

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

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

I. CALL TO ORDER

Vice-Chairman Jill Conklin called the regular meeting of the Zoning Commission to order at 7:02pm. Members Jill Conklin, Dan Fraro and alternate member Paige Rasid (seated for Rob Martin) 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

Ms. Conklin read the Public Notice.

Mr. Collins explained that this is a rehearing due to a technical error with the last public hearing. He notified the commission that since this application would be exceeding its 65-day timeframe, the applicant has given approval for a 30-day extension. Mr. Collins presented the site plan and statement of use.

Mr. Hastie spoke on behalf of Mr. Okraska who was in attendance. Mr. Hastie read a letter to the Commissioners that he had composed. The letter was made a part of the record.

The Commissioners reviewed the information regarding the Special Use Permit that had been submitted previously. Mr. Collins reiterated that the Planning Commission had given a positive referral for the application with no issues. The Commission had no further questions regarding the application. The floor was opened to public comment. No one spoke for or against the application.

A motion was made by Ms. Rasid; seconded by Mr. Fraro and unanimously voted to close the Public Hearing for Michael Okraska's application for home occupation at 403 Main Street at 7:15pm.

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

The Public Hearing for 403 Main Street was opened at 7:15pm. The Public Notice was read.

Timothy Coon of J.R. Russo and Associates spoke on behalf of the applicant. He explained that this is an 18.6-acre property that is zoned A-1. The current facility includes a driving range, a miniature golf course, a building with office space and snack bar, storage bin and 80-space parking lot.

The applicant proposes to eliminate 10 tees at the driving range and to install a 5 station batting cage. The batting cages would consist of an 8' X 150' concrete slab that would be covered by a 2175 square foot canopy. There would also be a 425-foot shed for the pitching machines.

Netting will be installed to protect the batting cages from the driving range. Mr. Coon provided photos of a canopy similar to one the applicant proposes. The canopy will be constructed of wood. There will be five lights mounted on two poles that will be focused on the pitching machines. Mr. Coon provided the

lighting plan demonstrating that no lighting spillover across property lines would occur. No additional parking will be needed. Construction will result in some additional fill in the flood zone, however the existing compensatory storage area has sufficient excess flood storage. Mr. Coon said that the Sanitarian had no other issues and the Planning Commission has given their positive referral.

This modification request is still in accordance with the original Special Use Permit that allowed a golf center and/or outdoor recreation at the site.

The Commissioners reviewed the information submitted. A discussion ensued regarding color and composition of the canopy roof.

The floor was opened to public comment.

Mike Okraska of 403 Main Street spoke in favor of the application. He said there has been no noise complaints or traffic problems since the Golf Center has opened.

There were no other speakers for or against the application.

A motion was made by Ms. Rasid; seconded by Mr. Fraro and unanimously voted to close the Public Hearing for Somers Golf Center's modification of existing Special Use Permit to include batting cages at 349 Main Street at 7:25pm.

The regular meeting was opened at 7:25pm.

III. MINUTES APPROVAL: November 16, 2009

There was a consensus to table approval of the minutes of November 16, 2009 until the next meeting.

IV. OLD BUSINESS

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

Mr. Collins stated that Mr. Martin has asked for the discussion on this application to be continued until the next meeting when he is in attendance.

A motion was made by Mr. Fraro; seconded by Ms. Rasid and unanimously voted to continue discussion on Mr. Okraska's application until the next meeting.

b. PARKING EXPANSION: MIKE REDMOND, 138 MAIN STREET

Mr. Collins stated that Mr. Redmond still has not provided his site plan as requested, so this item will be taken from the agenda. He said that a zoning enforcement action will need to be taken because construction on the parking area has begun without a permit.

V. NEW BUSINESS

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

Ms. Conklin reiterated that the Commission is being asked to approve a conceptual plan for the batting cages. The Commission expressed apprehension at approving a plan without seeing it first. Mr. Collins said that the Commission could either continue this discussion or approve the application contingent upon receiving the requested plans. He pointed out that the applicant will need to submit a plan to receive their building permit.

A discussion ensued regarding the possibility of this application going before the Design Review Committee. Mr. Coons said the applicant would like to begin work on pouring the concrete foundation for the canopy as soon as possible.

A motion was made by Ms. Rasid; seconded by Mr. Fraro and unanimously voted to approve Somers Golf Center's modification of existing Special Use Permit to include batting cages at 349 Main Street with the condition that final design plans for the building be submitted to Somers' Building Official for further review by the Zoning Commission.

VI. DISCUSSION: PLAN OF CONSERVATION & DEVELOPMENT

a. RIDGELINE REGULATIONS / RIDGELINE MAP

Mr. Collins provided copies of the updated regulation per the previous request of Chairman Martin. Mr. Collins explained that he had inserted a paragraph from Avon's regulation regarding the delineation of the ridgeline setback as an example. He added that he had spoken with the Avon official about enforcement and use of their regulation. He was told that since enactment in 2000 there have been 15 applications which have been handled case by case. Most issues have been aesthetic i.e. Non-reflective glazing and use of earth tones for structure facades. In Avon they look at tree line protection before, during and after construction.

The Commissioners observed that Avon's regulation pertained more to geology and erosion than to sightlines. The validity of this perspective was discussed. Mr. Collins provided a part of the State Ridgeline Statute to the Commissioners.

Mr. Collins reiterated that he inserted the Avon delineation wording merely as a starting point. He further explained that without the setback delineation map proposed by Planimetrics the Town can only approximate the ridgeline area. The homeowner's would need to hire an engineer or surveyor to locate the property within the ridgeline. Mr. Collins said he was told by John Cahill from Avon that the \$800 price quoted by Planimetrics was a very good price.

Mr. Fraro related a recent example that he encountered though his work with the Conservation Commission. A homeowner had expressed his plans to clear cut a large area on a slope where below the site other homes could be impacted. Currently there are no restrictions on clear cutting in this area. However, the trees root systems prevent slippage of soil and rocks down the slope. Once such a problem occurs it is very hard to correct. In this case the homeowner was warned that adverse disturbance to the neighboring properties would be his liability.

The Commission discussed the problems and considerations in clearly specifying the ridgeline delineation language for the regulation.

VII. STAFF/COMMISSIONER REPORTS

Mr. Collins recommended that the Commission review the Zoning Bylaws for revision. He specifically cited the need to change the sequence of the "Call to Order" and opening of Public Hearings. He read a letter from the Town Clerk sent to the Commission explaining why the order should be changed.

Mr. Collins notified the Commission that all of the minutes regarding the Public Hearing of November 16, 2009 need to be stricken. This will be discussed more fully at the next meeting.

Mr. Collins announced that they have received an application for a Zoning Enforcement Officer. The applicant is a professional engineer with a background in site plan preparation. He is highly recommended by the Town of East Windsor and will interview this Thursday.

In the meantime former Somers' ZEO, Jim Taylor, has agreed to work for the Town on a temporary basis. Mr. Taylor will continue to be the ZEO for the Town of Suffield. A decision has not been made on how the ZEO position will be permanently staffed. However, the ZEO job posting on the Town website will be removed for the time being.

The Commissioners stated that they would like to receive a ZEO report with a running list of issues by address with a status on the issue.

VIII. CORRESPONDENCE AND BILLS.

The following bill was presented for payment:

Planimetrics..... Topographical Map\$316.02

A motion was made by Mr. Fraro; seconded by Ms. Rasid and unanimously voted to pay the bills.

IX. ADJOURNMENT

A motion was made by Mr. Fraro; seconded by Ms. Rasid and unanimously voted to adjourn the December 7th, 2009 meeting of the Zoning Commission at 8:16pm.

Respectfully submitted,

, Secretary

Jeanne Reed, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING.