

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

**ZONING MINUTES
SPECIAL MEETING
APRIL 27, 2009
TOWN HALL - 7:00 p.m.**

I. CALL TO ORDER

Chairman Rob Martin called the special meeting of the Zoning Commission to order at 7:01pm. Members Jill Conklin, Rob Martin, Dan Fraro, Wes Smith, and Alternate Member Paige Rasid (seated for Ray Hafford) were present and constituted a quorum. Also present were Town Attorney, Carl Landolina and Town Planner Patrice Carson.

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

At 7:02pm, a motion was made by Mr. Smith; seconded by Mr. Fraro and unanimously voted to go into executive session regarding Smyth vs. Somers Zoning Commission and to invite Attorney Carl Landolina and Ms. Carson.

A motion was made by Mr. Smith; seconded by Ms. Rasid and unanimously voted to come out of executive session at 7:33pm. There were no votes taken.

II. PUBLIC HEARINGS

a. CONTINUATION: PROPOSAL TO SETTLE A LAWSUIT: ROBERT SMYTH VS. SOMERS ZONING COMMISSION DOCKET #CV08-4009357S PENDING IN TOLLAND SUPERIOR COURT REGARDING ZONE CHANGE APPLICATION (PREVIOUSLY DENIED BY THE ZONING COMMISSION) FOR PROPERTIES AT 225 FIELD ROAD (MAP 02 BLOCK 50) & 251 FIELD ROAD (MAP 02 BLOCK 44 LOT 03)

Chairman Martin opened the Public Hearing at 7:33pm and the legal notice was read.

Mr. Martin introduced Town Attorney Carl Landolina of Fahey, Landolina and Associates. Atty. Landolina explained that Mr. Avery has filed a motion with Superior Court to become a party to this lawsuit. He reminded the audience that the original application for zone change was for both Smyth and Avery. Until now Mr. Smyth has been the only party to this suit. At the time of this public hearing it was unknown whether the court would grant Mr. Avery's request. The proposed settlement terms and public notices for this hearing have only pertained to the Smyth property and if Avery becomes a party it would require new settlement terms and public hearings thereby rendering any decision from this hearing moot. Given the new developments Atty. Landolina recommended that the Commission withdraw the offer to settle the case with Mr. Smyth until it is known if Mr. Avery will become party of the case.

A motion was made by Ms. Conklin; seconded by Mr. Smith and voted unanimously to withdraw the proposal to settle Robert Smyth vs. Somers Zoning Commission Docket #C08-4009357S.

A motion was made by Mr. Smith; seconded by Ms. Conklin and unanimously voted to close the public hearing at 7:45pm.

III. OLD BUSINESS

a. DISCUSSION/POSSIBLE DECISION: PROPOSAL TO SETTLE A LAWSUIT: ROBERT SMYTH VS. SOMERS ZONING COMMISSION DOCKET #CV08-4009357S PENDING IN TOLLAND SUPERIOR COURT REGARDING ZONE CHANGE APPLICATION (PREVIOUSLY DENIED BY THE ZONING COMMISSION) FOR PROPERTIES AT 225 FIELD ROAD (MAP 02 BLOCK 50) & 251 FIELD ROAD (MAP 02 BLOCK 44 LOT 03)

There was no further discussion regarding this issue since the Commission withdrew its settlement offer.

b. DISCUSSION/POSSIBLE DECISION: SITE PLAN APPLICATION FOR CHANGE OF USE TO BUSINESS, 138 MAIN STREET, REDMOND

Ms. Carson explained that the Zoning Enforcement Officer (ZEO), Linda Robitaille, has discussed the parking concerns with Mr. Redmond. She recommends that the Zoning Commission require the six company vans be parked in the back of the parking lot where there is room for them allowing the parking closer to the road for customers. Ms. Carson continued to address the other issues that were pending from the last meeting regarding this application. The applicant is aware that he still needs a sign permit from the ZEO. The WPCA has approved their reassessment. The Fire Marshal has reviewed and stated that there are no hazardous material requirements for storage of computer parts.

There was a discussion regarding the need for the Design Review's input regarding the improvements that are being made to the Redmond property, but at this time, no regulations have been adopted.

A motion was made by Ms. Rasid; seconded by Mr. Fraro and unanimously voted to approve Mr. Redmond's Site Plan application for a change of use to business at 138 Main Street with the conditions that the business vans be parked at the rear of the building when on the lot and that a sign permit must be obtained.

There was further discussion about making the building fit in with the area like the neighboring doctor's office did when they renovated their property. The Somers Zoning Commission requests that the applicant, Mr. Redmond, make every effort to make the store frontage as aesthetically pleasing as possible to fit the character of the Somersville overlay district. The use of mulleins in the windows was suggested.

IV. STAFF/COMMISSIONER REPORTS – There were none.

V. CORRESPONDENCE AND BILLS – There were none.

VI. ADJOURNMENT

A motion was made by Mr. Smith; seconded by Ms. Fraro and unanimously voted to adjourn the April 27, 2009 special meeting of the Zoning Commission at 7:59pm.

Respectfully submitted,

Wesley Smith, Secretary

Jeanne Reed, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING.