

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

**REGULAR MEETING MINUTES
MARCH 5, 2012
TOWN HALL – 7:00 p.m.**

CALL TO ORDER:

Jill Conklin, Chairperson called the Zoning Commission Regular meeting to order at 7:02 p.m. Also present were regular members: John Collins, Building Liaison, Robert Martin, Karl Walton, Daniel Fraro and Regina Robinson, Recording Secretary

Members Absent: Sam Smith and Paige Rasid

Other Attendees: Attorney Carl Landolina and Attorney George Schober

PUBLIC HEARING: none

MINUTES APPROVAL: (01/17/12)

Robert Martin made a motion to approve the January 17, 2012 Minutes as written. Karl Walton seconded it. All were in favor, motion carried.

NEW BUSINESS:

- a. Discussion re: expiration of Smith/Avery affordable housing approval (Attorney Landolina will be present to discuss this with the Commission).

Attorney Landolina approached and distributed the Connecticut Statutes for the Zoning Commission to review. Attorney Landolina reported on Section 8-3 which is the Establishment and changing of zoning regulations and districts. Enforcement of regulations. Certification of building permits and certificates of occupancy. Site plans. District for water-dependent uses. **Update Notice: This section has been amended by P.A. 11-5.

Attorney Landolina further discussed the expiration of the Smith/Avery affordable housing approval. He explained there are some types of Permits that have expirations and some do not. Once the Special Use Permits are filed on the Land Records it is good forever. Variances are good forever once they are filed on the Land Records. Subdivisions and Site Plan approvals under the Statutes have limited lives. Subdivisions require all public improvements be completed at a certain time. It doesn't mean Lots. If you do not complete the improvements, it is possible that it will expire.

He continues to explain there is affirmative action that needs to be taken by the Commission. If public improvements are not completed on time or maps are not filed on time, the approvals could be voidable. This happened at the Wood Road subdivision. Site Plan approvals are somewhat different. It talks about work. All work shall be completed in five years. Work meaning all physical improvements required by the approved plan. The applicant has a right to ask for an additional five years which brings

it up to 10 years. The most recent changes to the amendment were passed last year and it is included on the last two pages of the Connecticut Statutes. It basically says that Site Plan approval made under this Section prior to July 2011 is good for nine years and a possibility of an additional extension of five years to go to 14 years. The law is pretty clear that affordable housing price is not subject to the terms and conditions of the Zoning Commission regulations. Attorney Landolina does not know if there are any cases that say they are not subject to the terms and conditions of Public Statutes. The applicant, however, must complete the infrastructure. Under current law, assuming this will be treated as a Site Plan Approval, the applicant has nine years. If the applicant is looking for an answer, the best answer would be the Commission is going to apply Section 8-3 as modified by Public Act No. 11-5.

Karl Walton asked if conditions of approval have been met 100%. Attorney Landolina confirmed they have met the conditions and approvals 100% on the one that had to be completed prior to the filing of the Subdivision plan and the Site Planning. Attorney George Schober mentioned the re-subdivision plans have been filed but doesn't think anything else was filed.

Robert Martin made a motion based upon Section 8.3 as modified by Public Act No. 11-5 with respect to the Smith/Avery affordable housing that it be put on record. The applicant would have up to nine years and they can come back for an additional five years for a total of 14 years from the date of approval (June 6, 2011). Daniel Fraro seconded. All were in favor, motioned carried.

- b. Receive application of Pleasant View Farms Realty Co., 425 Road, Somers, CT: permission to renew existing Special Use Permit to conduct Flea Markets, Auctions and Music Festivals from March 2011 through February 2012 at 430 South Road, Volume 33, and page 343, Somers CT.

The Zoning Commission received and accepted the Application of Pleasant View Farms Realty Co., which will be referred to the Planning Commission for a Public Hearing.

Karl Walton made a motion to schedule a Public Hearing for Monday, April 2 at 7:00 p.m. Dan Fraro seconded it. All were in favor, motion carried.

Karl Walton asked to add to the agenda the Election of Officers under New Business.

Karl Walton made a motion to keep the officers who are currently serving on the Zoning Commission. Dan Fraro seconded it. All were in favor, motion carried.

OLD BUSINESS: None

John Collins reported at the next meeting he will have a preliminary Ridge Line delineation to look review.

Karl Walton asked John Collins if the Planning Commission sent the survey over to the Zoning Commission. Karl Walton would be interested in seeing the survey. John Collins said he would send a copy of the survey to Karl Walton. The questionnaire has not been finished. John Collins commented that typically the Planning Commission does not have to refer this information to the Zoning Commission. Karl Walton mentioned that last year they seemed to be more involved with the Planning Commission. The Zoning Commission attended almost every meeting.

John Collins mentioned Jeff Bord is the coordinator and the interns at Eastern University are helping with the survey. Mike, who is taking courses at Central University, will be an instrumental part of the process. John Collins will ask Jeff Bord to put Karl Walton's name on his distribution list to attend meetings regarding the Plan of Conservation.

Jill Conklin made motion for Karl Walton to act as liaison to the Planning Commission and attend the meetings that discuss the Plan of Conservation and to bring the information back to Zoning Commission. Robert Martin seconded it. All were in favor, motion carried.

STAFF/COMMISSION REPORTS:

John Collins spoke with the consultant today to create the Ridge Line map. The Zoning Commission received funding for it. Most of the area that has fallen on the Ridge Line is at the eastern part of town. John Collins mentioned if you look at the way it is defined with the 15% slope, there is a large area of land that is involved. A lot of the Ridge Line area is in the Open Space area. The consultant is creating a rough idea of where the Ridge Line zone will be and then overlay it in the Open Space maps. John Collins will discuss more on the Ridge Line at the next meeting.

John Collins also reported on having a fitness center. The name is Anytime Fitness Center. They are looking at Somers Crossing for the location. It will be a 24-7 operation but will not be manned 24-7. Robert Martin is concerned about the fitness center being open for 24 hours and Jill Conklin's concern is when people are walking to their cars at night-time. Extensive discussion ensued.

CORRESPONDENCE AND BILLS: None

ADJOURNMENT:

Robert Martin made a motion to adjourn the Zoning Commission Regular meeting at 7:42 p.m. Dan Fraro seconded it. All were in favor, motion carried.

Respectfully submitted,

Regina C. Robinson, Recording Secretary