

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

**ZONING MINUTES
SPECIAL MEETING
FEBRUARY 22, 2011
TOWN HALL – 7:00 p.m.**

I. CALL TO ORDER:

Chair Jill Conklin called the special meeting of the Zoning Commission to order at 7:00 pm. Members: Karl Walton, Rob Martin, Dan Fraro, Sam Smith and alternate member Paige Rasid, were present and constituted a quorum. Also present: John Collins, Zoning Liaison, Carl Landolina, Town Attorney, and a number of interested citizens.

II. PUBLIC HEARING:

- a. Public Hearing for the application of Jason Avery for twenty unit (10 duplex) Affordable Housing (C.G.S. 8-30g) at 225 Field Rd., Somers, CT.**
- b. Public Hearing for the application of Robert Smyth for twenty unit (10 duplex) Affordable Housing (C.G.S. 8-30g) at 251 Field Rd., Somers, CT.**

Chair Jill Conklin read the Legal Notice into the record for the above referenced applications. She then took a roll call of Zoning Commission members.

Town Attorney Carl Landolina then asked to speak to the Commission, prior to the Applicants, in order to clarify the parameters over which the Commission will have jurisdiction over. Attorney Landolina stated that Land Use and Zoning statutes allow the applicants to bring an Affordable Housing development in front of the Commission. He defined Affordable Housing as a development where not less than 30% of the units are set aside for a period of 40 years and sold, or rented to individuals where 15% of the units are sold to individuals with not more than 80% of the median income; and the other 15% sold to individuals with not more than 60% of the median income.

Attorney Landolina explained that typically an applicant makes a proposal to the Commission, and members must then determine if that application is in compliance with current Zoning regulations. He said that with an Affordable Housing application, Zoning regulations do not apply, and that members can only review the application in light of public Health and Safety concerns. He added that if the Commission were to deny an Affordable Housing application, the burden of proof lies with the Town, rather than the Applicant.

Attorney George Schober then addressed the members, as representative for the applicants. He stated they also have applications with the Conservation and Planning Commissions regarding this development. He explained they are proposing a private drive off Billings Road that would service both properties. The private drive would terminate in a cul-de-sac. Mr. Schober said this drive would be maintained by the Homeowners' Association, and when Mr. Avery's industrial property is developed, the drive would be maintained by the industrial property owner.

Mr. Schober said they believe they have met the criteria for an Affordable Housing development. He addressed Fire safety, stating that water service was designed in a loop design, there will be emergency access for Fire trucks, and hydrants will be installed.

Mr. Schober told members that 6 units on each property will be maintained as Affordable Housing units, with the balance of the units to be sold at market rates. He stated the units will be identical on the exterior, same size and construction; 1,200 square feet, 1 car garage. The difference would be interior finishes. Mr. Schober added that the development is proposed as Affordable Housing, and if it should not be developed as such, the properties would re-merge. He said he and Attorney Landolina were currently drafting appropriate language regarding a re-merge. He then asked for any questions from members.

Attorney Landolina asked about the water service, questioning “designed but not constructed.” Attorney Schober agreed that the design is to Billings Road, but that they are not willing because of the financial burden, to bring the services further along Billings. Instead they agreed to install hydrants at Billings Road. Mick Mocko, of J. Ward Engineering addressed members, saying the water service terminates in the Billings Road right of way. He added the system has the proper valve and end-cap and was designed to be hooked onto without modifications. Mr. Mocko also said that the loop system design reduces maintenance and provides redundancy for a break on one end. Attorney Landolina stated he would like input from the Fire Department and delivered a copy of the Water Supply Ordinance to be part of the file and record.

Attorney Schober then introduced Scott Hesketh, to address traffic concerns. Mr. Hesketh provided members with a copy of a Traffic Impact Statement, which he summarized. He addressed traffic volume, stating that the 40 units would generate 448 trips daily. Mr. Hesketh conducted both capacity and speed analysis, addressing safety at both entrance and exit of the proposed development. He finished by stating the intersection would be classified as a Level Service A, best level of services.

Attorney Landolina asked to hear from Mr. Mocko, regarding drainage on the properties. Mr. Mocko characterized the sites as sandy, and graveled, and that prior to development any run-off stays on the site. He said the Plans do not change run-off patterns, water will be collected through gutters, storm drain in the street, and then the water will go to a detention basin. Mr. Mocko said he had done a run-off analysis of a 100 year Storm; that water remains in the basin, and would be only half full. He added they had changed the plans to provide for emergency overflow.

Ms. Conklin asked the depth of the basin. Mr. Mocko stated it to be 6 feet deep. He added that $\frac{3}{4}$'s of the basin area is grassed and small shrubs are to be put in.

Glen Chalder, Planimetrics, asked about drainage on the Avery industrial zone property. Mr. Mocko said the land was flat and sandy, that there is a run-off path through the property. He added there are a number of scenarios which could be employed to account for run-off, such as: sub-surface infiltrators, swale, and/or a small detention basin. Mr. Mocko said the decision is best done at the time of development.

Ms. Conklin then opened the hearing to the Public, asking interested citizens to come forward and address the Commission.

David Pinney, 214 Main Street. Mr. Pinney stated he is neither for, nor against the proposal, but wanted to address the Commission in his capacity for the Somers Housing Authority. He questioned who would be responsible for the ongoing oversight regarding the Affordable Housing income requirements. Mr. Pinney added that in a January 2011 meeting with Mr. Schober, he was informed the developer would be the Administrator; where earlier in this process the Somers Housing Authority was to be named Administrator. He also asked if the Affordability Plan meets current regulations, questioning the use of non-specific expense models.

Attorney Landolina responded that the components of the Affordability Plan meet the minimum requirements. He added that the Administrator would be responsible for Affordable Housing oversight, and asked if the Somers Housing Authority was interested in taking on that role. Mr. Pinney answered yes. Mr. Pinney had a number of recommendations, which he submitted to the Commission in the form of a letter.

Attorney Schober said nothing prohibits the developer from acting as Administrator, but they would be happy to work with the Housing Authority.

John Cols, 26 Lindel Drive. Mr. Cols questioned whether the density was reasonable in relation to sewage and septic issues. Mr. Walton explained that the project would need to be approved by the Town Sanitarian, before it is submitted to the State Department of Health.

Jane Legg, 13 Lindel Drive. Ms. Legg expressed her concern regarding 20 septic systems on the site; where property owners above and below all have wells. She also questioned the water drainage, stating the road has collapsed 3 times over the years due to water.

Joan Rivard, Maple Ridge Drive. She asked where leech fields and holding tanks would be located. She also questioned the Traffic Impact Study being done in the winter vs. spring or summer, when traffic would be heavier.

Richard Navaconis, 385 Billings Road. Mr. Navaconis stated that the proposed private drive goes onto his property.

Dan Marceau, 9 Autumn Lane. Mr. Marceau's questions: 1) Are units to be renter or owner occupied? 2) Is there a minimum down-payment requirement? 3) Is there a maximum number of people per unit? 4) Are they taxed at the same rate? 5) Is the site within a Flood Plain?

Attorney Schober suggested Mr. Mocko address the septic concerns. Mr. Mocko stated that soil testing of the entire site had been done, and that they had satisfied the local Board of Health. He said each building would be serviced by a septic tank, with a primary and reserve leeching system. Mr. Mocko said that both sites have ideal conditions for sewage disposal. He explained that the closest well (393 Billings Road) was 75 feet away. He added that groundwater studies showed the flow to the west and southwest, away from Lindel Drive.

Addressing groundwater contamination, Mr. Mocko stated that historically, in Town, they have not been related to septic systems, but instead to agricultural or industrial chemicals. His opinion was that the septic system as planned, properly designed and installed, will not result in contamination. He then showed the leeching system on the Site Map, stating there is room for expansion.

Mr. Mocko restated that regarding drainage on Billings Road, water should come down as gutter flow off the private drive and into the detention basin. He added that he and the Town Engineer can review and fix if necessary. He said that neither property is within a Flood Plain.

Attorney Schober then asked to address some of the additional questions posed by the audience. He stated that although the developer intends to sell the units as condos, there is no prohibition against him renting. Mr. Schober stated that a down payment requirement is beyond the developer's control. Additionally, they have no way of regulating the # of people per unit. Here, he reminded the Commission and audience, they are building 1 and 2 bedroom units. On taxation, he allowed that the affordable units would be worth less; thereby resulting in a slight tax break.

Ms. Conklin asked if any other members of the audience would like to comment. None came forward. She then asked the Commission members for comments or questions for the applicant.

Glenn Chalder, Planometrics, asked Mr. Schober to comment on the 2/17/2011 version of the Technical Report submitted to the applicants by his firm. Mr. Schober stated it had been his plan to respond in writing to Mr. Chalder. He added he can address all of the items and that another revision in the Plans is likely. Mr. Chalder stated his concern that they might run out of time, and that there were both economic and affordability issues which needed to be discussed.

Attorney Landolina stated he also had concerns which needed to be addressed. He focused the affordable units over a 40 year period, questioning the ability to sell the units if interest rates rise. Attorney Landolina pointed out that lenders, in a foreclosure situation, can ignore Affordable Housing regulations. He also noted the need for easements on the units.

Mr. Chalder, referring to the Affordability Plan, questioned the accuracy of estimated costs. Mr. Schober responded the costs to be only examples of costs.

Attorney Landolina stated he would like the Applicant to respond to the Fire Ordinance, and recommended the Commission should not sign off on the applications, until that time. He also recommended that Mr. Collins compile a list of all documents which make up the file. Mr. Collins agreed to do so.

A motion was made by Mr. Walton to extend the Public Hearing to March 21, 2011 at 7:00 pm. The motion was seconded by Mr. Martin, followed by a unanimous vote as approved.

III. MINUTES APPROVAL:

None.

IV. NEW BUSINESS:

None.

V. OLD BUSINESS:

None.

VI. STAFF/COMMISSIONER REPORTS:

None.

VII. CORRESPONDENCE AND BILLS:

None.

VIII. ADJOURNMENT:

A motion was made by Mr. Walton to adjourn; seconded by Mr. Martin, and unanimously voted to adjourn the February 22, 2011 Special meeting of the Zoning Commission at 9:43 pm.

Respectfully submitted,

Daniel Fraro, Secretary

Kimberly E. Dombek, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING.