

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

**ZONING MINUTES
REGULAR MEETING
MARCH 21, 2011
TOWN HALL – 7:00 p.m.**

I. CALL TO ORDER:

Chair Jill Conklin called the regular meeting of the Zoning Commission to order at 7:05 pm. Members: Sam Smith, Rob Martin, Karl Walton, Dan Fraro, and alternate member Paige Rasid seated for the vacant seat, were present and constituted a quorum. Also present: John Collins, Zoning Liaison, Carl Landolina, Town Attorney, Glenn Chalder, Planimetrics, and Mike Mocko, Ward Engineering, and a handful 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 2 applications into the record and reminded members and audience present, this was a continuation of the February 22, 2011 Public Hearing on these applications. She then took a roll call of Zoning Commission members. Ms. Conklin then asked the Applicant to come forward and resume his presentation to the Commission.

Attorney George Schober addressed the members, as representative for the applicants. He informed members that they have submitted a revised set of Plans, as requested from the last meeting. Mr. Schober explained that they had received approval in January from the Board of Conservation relating to drainage. He added that the Planning Commission approved both re-subdivisions on March 10th. Attorney Schober reminded members that at the last meeting they had addressed most of the December 2010 recommendations from Planimetrics; leaving them with the February 17, 2011 Technical Report from Planimetrics, which outlines the last open items regarding their application.

In most cases, he said, changes as recommended have been made, and he wanted to review some of those items. Mr. Schober stated their biggest issue was regarding the looping of the water system. His perception of the Water Ordinance was that they were required to design a loop system, which they have done. He did not feel they should be required to install a loop system. Mr. Schober said they are willing to extend the water line to Billings Road, but not to Field Road. He stated he would like Mr. Mocko, to address an alternative they could pursue instead.

Mr. Schober stated that they do not agree with the recommendations regarding construction of the roadway and the development itself. He explained it will not be a road, but a private driveway, and therefore they do not feel they are required to build to Town specifications. Mr. Schober said he does

not agree with a requirement that all infrastructure (roads, drainage, septic, and emergency access) be in place prior to issuance of certificates of occupancy are issued. He suggested, rather than holding up C.O.'s a bond might be required so that the Town and the purchasers are protected.

Attorney Schober addressed comments on the Affordability Plan. He said the revised Affordability Plan will incorporate all suggested made by Planimetrics. He told members he will work with the Somers' Housing Authority and their contractor to ensure that the Affordable Housing income guidelines are met. He then asked for any questions from the Commission.

Mr. Walton asked about the road construction not being in accordance to Town standards, and what does that mean. Mr. Mocko answered that the road width will vary. He added that the pipe sizes under the drive are less than used by the Town, which uses primarily 18" pipe for maintenance purposes. Mr. Mocko explained that short sections of 12" pipe will be used, which are adequate for the development needs, in his opinion.

Mr. Walton asked about the cross section and depth of the driveway. Mr. Mocko said that would be the same; Planning regulations will be met, so that the drive can support emergency vehicles and for the general longevity of the pavement.

Mr. Walton asked if the drainage will comply with DEP specifications. Mr. Mocko said no, they are not putting in hooded units; instead all drainage will flow to the detention and infiltration basin. He stated they have added an overflow as a fail-safe measure and a landscaping plan for the basin.

Mr. Fraro asked if bonding would provide a measure of security for the buyers, in case the development wasn't completely built. Mr. Schober responded that the bond would be for the infrastructure, not the units themselves. Attorney Landolina explained that the Town could not require bonding on construction of the individual units. He added his concern is regarding the infrastructure, specifically drainage and the emergency access in a high density area. Mr. Mocko stated that they expect the drainage and emergency access to be complete prior to development construction.

Mr. Martin asked about the amount of parking, and parking on one side of the road. He questioned the signage on the prohibited side of the road, and whether emergency vehicles would be able to get to an emergency within the development. Mr. Schober stated each unit has two parking spaces (1 garage and 1 driveway space), with an additional 4 space guest parking area. Attorney Landolina asked if the Fire Marshall had signed off on the parking. Mr. Schober stated he had. Mr. Chalder suggested confirming with the Fire Marshall, the one side of the street parking being on the same side as the hydrants.

Attorney Landolina stated that the Fire Marshall interpreted the Water Ordinance differently than Mr. Schober, and that the Plans would need to comply with the Fire Marshall's recommendation. Mr. Schober said they can re-design the looping system, and asked Mr. Mocko to explain this alternative further. Attorney Landolina clarified for the record that Mr. Mocko is not a registered engineer, but a sanitarian instead.

Mr. Mocko explained that the original proposal the water line terminated at the last building. They were asked to extend it; which they did, out to Billings Road, and also added a hydrant. He added that the alternative looping system back out to Field Road doesn't serve either the Fire Department or future planning as well. He said they propose a viable option of adding 350 feet to the system, and looping from the site to Field Road, rather than out Billings Road, and then to Field Road. Mr. Mocko said this

be the less costly option for the owners. Ms. Rasid asked what the cost differential would be. Mr. Schober estimated it to be \$25,000 to \$30,000.

Attorney Landolina said that the recommended looping system seems to be a better way to serve the 40 homes. Mr. Mocko said that system is more appropriate to a regional system, where with a break, there would be a real water problem. He explained that any break on the proposed system, would cause a water shutoff to the entire subdivision even if it were looped to Billings then Field.

Attorney Landolina pointed out that the floor plans of the 1 & 2 bedroom units are identical, and it is possible for an owner to put in a wall to create a 2nd bedroom. Mr. Chalder agreed, suggesting a design change. Mr. Schober questioned the Commission's authority, but said they would consider the issue. Mr. Chalder said it is incumbent upon the Commission to ensure it is a 1 bedroom unit.

Attorney Landolina noted that 9 of 12 affordable units are facing industrial development. Mr. Chalder said changes to the distribution of affordable units had been changed per the December report; not more than 1 per building, and the affordable units no longer face one another. Mr. Chalder said that in the interest of similarity of all the units, an equity of distribution was also recommended. Attorney Landolina agreed, saying he would like to see the affordable units more evenly distributed.

Mr. Chalder said the emergency access entrance should be more than chain and wire, in terms of how access is controlled. He recommended a gate with a lockbox for police and fire. Mr. Schober said they could redesign the access.

Mr. Chalder moved to the issue of pro-rata construction. He stated that the sequence of construction must maintain in 30% of the units constructed be affordable units. Mr. Schober said that may not be feasible, adding that they owners would lose money on at least 2 of the first units, in that scenario. He felt a sequence of 3 out of 10 constructed as more reasonable. Mr. Chalder disagreed, saying the statutes require the affordable ratio be maintained.

Mr. Chalder asked for more detailed information regarding the basic specifications of the units – both affordable and market, in order to ensure comparability as promised. He asked about flooring, interior and exterior finishing, HVAC system, and appliances. Mr. Schober said they haven't decided upon these items as yet. Mr. Chalder, speaking to the Commission recommended that basic specificity be required. Attorney Landolina agreed, saying the Commission was obligated to make sure the units are identical.

Mr. Chalder asked if the Somers Housing Authority would be acting as Administrator. Mr. Schober said yes, and their contactor. Mr. Chalder suggested to the Commission that the Housing Authority should have the authority to name any successor Administrator.

Mr. Chalder asked if Mr. Schober had used a model for the Affordability Plan. Mr. Schober answered he had used the Town of East Hampton, which had 3 similar developments. Mr. Chalder suggested additional research on other towns. He distributed copies of a draft Affordability Plan he felt could serve as a model. Mr. Chalder compared the 2 Affordability Plans, citing elements in the Applicants' Plan that needed more definition and information. He suggested continuing the Public Hearing so that both the Commission members and Attorney Schober review the draft Plan to consider including its elements. Mr. Chalder said the Commission ought to consider adopting it as policy, as it would be in the best in the Town's best interest on the process of reviewing an Afford Housing development.

Mr. Walton asked whether it was to be used going forward, or also with the current application. Attorney Landolina stated he and Mr. Chalder recommend that the Commission apply it to the current Application. Mr. Chalder said the draft Plan reflects the experience of other Towns and the State statutes. He added that it could also standardize the process of reviewing an Affordable Housing application.

Attorney Schober questioned the Town's ability to impose an Affordability Plan on his clients. He added that whereas they will make changes regarding items discussed this evening, they will not re-draft the Affordability Plan at this late date. Attorney Landolina did not think an entire re-draft would be necessary, but said the Commission would now have a framework to review the Applicants' Affordability Plan. After reviewing the draft Plan, Mr. Chalder said the Commission would need to determine whether to:

- Adopt the Model Affordability Plan;
- Impose the entire Model Affordability Plan on the Application, or
- Impose pieces of the Model Affordability Plan on the Application.

Ms. Conklin then asked if anyone in the audience wished to speak to the Commission regarding this application. No one came forward.

A motion was made by Mr. Walton to continue the Public Hearing until April 6, 2011 at 7:00 pm; seconded by Mr. Martin, and unanimously as approved.

III. MINUTES APPROVAL (2/22/11):

Minutes were not reviewed.

IV. NEW BUSINESS:

- a. Discussion/possible decision 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. Discussion/possible decision for the application of Robert Smyth for twenty unit (10 duplex) Affordable Housing (C.G.S. 8-30g) at 251 Field Rd., Somers, CT.**

As the Public Hearing was extended through April 6, 2011 at 7:00 pm, no action was taken on these items this evening.

V. OLD BUSINESS:

None.

VI. STAFF/COMMISSIONER REPORTS:

None.

VII. CORRESPONDENCE AND BILLS:

None.

VIII. ADJOURNMENT:

A motion was made by Mr. Martin to adjourn; seconded by Ms. Rasid, and unanimously voted to adjourn the March 21, 2011 Regular meeting of the Zoning Commission at 9:54 pm.

Respectfully submitted,

Daniel Fraro, Secretary

Kimberly E. Dombek, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING.