

TOWN OF SOMERS
ZONING BOARD OF APPEALS
REGULAR MEETING
OCTOBER 8, 2024
6:30 P.M.
HELD IN TOWN HALL AUDITORIUM



MINUTES

(NOT OFFICIAL UNTIL APPROVED AT SUBSEQUENT MEETING)

Call to order at 6:30 p.m.

ROLL CALL

Present: Vice Chairman Dan Thayer, members Doug Stebbins and Ralph Williams, with Chairman Dean Hills participating remotely. Also in attendance was Chief Zoning Enforcement Officer Jennifer Roy. Vice Chairman Thayer presided.

Absent: Secretary Andy Rockett and alternate BJ Ferro.

Vice Chairman Thayer directed Mr. Williams to keep the minutes of the meeting in the absence of the board's secretary, Mr. Rockett.

PUBLIC HEARINGS

ZBA24-001 — Oakridge Dairy LLC, 122 Watchaug Road, Somers, Conn., seeking a variance from Earthwork regulations, Sec. 214-8.4.E.3.k, where earth product removal shall not be excavated to a depth closer than five feet above the site's high-water table, to allow excavation to a depth of two feet above the site's high-water table.

Ms. Roy advised the board that the applicant had withdrawn the application. No hearing or action therefore was taken.

A motion was then made by Mr. Williams and seconded by Mr. Stebbins to take application ZBA2-003 out of order. The motion passed unanimously.

ZBA24-003 —Somers Mountain Properties LLC, 359 Mountain Road, Somers, appealing a cease-and-desist order issued by the Zoning Enforcement Officer regarding a violation of conditions of its special use permit for a private event held June 16, 2024, while the tasting room was open.

Ms. Roy advised the board that the applicant's attorney had requested that the hearing be continued to the board's November meeting. A motion was made by Mr. Williams and seconded by Chairman Hills to open the hearing, which passed unanimously. A motion then was made by Mr. Williams and seconded by Mr. Stebbins to continue the hearing to the board's November meeting. That motion also passed unanimously.

ZBA24-002 —South Road Donuts d/b/a Dunkin, 12 South Road, Somers, seeking a variance from Section 214-7.1F, sign standards for lighting and movement, to allow an electronic menu board at the rear of the building for drive-thru.

Bill Gavigan of Ellington, a representative of signage firm Poyant, spoke on behalf of the applicant. He explained that the proposal is to replace the existing menu board with a digital screen, much like a television, which would be self-illuminated and mounted on the existing sign structure at the building's rear. Both he and Ms. Roy said that it would comport with the Somers regulations' limitations of light exposure. One resident, Mark Murdoch of Mountain Road, spoke in support of the application.

A motion was made by Mr. Williams and seconded by Mr. Stebbins to close the hearing.

The following motion then was made by Mr. Williams:

"I move to approve application ZBA24-002, an application from South Road Donuts d/b/a Dunkin, 12 South Road, Somers, seeking a variance from Section 214-7.1F, sign standards for lighting and movement, to allow an electronic menu board at the rear of the building for drive-thru."

The motion was seconded by Chairman Hills. After brief discussion, the board voted unanimously to approve the application.

MINUTES

Chairman Hills moved the approval of the minutes from the board's Dec. 12, 2023 meeting, Mr. Williams seconded, and the motion was approved unanimously.

Chairman Hills then moved the approval of the minutes from the board's Sept. 10, 2024 meeting. Mr. Stebbins seconded, and the motion was approved unanimously.

ADJOURNMENT

On a motion made by Chairman Hills and seconded by Mr. Stebbins, the board voted unanimously to adjourn at 6:51 p.m.

Respectfully submitted by Ralph Williams, serving as secretary in the absence of Andy Rockett.