

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

**ZONING MINUTES  
REGULAR MEETING  
NOVEMBER 16, 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 7:12pm. Members Jill Conklin, Rob Martin and alternate member Paige Rasid (seated for Dan Fraro) were present and constituted a quorum. Also present: Zoning Liaison John Collins.

**II. PUBLIC HEARINGS**

**a. APPLICATION FOR HOME OCCUPATION; MICHAEL OKRASKA, 403 MAIN STREET**

Mr. Martin asked Mr. Collins to read the legal notice. Mr. Collins said that the notice had been published but he did not have it with him. In lieu of the notice, Mr. Martin announced that the public hearing is specifically for an application for home occupation for Michael Okraska at 403 Main Street for the purpose of fence design.

Mr. Collins told the Commission of the documents on file for the application, including the "statement of use", the approved referral from the Planning Commission, the site plan, and minutes from Planning meeting with a positive referral.

Mr. Okraska did not wish to speak, so Glenn Hastie, owner of Hastie Fence Company of East Longmeadow introduced Mr. Okraska as his partner and spoke on his behalf. He stated that they plan to open a fencing design center at the 403 Main Street location as a home occupancy business.

He explained that people will come and meet with Mr. Okraska or Mr. Hastie himself and set up an appointment to go to their homes. He said there would be no product stored on the premises.

Mr. Martin questioned what the process would be once an appointment is made. Mr. Hastie said the next step would be selling the product and then manufacturing the product at the East Longmeadow location. Mr. Martin asked to confirm that there would be not selling at the location but Mr. Hastie said that there would be selling if people say that they want a certain kind of fence installed, then the sale would happen there, but no manufacturing will be done at 403 Main.

The floor was opened to public comment.

**Wayne Wegrzyn** of 15 Heritage Drive, spoke in favor of the application stating that he knows Mr. Hastie and has done business with him. He said it's nice to see someone come into Town with a plan and a nice atmosphere. Because a lot of people in Somers do business and just put signs up all over the place and he appreciates when someone takes the time to put something that looks nice up and this is why he is for it.

**Patrice Carson**, Certified Planner of the American Institute of Certified Planners, had questions regarding the application. She said she had been the Planner for the Town of Somers for 22 years and has full knowledge of the Somers Zoning regulations. She stated that she is also familiar with the applicant from many encounters with him while she was employed by the Town including several cease and desist orders filed by the Town against the property.

Ms. Carson stated that she reviewed the file and did not see a Special Use permit application signed by the applicant in the file. She said there was a Zoning permit showing a \$150.00 fee had been paid, however a Special Use permit had cost \$220.00 for the last fifteen years and went up on October 1<sup>st</sup> to \$250.00.

Ms. Carson added that she would like to see the legal notice because at the previous meeting erroneous information regarding the publication dates had been given to the Commission. The publication would also state what is actually being applied for and without this it is uncertain what the application is for.

She added that meeting minutes where this application has been discussed should be included in the file but are not there. Nevertheless, in the minutes of the September 28, 2009 Zoning meeting there were some things that were incorrect that she would like to address. One issue was Mr. Hastie's claim that Atty. Devlin had assisted with the State of Connecticut paperwork to allow the installation of the sign at 403 Main. She pointed out that the State of Connecticut has nothing to do with the installation of signs in Somers. She added that this requires a Town sign permit which Mr. Hastie did not have. Atty. Parks had represented Mr. Hastie for the several cease and desist orders against his illegal posting of the sign.

Another issue Ms. Carson wanted to clarify regarded Mr. Hastie's assertion that he had provided Ms. Carson with his proposed hours of operation and statement of purpose. She said that she had discussed with Mr. Hastie what he would need to provide for an application, but the information was never provided.

She cautioned the Commission to ensure that the home occupation does take place in the house because during her conversations regarding the application, Mr. Hastie's intention was to run the operation out of the little side building. She added that the home occupation regulation specifically excludes retail sales of any merchandise. She cautioned that it would be very difficult to separate sales from design, and by Mr. Hastie's own admission he said if someone wants to buy something they would sell it to them at this location.

She added that the property owner must provide a signed affidavit for the file and this was not in the file. Ms. Carson concluded by saying that she wondered why it would be necessary to have a design center in Somers when there is an established business in East Longmeadow.

The Public Hearing was closed at 7:25pm at which time Mr. Hastie and Mr. Okraska and the Wegrzyn's left the building. Mr. Hastie swore at Ms. Carson as he exited.

The regular meeting resumed at 7:26pm.

### **III. MINUTES APPROVAL:** September 28, 2009 and October 19, 2009

Mr. Martin had questions regarding the Town requirement for meetings to "call to order" before beginning a Public Hearing. He had reviewed the Town Bylaws, which state that the order of business in a meeting is numbered as follows: *1. Public Hearing 2. Call to Order.*

Mr. Collins explained that the Town Clerk had researched this issue and found that Somers was the only Town that did not do the "call to order" before a public hearing.

