remainder of the 2007/08 fiscal year.*

Ms. Carson notified the Commission that a request for authorization of a diversion of water for consumptive use was received from the CT Water Company. As part of the application for a general diversion permit the applicant, CT Water Company, must notify the Town. They propose to interconnect part of their Enfield system with their Somers system.

**IX. ADJOURNMENT**

*A motion was made by Wes Smith; seconded by Dan Fraro and unanimously voted to adjourn the June 16, 2008 Zoning Commission meeting at 8:49 p.m.*

Respectfully submitted,

Wesley Smith, Secretary

Jeanne Reed, Recording Secretary

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