

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

**PLANNING MINUTES
REGULAR MEETING
FEBRUARY 25, 2010
TOWN HALL – 7:00 pm**

I. CALL TO ORDER:

Chairman B. Pellissier called the regular meeting of the Planning Commission to order at 7:00 pm. Members C. Bordeaux, T. Clark, G. Genlot, W. Salka, and S. Sutter, and alternate member T. Caravella were present and constituted a quorum. Also present: B. Cafarelli, Town Engineer.

II. PUBLIC HEARING:

a. Resubdivision Application #411, 2-lots, Sokol Road, David Birkenshaw

Chairman Pellissier opened the Public Meeting, asking Mr. Cafarelli to read the Public Notice regarding this application into the record. Mr. Birkenshaw presented his plan to create a 2nd buildable lot on his property.

Mr. Cafarelli stated that Mr. Birkenshaw's application meets the Planning, Zoning, Conservation, and Sanitary requirements of the Town. Mr. Cafarelli finished by telling Commission members that a lack of an appraisal and the Open Space fee remain outstanding items with this application.

Mr. Pellissier then asked for any comments or questions from the audience.

Carolyn Gall, 76 Billings Road, mentioned her concern for the existing wetlands. Mr. Pellissier pointed out that the application has been reviewed by the Conservation Commission and meets wetland requirements. Those include a 100 foot buffer. He added that during the construction phase, all efforts are made to protect the wetlands as well.

Mr. Birkenshaw then brought up his objection to the Open Space fee. He objects to the assessment of the fee on the total property (25 acres) inclusive of the apartments. The fee represents 10% of the appraised value divided by the number of lots. He felt this to be cost prohibitive to any prospective buyer of the newly created 2nd lot.

Richard Leno, 68 Eaglebrook Drive, a developer, spoke to his similar experience and objection with the Open Space fee.

Mr. Pellissier stated that while the regulations may be imperfect, the Commission is required to work within, and make decisions based upon them. He added that the regulations demonstrate the intent to create orderly development and preserve farmland and open space in the Town. He also pointed out to Mr. Birkenshaw that the fee, while assessed, is not collected until the lot is actually sold.

At this point, Mr. Birkenshaw stated his intent to deed the lot to his daughter as a means to avoid the fee.

Mr. Bordeaux questioned this change from the original application as allowable. To which, Mr. Cafarelli responded that it would require notification on the Mylar, and that the deed be listed as a condition of approval.

Mr. Pellissier then asked for any additional comments from the audience.

A motion was made by Mr. Genlot to close the Public Meeting at 7:28 pm; seconded by Mr. Salka, and then voted unanimously by members to close.

III. OLD BUSINESS:

a. Resubdivision Application #411, 2-lots, Sokol Road, David Birkenshaw

See Section II, Public Hearing. Commission members continued discussion regarding the Open Space fee. Mr. Genlot pointed out the fee has been in place for over 20 years.

A motion was made by Mr. Genlot to approve David Birkenshaw's 2-lot resubdivision, application #411, in accordance with the plans known as "Resubdivision Plan, Birkenshaw Resubdivision, Prepared for David Birkenshaw, Somers, CT" dated 12-23-09, latest revision date 2-8-10 which is conditional on the following:

- 1. The Notice language detailed in Section 213-30 D (2) of the Subdivision Regulations shall be added to the plan reflecting the open space exemption due to the transfer of the property to a family member.*
- 2. The signature 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. All proposed iron pins and monuments on Sokol Road for both lots are to be set prior to the issuance of a Certification of Occupancy.*

The motion, with conditions as stated was seconded by Mr. Bordeaux, and then voted unanimously by members as approved.

IV. NEW BUSINESS:

a. Zoning Referral: Special Use Permit, 76 Billings Road, Carolyn Gall

Mrs. Gall presented a summary of her application to the Commission. A certified childbirth educator, she is seeking the Special Use Permit to conduct childbirth classes in her home. Classes would be made up of 4 couples, meeting weekly for 12 weeks.

A motion was made by Mr. Genlot to refer this application back to the Zoning Commission with a positive recommendation; seconded by Mr. Bordeaux, and was unanimously approved.

b. Request for Pipe Change, High Meadows Crossing

Mr. Cafarelli presented this request from the applicant, Mike Leaska, to substitute the use of smooth interior surface corrugated polyethylene pipe (CPE) for all lengths of concrete storm pipe between structures in the High Meadow Crossing subdivision. This pipe is approved and utilized by the CT. DOT, and is at least equal to performance of concrete pipe.

A motion was made by Mr. Salka to approve this request; seconded by Mr. Clark, and then unanimously approved.

V. OPPORTUNITY FOR COMMISSIONERS TO ADD AGENDA ITEMS:

Mr. Pellissier recommended canceling the March 11, 2010 Planning Commission meeting. The next Regular Meeting of the Planning Commission will be March 25, 2010 at 7:00 pm.

A motion was made by Mr. Clark to cancel the 3/11/10 Planning Commission meeting; seconded by Mr. Bordeaux, and then unanimously approved.

VI. STAFF/COMMISSIONER REPORTS:

No reports were presented.

VII. AUDIENCE PARTICIPATION:

None.

VIII. CORRESPONDENCE AND BILLS:

No correspondence or bills were presented.

IX. MINUTES APPROVAL: (1/28/10):

Mr. Pellissier asked the members for comments on the 2/11/10 Minutes. No comments or questions were put forth.

A motion was made by Mr. Salka to approve the 2/11/10 Minutes as written; seconded by Mr. Clark, and unanimously approved.

X. ADJOURNMENT:

A motion was made by Mr. Genlot to adjourn; seconded by Mr. Salka, and unanimously voted to adjourn the February 25, 2010 Regular Meeting of the Planning Commission at 8:07 pm.

Respectfully submitted,

William Salka, Secretary

Kimberly E. Dombek, Recording Secretary