Mr. Martin asked for Mr. Collins to check into this further to determine whether the Town Bylaws need to be amended. He also asked Mr. Collins to research if there is a set time when amendment to the Bylaws must be done.

*A motion was made by Ms. Conklin; seconded by Ms. Rasid and unanimously voted to approve the minutes of September 28, 2009 and October 19, 2009 as written.*

### **IV. OLD BUSINESS**

**a. APPLICATION FOR HOME OCCUPATION; MICHAEL OKRASKA, 403 MAIN STREET**

The Commissioners expressed their surprise that the applicant, Mr. Okraska, has never addressed the Commission and that this is the first time he has attended a meeting regarding his application. A conversation ensued regarding the previous issue of the illegally posted sign. It was noted that a temporary sign has again been posted illegally at the location. If a temporary business sign is posted it must be taken down at the end of the day. Not only is this not happening but there is no legal business at the location at this time.

Mr. Collins acknowledged that the Special Use application and fee had not been received because he was not aware there was a separate application for this. He added further that he has not been able to find a blank form for this application.

The Commission expressed their confusion regarding what is actually intended as the business use at this location. It was pointed out that on several occasions Mr. Hastie has said that he would make sales at this location. It was again reiterated that retail is not allowed in a home occupation business. The Commission agreed that this business would be the first step of a retail transaction.

Mr. Martin asked Mr. Collins about the need of an affidavit from the owner. Mr. Collins conceded that this is a valid requirement and is also required under a building permit application.

Conversation took place regarding the Commission's opposition to fencing displays. However, it was pointed out the Mr. Hastie had stated that he could fence the property with different samples of fencing and this could probably not be prevented.

Mr. Martin noted that this is officially not a valid application because of the lack of the properly completed paperwork, lack of proper fee payment and questions regarding the legal notice. Mr. Collins stated that he has a copy of the legal notice from the October 19<sup>th</sup> Public Hearing that could not be held because of the lack of proper referral to the Planning Commission.

Nevertheless, Mr. Martin said that without a proper application the Commission could not make a decision tonight. The other Commissioners agreed. Mr. Collins suggested he could gather the missing materials in the next couple of weeks to be ready for the next Zoning Meeting.

**V. NEW BUSINESS**

**a. SOMERS GOLF CENTER, 349 MAIN STREET  
MODIFICATION OF EXISTING SPECIAL USE PERMIT TO INCLUDE BATTING CAGES**

The applicant was not present. Mr. Collins said that this application is to be accepted and referred to Public Hearing. He added that he took the liberty of putting this application before the Planning Commission at their meeting on November 12, 2009.

The Commissioners reminded Mr. Collins that these applications are to come to the Zoning Commission first and Zoning refers to Planning. Mr. Collins asked if there was anything the Commissioners would like to see before they make the official referral to Planning. The Commission said they would like to see the application.

Mr. Collins provided the conceptual and site plans that were furnished by the applicant. He explained what he understood the applicant intended to do. Some of the existing driving tees will be removed and the batting cage building will be constructed. The size of the building had not been specified but the Commissioners used the site plan scale to estimate the size at about 100'X60'.

This would be a modification of the Special Use permit. Mr. Martin asked for the original Special Use permit for the entire operation to see what the thoughts were at that time. He wanted to make sure that his new application is still in keeping with the original intention.

A photo of what was presumed to be a similar building as the one proposed was included with the other information. However, Mr. Collins said he has not seen the actual building plan. The Commission commented on the very high overhead lighting as shown in this photograph and questioned if a lighting plan had been provided. The plan showed five 1000-watt lamps on 25' poles erected around the batting cage building. The Commission said they would also need an estimate of additional traffic volume.

*A motion was made by Ms. Conklin; seconded by Ms. Rasid and unanimously voted to refer Somers Golf Center's Modification of existing Special Use Permit to include batting cages at 349 Main Street to the Planning Commission.*

According to Mr. Collins the Planning Commission has approved this application. The applicant has been assessed an additional \$245.00 beyond the original Special Use permit fee. This fee includes the additional \$30.00 to the State as of October.

Mr. Martin reminded Mr. Collins that in the future applications should be submitted to the Zoning Commission first so they may refer to Planning.

**b. BOND RELEASE: BORDEAUX GRAVEL PIT OPERATION, 103 SOUTH ROAD**

Mr. Collins provided the as-built gravel bank site plan along with the applicant's request, the final inspection results from David Askew, and letters from the Town Sanitarian and Town Engineer. All have signed off on the project. He reminded the Commission that the gravel pit had been closed in June when it was agreed to allow the closing to be handled by in-house staff.

The Commissioners reviewed the letters and materials submitted and agreed that there is no reason not to release the bond. The only recommendation is for loaming and fertilizing to ensure the growth of vegetation for erosion control.

*A motion was made by Ms. Rasid; seconded by Ms. Conklin and unanimously voted to release the \$24,037.00 bond for the Bordeaux Gravel Pit operation at 103 South Road.*

**c. PARKING EXPANSION: MIKE REDMOND, 138 MAIN ST**

The applicant was not present. Mr. Collins said that he had asked Mr. Redmond for additional information or to attend this meeting. Since the applicant did not comply with this request the Commission was unable to proceed with this issue.

**d. 2010 MEETING SCHEDULE**

Mr. Collins provided the proposed schedule for the upcoming year, which the Commissioners reviewed and discussed.

*A motion was made by Ms. Rasid; seconded by Ms. Conklin and unanimously voted to accept the meeting schedule as submitted.*

**VI. DISCUSSION: PLAN OF CONSERVATION & DEVELOPMENT**

**a. RIDGELINE REGULATIONS / RIDGELINE MAP**

Mr. Collins displayed the new topo transparency with ridgeline contours over the Zoning map. He explained that Planometrics said that the current definition of the Somers ridgeline in the proposed regulation is too vague to delineate the setbacks. For another \$800.00 they could work on creating this or an approximate setback. It was agreed that the Town cannot afford this.

It was recommended that the Zoning Commission review the language in the Avon ridgeline overlay regulation, which Mr. Collins provided. Mr. Collins showed the Commission Avon's ridgeline map and explained it.

Mr. Martin recommended that Mr. Collins call to see how the Avon regulation has worked for them especially in regard to enforcement. Mr. Collins offered to bring the most current version of the ridgeline regulation to the next meeting. Once this regulation is completed it will need to go to CRCOG.

**VII. STAFF/COMMISSIONER REPORTS** - There were none.

**VIII. CORRESPONDENCE AND BILLS.**

The following bill was presented for payment:

Journal Inquirer	October 19, 2009 Public Hearing	\$188.88
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*A motion was made by Ms. Rasid; seconded by Ms. Conklin and unanimously voted to pay the bills.*

*A motion was made by Ms. Conklin; seconded by Ms. Rasid and unanimously voted to add discussion of the Vono property on Maple Street to the agenda under Other.*

**IX. OTHER**

**a. DISCUSSION OF VONO PROPERTY ON MAPLE STREET IN SOMERSVILLE**

The Commission questioned the status of the Vono property. Mr. Collins said that Mr. Vono has decided to keep the property as a single-family residence. The Commission asked if the grass would be replanted where it had been cleared for paving. Mr. Collins said that since the property is in a business zone Mr. Vono is allowed to have 60% impervious coverage. The Commission pointed out that a single family home does not need to have such a large parking lot.

The Commission inquired if a fence had been constructed and added that this site needs to be monitored because the restaurant cannot use this property for its overflow parking.

The Commission asked if Mr. Vono had requested a permit for the parking lot because the lot coverage needs to be disclosed. Mr. Collins said no, there was no request for a permit.

The Commission agreed that the property has been prepped for a parking lot with rolled and compacted process underlayment. They said that Mr. Vono will need to get a permit and provide a site plan with the lot coverage.

Mr. Collins reiterated that Mr. Vono has not changed the use and added that the zoning setbacks are different in a business zone. Mr. Collins asked Ms. Carson about this. She deferred regarding this point but did state that the Vono property needs screening and a complete cut-off between the residence and the restaurant.

Mr. Collins asked which permit would be required for a parking lot. The Commission said it would be the same as what is needed for an addition. There will need to be an assurance that the job is done to code, and a screening and lighting plan will be needed. Also the Fire Marshall will need to assess the site for access.

Mr. Collins reminded the Commission that this is a single-family home and not a business use although it is a business zone. The Commission stated that they need to know that all the proper procedures are being followed and reasserted that a site plan must be submitted.

Mr. Collins had questions regarding an application by the Congregational Church. He explained that the Church has merged two parcels so they can expand their parking. He said the Planning Commission waived the requirement for a site plan. Mr. Collins asked if the Zoning Commission would accept a reasonably prepared parking schematic in lieu of a professionally prepared site plan.

The Commission reviewed the hand-drawn site plan that was provided and Mr. Collins explained the layout. The Commission said they would need to see a better drawing than what was submitted, but they would probably not require a professional survey

## **IX. ADJOURNMENT**

*A motion was made by Ms. Conklin; seconded by Ms. Rasid and unanimously voted to adjourn the November 16, 2009 meeting of the Zoning Commission at 8:35pm.*

Respectfully submitted,

, Secretary

Jeanne Reed, Recording Secretary

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