

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

**ZONING MINUTES
REGULAR MEETING
MARCH 2, 2009
TOWN HALL - 7:00 p.m.**

I. CALL TO ORDER

Chairman Rob Martin called the regular meeting of the Zoning Commission to order at 7:06pm. Members Rob Martin, Wes Smith and Alternate Dan Fraro (seated for Ray Hafford) were present and constituted a quorum.

II. MINUTES APPROVAL: FEBRUARY 2, 2009 & FEBRUARY 23, 2009

A motion was made by Mr. Smith; seconded by Mr. Fraro and unanimously voted to defer approval of the minutes of February 2, 2009 and February 23, 2009 until the Zoning meeting on March 16, 2009.

III. OLD BUSINESS

A motion was made by Mr. Smith; seconded by Mr. Fraro and unanimously voted to take the agenda out of order and go to Old Business item c.

c. DISCUSSION/POSSIBLE DECISION: SITE PLAN APPLICATION FOR RETAIL BUSINESS & OFFICE, 21 ELEANOR ROAD, KEARNS

The Kearns' were in attendance at the meeting. Chairman Martin explained that the Kearns' would like to move their tack shop to the industrial site on Eleanor Road. The Planning Commission reviewed the application and recommended approval, finding that it is a good use of the limited industrial space in Town and fits with the POCD.

A motion was made by Mr. Fraro; seconded by Mr. Smith and unanimously voted to approve the Kearns' Site Plan application for a retail business and office at 21 Eleanor Road.

a. EXECUTIVE SESSION: PENDING CLAIMS & LITIGATION, SMYTH VS. ZONING COMMISSION

At 7:07pm, a motion was made by Mr. Smith; seconded by Mr. Fraro and unanimously voted to enter into executive session to discuss pending claims and litigation in the Smyth vs. Zoning Commission lawsuit. The Commission invited Town Attorney Carl Landolina to attend.

At 7:50pm, a motion was made by Mr. Smith; seconded by Mr. Fraro and unanimously voted to come out of executive session and resume the regular meeting at 7:50pm. No votes were taken in executive session.

b. SPECIAL USE PERMIT APPLICATION FOR HORSES FOR COMMERCIAL PURPOSES, SECTION 214-89.A., 163 BILTON ROAD, YOUNG – SET PUBLIC HEARING

A motion was made by Mr. Smith; seconded by Mr. Fraro and unanimously voted to set the public hearing for the Young's Special Use Permit application for horses for commercial purposes under Section 214-89.A. at 163 Bilton Road on Monday, March 16, 2009 beginning at 7:00pm in Town Hall.

d. OTHER

A motion was made by Mr. Fraro; seconded by Mr. Smith and unanimously voted to schedule the public hearing for the settlement of Smyth vs. Zoning Commission for April 6, 2009 at 7:00pm at Somers Town Hall.

IV. NEW BUSINESS

a. APPLICATION FOR RENEWAL OF SPECIAL USE PERMIT FOR FLEA MARKETS, AUCTIONS & MUSIC FESTIVALS, 430 SOUTH ROAD, PLEASANT VIEW FARMS REALTY

Chairman Martin explained that this is a yearly application by Jeff Lipton. The property is typically used for flea markets, auctions, car shows and various charity events.

A motion was made by Mr. Fraro; seconded by Mr. Smith and unanimously voted to accept Pleasant View Farms Realty's application for renewal of the Special Use Permit for flea markets, auctions & music festivals at 430 South Road, set the public hearing for Monday, March 16, 2009 at 7:00pm in the Town Hall, and refer it to the Planning Commission.

b. SITE PLAN APPLICATION FOR CHANGE OF USE TO GRAPHICS BUSINESS/RETAIL, 64 FIELD ROAD (UNIT 4A), DG GRAPHICS LLC

Chairman Martin explained that the business is currently at 612 Main Street and they would like to move.

A motion was made by Mr. Smith; seconded by Mr. Fraro and unanimously voted to accept DG Graphics LLC's Site Plan Application for a change of use to graphics business/retail at 64 Field Road (Unit 4a) and refer it to the Planning Commission.

c. OTHER – There was no other discussion.

V. DISCUSSION: PLAN OF CONSERVATION & DEVELOPMENT

a. DISCUSSION: OPEN SPACE SUBDIVISION REGULATIONS DRAFT

Mr. Fraro provided the Commissioners with the informational packet that was distributed at the public forum on the POCD. Mr. Fraro described the discussion that took place at the meeting. The Zoning Commissioners discussed tax implications of Town ownership of the open space and the various open-space ownership options. Other considerations regarding the open space regulation were discussed as well.

A motion was made by Mr. Fraro; seconded by Mr. Smith and unanimously voted to set a public hearing for the proposed amendments to the Zoning Regulations to allow Open Space Subdivisions for Thursday, March 26, 2009 beginning at 7:00pm in the Somers Town Hall.

VI. STAFF/COMMISSIONER REPORTS – There were none.

VII. CORRESPONDENCE AND BILLS – There were none.

VIII. ADJOURNMENT

A motion was made by Mr. Smith; seconded by Mr. Fraro and unanimously voted to adjourn the March 2, 2009 regular meeting of the Zoning Commission at 8:21pm.

Respectfully submitted,

Wesley Smith, Secretary

Jeanne Reed, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING.