

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

**ZONING MINUTES  
REGULAR MEETING  
Monday, February 6, 2006  
7:00 p.m. Town Hall**

**I. CALL TO ORDER**

Chairman Peter Klein called the regular meeting to order at 7:05 p.m. Members Anita Calder, Peter Chipouras, Peter Klein, Lise Wood, and Alternate Members Jill Conklin (arrived at 7:20 p.m.) and Wes Smith (seated for Rob Martin) were present and constituted a quorum. Town Planner Patrice Carson was also in attendance.

Mrs. Calder left the meeting to discuss the Design Review Board Study Committee's recommendations with the Board of Selectmen, who were meeting at this time.

**II. MINUTES APPROVAL**

A motion was made by Lise Wood, seconded by Peter Chipouras and unanimously voted to approve the minutes of the January 17, 2006 meeting as written.

**III. OLD BUSINESS**

**a. Modification of Special Use Permit Application for Gravel Bank, South Road, Bordeaux Farm – Set Public Hearing Date**

**b. Application for Renewal of Special Use Permit for Flea Markets and Auctions, 430 South Road, Pleasant View Farms Realty – Set Public Hearing Date**

**c. Zoning Commission's Amendment to the Zoning Regulations Section 214-93. Temporary Commercial Uses to Include Uses for Farms – Set Public Hearing Date**

Mrs. Carson explained that the public hearings previously scheduled for this evening have been cancelled because of a difficulty in getting the notices published. Peter Klein, Wes Smith and Mrs. Carson will not be at the next Zoning Meeting on Tuesday, February 21, 2006. Therefore, it was suggested that all three public hearings be rescheduled for the March 6, 2006 Zoning Commission Meeting.

A motion was made by Lise Wood, seconded by Peter Chipouras and unanimously voted to reschedule the public hearings for Items a, b and c for March 6, 2006 at 7:00 p.m. in the Town Hall.

Lise Wood recused herself at this time.

**d. Site Plan Application for Outdoor Growing Areas and Gravel Bank, 164 Hampden Road, Grower Direct Farms**

Leonard VanWingerden and Michael Mocko submitted an application and bond estimate, in addition to presenting revised plans for review. The applicant will submit the application fee to the Town Planner tomorrow (Tuesday, February 7, 2006).

The applicant is seeking approval to remove excess materials, thus creating a level area for irrigation purposes which will enable the expansion of his outdoor growing beds. The site plan shows the boundaries with abutters, the greenhouse location and 6 acres of additional growing beds to be added to the site.

A number of notes are included on the plan as required by the Zoning Regulations, including the hours of operation and final seeding and erosion control plans. The plan includes lowering the area to just above the existing grade of the abutting parcel, and including a swale with stone berms to catch any sediment. A detention basin will be provided to catch any runoff.

The existing portion of one side of the driveway will be moved approximately 40 feet, which is intended to help in the site work, particularly with respect to redefining the grade.

Mrs. Carson asked about the wetland permit and Mr. Mocko explained that he makes monthly reports to the Conservation Commission and the applicant has received a permit for the pond area work. They hope to increase the pond area by another one-quarter acre.

Merv Strauss and Jim Taylor need to look over the site and Mr. VanWingerden stated that he is agreeable to having them do so, provided they contact Mr. Mocko first to set up a mutually convenient time to meet and walk the area.

Jill Conklin arrived at this time and was seated for Anita Calder, who was still at the Board of Selectmen meeting.

Mr. Klein asked how long the project was expected to take and Mr. VanWingerden responded that it would take anywhere from one year up to two years. He would like to use the growing areas this year.

A motion was made by Peter Chipouras, seconded by Wes Smith and unanimously voted to accept the application, refer it to the Planning Commission and set a public hearing for Monday, March 6, 2006 at 7:00 p.m. in the Town Hall.

Lise Wood returned to the meeting at this time.

**e. Other** - There was no other Old Business.

#### **IV. NEW BUSINESS**

##### **a. Amendment to the Zoning Regulations Article XV Flood Damage Prevention – Set Public Hearing Date**

Mrs. Carson explained that Article XV of the Zoning Regulations discusses building in the floodplain and any and all damage that may arise as a result of flood waters, and she checked to make sure that everyone received her email containing the proposed changes to this Article.

The recommended changes arose out of a meeting that Steve Jacobs and Mrs. Carson had with FEMA and DEP a few weeks ago. FEMA prepared a new set of Flood Insurance Rate Maps and the Regulations will need to be revised to make reference to these maps. In order to prevent a need for changing the Regulation each time revised maps are created, the wording “or as amended” has been added with this proposed amendment. In addition, a flood study plan was done for the Town providing better information than what is currently included on the flood maps, and this new information will be included as well.

A motion was made by Peter Chipouras, seconded by Wes Smith and unanimously voted to accept the amendment to the Zoning Regulations Article XV Flood Damage Prevention, refer it to the Planning Commission and the other appropriate referrals (Town Attorney, CRCOG, abutting municipalities), and to set a public hearing for Monday, March 6, 2006 at 7:00 p.m. in the Town Hall.

##### **b. Other - There was no other New Business.**

Anita Calder returned to the meeting at 7:25, and Jill Conklin became unseated.

#### **V. DISCUSSION: PLAN OF CONSERVATION AND DEVELOPMENT**

The January 30, 2006 POCD meeting was cancelled and the next meeting is currently scheduled for March 27, 2006. Rather than schedule two meetings during the month of March, it was the consensus of those present to address all outstanding items as part of the agenda of the March 27<sup>th</sup> meeting.

#### **VI. STAFF/COMMISSIONER REPORTS**

The Commission reviewed the Zoning Enforcement Officer’s Report. Mr. Klein asked that Mr. Taylor be reminded to change the Report format so that each new date sited under a specific item start on a separate line. He reminded everyone of the Commission’s request for this change at the last meeting, which should make the report clearer and easier to follow.

A motion was made by Lise Wood, seconded by Peter Chipouras and unanimously voted to accept the Zoning Enforcement Officer’s Report.

Mrs. Carson reported that in January she issued three Zoning Permits and one Certificate of Occupancy.

Mrs. Calder spoke about the Design Review Board recommendations and the resulting discussion

regarding its format which took place at the Board of Selectmen's meeting this evening. The Design Review Board will consist of 5 members and 2 alternates, each of whom will be a Somers resident and have legitimate credentials and professional experience related to the Board's purpose. The current Committee will present recommendations of individuals to serve on the Design Review Board, and the Board of Selectmen will then act on those recommendations.

Mr. Klein asked if changes will need to be made to the Zoning Regulations which will incorporate the Design Review Board and Mrs. Carson responded that this will be something that the Town Attorney will need to be consulted about.

**VII. CORRESPONDENCE AND BILLS**

Correspondence was received from the State of Connecticut stating that the Department of Corrections has received approval of its wetlands construction permit. This is a yearly renewal.

Also received was a \$47.22 bill from the Journal Inquirer for the advertisement of the December 5, 2005 meeting. A motion was made by Lise Wood, seconded by Peter Chipouras and unanimously voted to pay the bill.

Lise Wood reminded everyone about a discussion the Zoning Commission had previously about logging. At the time of that discussion, she had offered to check about the need for a logging permit from the Conservation Commission. She has recently learned that the Conservation Commission does not require a permit; however, an applicant must still come before that Commission to determine whether or not the proposed logging activities are a permitted use of right. In addition, the person must report if there are any potential wetland crossings which may take place during the logging process.

**VIII. ADJOURNMENT**

A motion was made by Lise Wood, seconded by Peter Chipouras and unanimously voted to adjourn the February 6, 2006 Zoning Commission meeting at 7:52 p.m.

Respectfully submitted,

A.P. Calder, Secretary

Robin Timmons, Recording Secretary

***MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING.***

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Town of Somers Zoning Enforcement Officer  
For the Zoning Commission Meeting of February 6, 2006

Covering from 1/16/06 thru 2/03/06 Activities listed by Address

Enforcement activity:-  
Page 1 of 2.

1, 359 Mountain Road. Worthington Pond, LLC. Section 214-87.D. (Sales & consumption of alcoholic beverages .Issued Cease and Desist Order. Cease and Desist Order has been appealed to the ZBA with a hearing set for Sept 14, 2004. 9/20/04, The ZBA hearing has been continued to October 19, 2004. The ZBA voted to uphold the C&D order. Mr. Roulier has appealed the ZBA decision to the Superior Court. Case Pending.

2. 12/06/05, 138 Main Street. M. Redmond. Section 214-98.B. (Failure to obtain Site Plan Approval) Requested Compliance. **2/02/06** Met with Mr. Redmond at Land Use Office. Agreed to give him reasonable time to determine what portions of the building will be use for business.

3. 12/01/05. 77 Wood Road. C. Gengenbach. Sections 214.24 (Non-permitted Contractor's Yard) and 214-92.C Non-permitted Storage Container. Requested Compliance.  
1/13/06 Mr. Gengenbach has agreed to compliance before February 28, 2006 **2/02/06**. No change at this time.

4. 16 Birch Hill Dr. R. Mohammah. Section 214-101 (Failure to obtain Zoning Permit for Accessory Structure. Requested Compliance. 9/22/05 Spoke with owner's attorney. They are in process of how to best come into compliance. 10/13/05 No progress on a resolution to this matter. Issued Cease & Desist Order.

11/16/05 Awaiting appeal to expire before taking further action.

11/19/05. Referred file to Town Attorney to commence injunctive action in Superior Court.

12/08/05. Mr. Mohammah has agreed to obtain a Zoning Permit and relocate the building on or before the 2<sup>nd</sup> week of May 2006. The reason for this delay is winter weather. **12/02/06**. No change at this time.

5. 1/10/06\_ 318 South Road. D. Paley. Sections 214-101 (Failure to Obtain Zoning Permit) and 214-98.A. (Violation of Side Yard Set-Back). Requested Compliance. **1/18/06**. Issued Cease & Desist Order.

6. 12/22/05.74 Main Street. T. Groody. Section 214-98.B. (Storage of Junk Material). Requested Compliance. **1/25/06**. Violation Eliminated

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7.. 164 Hampden Rd. Growers Direct. Section 214-67 (Removal of Earth Products without Special Use Permit) and 214-101 (Failure to obtain Site Plan Approval for Site Changes and Improvements. 7/14/05 Site plan application in process of being prepared for submission according to Mike Mocko of Ward Engineering. 9/06/05 Spoke with Mike Mocko. Site Plan is approximately 80% prepared. He was advised to expedite the Site Plan Application. 9/16/05 No change. Commission may want consider setting a deadline for the submission of a Site Plan application in order for Growers Direct to avoid Enforcement of the Cease & Desist Order which was issued on May 18, 2005. 10/3/05 Commission to consider deadline for submission of completed Site Plan application. 10/11/05 Sent letter to Growers Direct setting a deadline of October 17, 2005 for submission of Site Plan Application. Subject application was received in

the Land Use Department on October 14, 2005.

11/05/05 Commission is anticipating Mr. Van Wingerden or his representative to appear at the November 21, 2005 meeting to present the subject application.

12/01/05\_Mr. Van Wingerden has granted to the Commission an extension to February 6, 2006 to apply for a permit for a Gravel Bank.

1/11/06. No change at this time. **1/25/06**. Notified M. Mocko's office to be prepared for February 6, 2006 zoning meeting. It was confirmed that he will attend that meeting.

8. 34 Schneider Rd. D. Caverly. Section 214-98.24 (Contractor's Yard). Commenced Enforcement Action. **11/15/05 Issued letter requesting compliance.**

11/30/05. Issued Cease & Desist Order

12/13/05,\_Mr. Caverly has agreed to compliance on or before January 23, 2006. **2/01/06**. Violation eliminated.

9.. 11/16/05. 343 Hall Hill Road, T. Barnes. Sections 214-98.B.1.(More than one single family dwelling per lot) and 214-98.101 (Failure to obtain Zoning Permit).

**11/28/05 Barnes has agreed to cease the residential use of the subject building. Waiting for promised affidavit stating that agreement to close this file.**

1/05/06\_Resolution of this case is pending Building Code compliance with Building Official.

**2/02/06**. No change at this time.

10. 1/03/06. 124 Main St. F. Albano/Mickey Finn's. Section214-98.B.22. (Non-permitted Motor Vehicle Sales). Requested Compliance. **1/30/06**. It was agreed that compliance will be met on or before February 15, 2006.

11. **2/01/06**. 515 Springfield Rd. M. Bushior. Section 214-98.B. (Storage of Junk Material). Requested Compliance.

Respectfully submitted:

James R. Taylor  
Zoning Enforcement Officer