

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

**PLANNING MINUTES
REGULAR MEETING
THURSDAY, MARCH 8, 2007
TOWN HALL – 7:00 P.M.**

I. PUBLIC HEARING

a. Continuation: Subdivision Application #398, 10 Lots (Stone Crossing) 185 Stafford Road, Mink Farm Associates, LLC

Chairman Karl Walton called the public hearing to order at 7:02 p.m. and the legal notice was read.

Land Surveyor Marty Post expressed confusion over comments received from the Town Planner regarding the plans. After brief discussion, it was decided that Mr. Post will meet with Mrs. Carson next week to discuss the comments further.

Engineer Nat Sreenath expressed concern regarding the renumbering of the lots because the test pit information will not match the lot numbers. Mrs. Carson suggested a consultation with Town Sanitarian Steve Jacobs as to whether or not adjustments need to be made.

Mr. Sreenath also inquired about the state approval requirements for water quality. He explained that for the last 2 years he has been trying to get information from the state as to how to apply the technology in order to conform to the new requirements, but he has not gotten the answers he needs. He expected that by providing a detention basin and fore-bay the state criteria would be met, but this has not satisfied them. The state is requiring that a pre-manufactured unit be installed which will provide the ability to meet their current requirements.

Mr. Strauss commented that this is an unfunded state mandate, and showed the Commission the state-provided manual on the topic. He explained that it is not clear whether or not having a fore-bay check dam installed will be sufficient for meeting state requirements.

Mr. Strauss added that the applicant is required to provide the technology that will meet the 8% figure that the law requires and if specialized help is required, the applicant is responsible for getting it. He added that perhaps the Town will have to help as well. Mr. Strauss suggested a meeting between staff and the applicant for the purpose of determining the best option for both the town and the applicant.

Mr. Bordeaux noted that the town is going to have to deal with the maintenance of the system once it is installed. This will be costly to the town and diligence will be required to keep the system in good working order.

No comments were received from the public on the application.

The applicant granted an extension to Commission until the March 22, 2007 meeting so that the public hearing may be continued.

A motion was made by Cliff Bordeaux, seconded by Brad Pellissier and unanimously voted to accept the applicant's extension and schedule a public hearing for Thursday, March 22, 2007 beginning at 7:00 p.m. in the Town Hall.

II. CALL TO ORDER

- Chairman Karl Walton called the regular meeting to order at 7:40 p.m. Members Cliff Bordeaux, Brad Pellissier, Karl Walton and Alternate Joe Iadarola (seated for Greg Genlot) were present and constituted a quorum. Town Engineer Mervyn Strauss and Town Planner Patrice Carson were also present.

III. OLD BUSINESS

a. Discussion/Possible Decision: Subdivision Application #398, 10 Lots (Stone Crossing) 185 Stafford Road, Mink Farm Associates, LLC

This item was deferred until the public hearing is closed.

b. Discussion/Possible Decision: Subdivision Application #399, 2 Lots (Kasacek Subdivision) 87 Billings Road, Buck Builders LLC

Mrs. Carson noted that the map correctly shows the abutting owners.

Mr. Strauss noted there is a utility pole situated directly in the line of sight for one of the driveways and unfortunately there is no way to move the pole. There is a diamond shaped road sign located right next to the pole and it was decided that if possible, the road sign will be moved.

David Askew has submitted a letter stating that all of his erosion control concerns have been addressed.

Mrs. Carson also presented a letter from Steve Jacobs requiring a water assessment fee of \$2,600.00 for public water.

Blaine Buck presented copies of the receipts for the notices sent to each of the abutting owners.

Steven & Donna Roberts, 28 Heather Lane, and Tammy Mothes, 40 Heather Lane, expressed concerns over the setting of the pins for the boundary markers. She wanted to be sure that the stone wall along the boundary line is not damaged. She was also concerned about privacy and came to look at the

plans for clearing.

David Gall, 76 Billings Road, also was interested in looking at the plans.

A motion was made by Joe Iadarola, seconded by Cliff Bordeaux, and unanimously voted to approve Buck Builders LLC's 2-lot subdivision, application #399, in accordance with the plans known as "Subdivision Plan Kasacek Subdivision Prepared for Buck Builders, LLC, Somers, Connecticut", dated: 1-3-07, revised: through 3-6-07, 3 sheets, which is conditional on the following:

1. A note shall be placed on the plans:
"The filing of a \$13,200.00 fee in lieu of open space (\$6,600.00 per lot) is required to be paid to the Town of Somers upon the sale or transfer of each lot."
The Town of Somers shall also place a notice on the land records to insure payment.
2. The signatures of the Town Engineer and Town Sanitarian shall be on the plans signifying their approval of the plans in accordance with Section 213-19 of the Subdivision Regulations.
3. All appropriate seals and signatures of the design professionals for this plan shall be on the plans.
4. Payment of a Water Assessment Fee of \$2,600.00 to the Town of Somers WPCA for public water service prior to final sign-offs of the plans.
5. Within 90 days of this approval all iron pins and monuments be set and certified in accordance with the plans or a \$10,000 bond received by the Town in accordance with Section 213-54.c. of the Subdivision Regulations.
6. A Quit Claim Deed shall be provided to the Town of Somers for the strip of land between the road pavement and the street line established by the subdivision plans running along the entire frontage of lots #1 & #2 of the property on Billings Road.

The Commission waives the requirement in Section 213-22.C. of the Subdivision Regulations which requires, where practicable, lot lines to be either at right angles or radial to street lines.

The Commission waives the requirement in Section 213-48 of the Subdivision Regulations which requires the applicant to install sidewalks along any portion of the frontage of subdivisions on existing or proposed town streets within one (1) mile of any town school property unless there is no other continuous sidewalk from any town school property to the property proposed for development; and where the Commission finds that requiring sidewalks as part of the proposed development will serve no useful purpose.

The Planning Commission finds with these conditions the plan meets the requirements of the Somers Subdivision Regulations.

c. Special Use Permit Application for Age Restricted Housing, Eleanor Road, Eleanor Road, LLC – Set Public Hearing Date

Patrice Carson explained that Steve Jacobs sent this application to the state Health Department for approval. He called the state on another issue on Monday and happened to ask about the application. They were unable to locate the plans. He called again yesterday and they have found the plans but made

no comment as to when staff would have a response from them.

For this reason, it is unsure as to whether or not a response will be received in time to hold the public hearing at the March 22, 2007 meeting. Mrs. Carson suggested either opening the hearing and continuing it if necessary or asking the applicant for an extension and postpone the public hearing until the first regular meeting in April. It was the consensus to wait until the April meeting to begin the hearing and the applicant granted an extension until April 12, 2007.

A motion was made by Cliff Bordeaux, seconded by Brad Pellissier and unanimously voted to accept the applicant's extension and schedule a public hearing for Thursday, April 12, 2007 beginning at 7:00 p.m. in the Town Hall.

d. Appoint representative to CROG Regional Planning Commission

It was the consensus of the Commission to appoint Brad Pellissier as the representative and Joe Iadarola as the alternate to the CROG Regional Planning Commission.

e. Other – No other Old Business was presented.

IV. NEW BUSINESS

a. Reconfiguration of Lots, 603 Hall Hill Road (Map 10 Block 22 Lot 04) & 85 White Oak Road (Map 41 Block 01 Lot 49), McCullough & Pease

Rick McCullough explained that he is seeking to add to a lot that is a portion of the Bridle Path Subdivision. He plans to add a 2,116 square-foot section of land owned by Mr. Pease to his lot at 85 White Oak Road. The change will provide an additional 103.59 feet to the lot frontage.

A motion was made by Brad Pellissier, seconded by Joe Iadarola and unanimously voted to approve the reconfiguration of property of Richard A. McCullough, Inc. and R. Lincoln & Linda J. Pease at 603 Hall Hill Road & 85 White Oak Road, as shown on map entitled, "Reconfiguration Plan, Lot #4 Bridle Path Ridge, 603 Hall Hill Road, Somers, CT 06071, Prepared For: Richard A. McCullough Inc.", dated: December 28, 2006, 2 sheets. This reconfiguration does not constitute a subdivision because no new lot is created.

A motion was made by Cliff Bordeaux, seconded by Brad Pellissier and unanimously voted to add the following items to the agenda under **NEW BUSINESS**: **f. Other: Resubdivision Application #400, 1 lot, 603 Hall Hill Road and White Oak Road, Richard A. McCullough, Inc.** and **g. Bond Reduction, Phase 1, Wilson Subdivision, Stafford Road (Roulier)**

f. Resubdivision Application #400, 1 lot, 603 Hall Hill Road and White Oak Road, Richard A. McCullough, Inc.

Mr. McCullough presented plans for his application situated at the end of the White Oak Road cul-de-sac.

Staff has not yet reviewed the plans. Mr. Walton noted that the application has been reviewed and approved by the Conservation Commission, and that the wetlands will be permanently marked.

Mrs. Carson noted that more information regarding open space will be available at the next meeting.

A motion was made by Brad Pellissier, seconded by Cliff Bordeaux and unanimously voted to accept the applicant's application and schedule a public hearing for Thursday, April 12, 2007 beginning at 7:00 p.m. in the Town Hall.

b. Zoning Referral: Application for Renewal of Special Use Permit for Flea Markets & Auctions, 430 South Road, Pleasant View Farms Realty

Mrs. Carson reported that this is an annual renewal and no complaints have been received this year.

A motion was made by Cliff Bordeaux, seconded by Brad Pellissier, and unanimously voted to recommend to the Zoning Commission approval of the renewal of the application.

c. Zoning Referral: Special Use Permit Application for Horses for Commercial Purposes, Section 214-89.A, 30 Hurlburt Road, Belskie

The Commission reviewed the plans for Linde Farms which has purchased the east side of Hurlburt Road and has begun to clear trees for pasture land. The applicant is planning to install a driveway and a barn with a caretaker's unit. There will be someone living on the premises. The property will be for the commercial keeping of horses.

Mr. Walton noted that the application ensures that the parcel remains open space and will be used for agricultural purposes. It also fits nicely with the land use suggestions as outlined in the Plan of Conservation and Development.

A motion was made by Brad Pellissier, seconded by Cliff Bordeaux and unanimously voted to recommend to the Zoning Commission approval of the application noting that it is in keeping with the POCD and its open space objectives.

d. Extension of Time to File Approved Subdivision Mylars with Town Clerk, Application #394, 3-Lots, Wells & Mountain View Roads, Town of Somers

After brief discussion, a motion was made by Cliff Bordeaux, seconded by Brad Pellissier and unanimously voted to approve the applicant's request to extend the time to file a mylar with the Somers Town Clerk for the Town of Somers' 3-lot subdivision application #394 on Wells and Mountain View Roads. This extension is granted for an additional ninety (90) days to May 17, 2007.

e. Extension of Time to File Approved Subdivision Mylars with Town Clerk, Application #396, 14-Lots, Hall Hill Road, High Ridge Estates, LLC

Mrs. Carson noted that there is 18 inches of frost on the ground at this time. The clock on subdivision approval will be started once the mylars are filed and it has been too cold to work outside.

A motion was made by Cliff Bordeaux, seconded by Brad Pellissier and unanimously voted to approve the applicant's request to extend the time to file a mylar with the Somers Town Clerk for High Ridge Estates, LLC's 14-lot subdivision application #396 on Hall Hill Road. This extension is granted for an additional ninety (90) days to June 21, 2007.

g. Bond Reduction, Phase 1, Wilson Subdivision, Stafford Road (Roulier)

Mrs. Carson explained that original Wilson Subdivision included work to be done on Stafford Road. Most of the work has now been completed and Merv Strauss has reviewed the applicant's request, finding it satisfactory. The regulations allow for a 70% reduction in the original bond amount of \$132,806.00. The town will retain 30%.

A motion was made by Cliff Bordeaux, seconded by Joe Iadarola, and unanimously voted to approve the reduction of Mink Farm Associates, LLC's performance bond of \$132,806.00 by **\$92,964.00** as permitted by the subdivision regulations to the amount of **\$39,842.00**, for the Subdivision known as "Everett Wilson Subdivision" on Stafford & Hampden Roads. The Town Engineer has reviewed the construction and agrees with the reduction requested. The reduction of the bond is subject to the presentation of a performance bond to the Planning Office for the reduced amount in the form of Surety, Irrevocable Letter of Credit, or Passbook acceptable to the Town Attorney.

f. Other – No other New Business was presented.

V. DISCUSSION: PLAN OF CONSERVATION AND DEVELOPMENT

Mr. Walton reported that there was a Somersville Planning Committee public hearing Wednesday night and it was well attended. Much feedback was received.

VI. STAFF/COMMISSIONER REPORTS

Mrs. Carson reported that she has been working on several different subdivisions. She also provided copies of the adopted budget for the Commissioners.

VII. AUDIENCE PARTICIPATION – There was none.

VIII. CORRESPONDENCE AND BILLS

Mrs. Carson presented notices of meetings to be held on the Connecticut Safe Routes to School Program Awareness in Windsor, Bethel, Branford and Glastonbury.

A letter was also received from the DOT regarding the realignment of Route 83 and Parker Road. The letter reports that the DOT has renewed their wetlands permit.

A bill was received from the Journal Inquirer in the amount of \$204.62 for the February 8, 2007 public hearing and meeting. A motion was made by Brad Pellissier, seconded by Joe Iadarola and unanimously voted to pay the bill as presented.

Mrs. Carson also reported that the Town Attorney is planning to send along a letter to the Commission requesting that they no longer advertise continuations of public hearings in the newspaper due to a Connecticut Supreme Court case he won on this issue. The Town will be able to save money by not having to pay the additional advertising fee.

Mr. Walton asked that if any future correspondence is received from Vote-for-Somers that it be distributed to the members of this Commission and all other Commissions regarding land use. He also suggested that perhaps a meeting be requested with them to discuss some of their issues. The Commissioners agreed with the idea of a future meeting.

IX. MINUTES APPROVAL

This item was tabled until the next meeting.

X. ADJOURNMENT

A motion was made by Joe Iadarola, seconded by Cliff Bordeaux and unanimously voted to adjourn the March 8, 2007 Planning Commission meeting at 9:00 p.m.

Respectfully submitted,

Brad Pellissier, Secretary

Robin Timmons, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING.