

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

**ZONING MINUTES
REGULAR MEETING
May 15, 2006
7:00 p.m. Town Hall**

I. PUBLIC HEARINGS:

Chairman Klein opened the public hearings at 7:05 p.m. Town Planner Patrice Carson read the notices for all the hearings.

a. SPECIAL USE PERMIT APPLICATION FOR CONSTRUCTION TRAILER, SHAKER ROAD (SOMERS VILLAGE ARH PROJECT), GINGRAS DEVELOPMENT, LLC

Gingras Development was not present at the public hearing. The Commission reviewed a plan showing the location of a temporary construction trailer. A Special Use Permit gives license to utilize the trailer for up to one year. The applicants indicated that they would only need to utilize the trailer for about 6 to 8 months for the project. The trailer has electricity but no bathrooms. The Planning Commission reviewed the application at their last meeting and sent a recommendation for approval.

At 7:08pm, a motion was made by Lise Wood, seconded by Robert Martin and unanimously voted to close Part a. of the Public Hearing.

Due to the Bonazelli's missing an individual for the public hearing Part b., the Commission chose to address Part c. prior to Part b.

c. SPECIAL USE PERMIT APPLICATION TO BUILD NEW SOLAR HOME WITH NO BASEMENT, 87 PIONEER HEIGHTS, GRANT

Homeowners George and Leslie Grant are seeking to build a solar home. In order to do that, thermal mass is needed. This would be achieved utilizing a masonry floor allowing for no basement which requires a Special Use Permit. The Planning Commission reviewed the application at their last meeting and sent a recommendation for approval.

Mrs. Carson did inquire about where the mechanical and electrical infrastructures would be located. Mr. Grant responded that the drainage would be located under the slab, but that the breaker panel and plumbing (water heater) would be located in a closet. Supply pipes would be running in the walls.

At 7:12pm, a motion was made by Robert Martin, seconded by Jill Conklin and unanimously voted to close Part c. of the Public Hearing.

b. SPECIAL USE PERMIT APPLICATION FOR NURSERY SCHOOL/DAY CARE, 27 QUALITY AVENUE, BONAZELLI

The plan was the same that was being presented to the building department. There were going to be a few changes made by the architect in regards to the location of the exit doors, to be proportionate to the other existing doors and forms of egress. The Committee viewed plans for the interior 3000 square feet as well as illustrations as to where the playground would be located.

The playground would be accessed by adding stairs to an existing concrete walk-way and following them to the upper level. A 4-foot chain link fence would be positioned around the play area and camouflaged by 6-foot hedges. The playground, approximately 750 square feet, would accommodate 10 children at a time. If the nursery school/daycare expanded, the children would be brought out in shifts to meet code regulations.

Mr. Kuzman inquired about the culvert which was located on the property and the safety issue of the children attending the nursery school/daycare. Mrs. Bonazelli indicated that the children would need to wander out of the play area and off the walkway in order to access this area. She mentioned that the children would always be supervised and that for them to get to that area would be unlikely.

The Planning Commission recommended approval with the understanding that the applicants would be meeting the requirements of the Town Sanitarian, the WPCA, (reassessment of the sewer and water), and the Fire Marshall/Building codes.

At 7:21pm, a motion was made by Robert Martin, seconded by Jill Conklin and unanimously voted to close Part b. of the Public Hearing.

II. CALL TO ORDER

Chairman Peter Klein called the regular meeting to order at 7:22 p.m. Members Peter Klein, Robert Martin, Lise Wood, Jill Conklin, and Alternate Member Terry Kuzman (seated for Anita Calder) were present and constituted a quorum. Town Planner Patrice Carson was also present.

III. MINUTES APPROVAL

A motion was made by Robert Martin, seconded by Lise Wood and unanimously voted to approve the minutes of May 1, 2006 as presented.

IV. OLD BUSINESS

a. DISCUSSION/POSSIBLE DECISION: SPECIAL USE PERMIT APPLICATION FOR CONSTRUCTION TRAILER, SHAKER ROAD (SOMERS VILLAGE ARH PROJECT), GINGRAS DEVELOPMENT, LLC

After brief discussion, a motion was made by Lise Wood, seconded by Terry Kuzman, and unanimously voted to approve Gingras Development, LLC's Special Use Permit application for a construction trailer on Shaker Road at the Somers Village Age Restricted Housing Project from May 15, 2006 until May 15, 2007.

b. DISCUSSION/POSSIBLE DECISION: SPECIAL USE PERMIT APPLICATION FOR NURSERY SCHOOL/DAY CARE, 27 QUALITY AVENUE, BONAZELLI

After brief discussion, a motion was made by Terry Kuzman, seconded by Lise Wood and unanimously voted to approve Bonazelli's Special Use Permit application for a nursery school/day care at 27 Quality Avenue with the stipulation that the review and conditions of the WPCA, Town Sanitarian, Fire Marshall and Building Inspector be addressed.

c. DISCUSSION/POSSIBLE DECISION: SPECIAL USE PERMIT APPLICATION TO BUILD NEW SOLAR HOME WITH NO BASEMENT, 87 PIONEER HEIGHTS, GRANT

After brief discussion, a motion was made by Robert Martin, seconded by Jill Conklin and unanimously voted to approve Grant's Special Use Permit application to build a new solar home with no basement at 87 Pioneer Heights.

d. SITE PLAN APPLICATION FOR SHOPPING CENTER, 85 SOUTH ROAD, SOMERS CROSSING LLC

An updated plan was presented where the utilities were separated from the original plan. In addition, a layout that illustrated the lighting fixtures and their coverage was also presented. Locations of the wall packs and canopy area lighting for the shopping center was also shown. At this time, light spillage off the property is zero and is reaching zero a great distance prior to the land boundaries of the property. Current suggested height of the poles is 25ft. with a 3ft. base equally 28ft. in total with 250 watt fixtures.

Receiving would be located in the back of the building and there would be canopy lighting in that vicinity. It was noted that the land behind the building is a large vertical slope which creates a natural buffer.

An outline of the landscape design plantings for the islands and around the building was submitted. The type of plants/trees to be utilized and located was indicated by key code. The presenters mentioned that the end result would need a great deal more work, but that the goal was to meet the needs of the community, and avoid the "strip mall/center" feel and "deviate the design through the course of the building".

Mr. Klein inquired about the size and location of the GEISSLER'S sign. There was some discussion about internally (not allowed) or externally lit signs. If it were not to be an internally lit sign, there was some thought as to utilizing sign foam. Sign foam is hand carved and is a dense material that has some characteristics of a wood but less upkeep, but no final location or material use had been agreed upon as of yet.

The overall design of the building is to allow for relief both vertically and horizontally making it aesthetically appealing.

A motion was made by Lise Wood, seconded by Jill Conklin, and unanimously voted to refer the above-mentioned application to the Planning Commission.

e. Other - There was no other Old Business.

V. NEW BUSINESS

Lise Wood recused herself from The Zoning Commission prior to addressing the following:

a. SPECIAL USE PERMIT APPLICATION FOR GRAVEL BANK, 164 HAMPDEN ROAD, GROWER DIRECT FARMS

Mrs. Carson noted that an application, a fee, a bond estimate, and a map had all been received.

A motion was made by Robert Martin, seconded by Jill Conklin, and unanimously voted to accept Grower Direct Farms' Special Use Permit application for a gravel bank at 164 Hampden Road and refer it to the Planning Commission.

Lise Wood took her seat and rejoined the meeting.

b. DISCUSSION/REVIEW OF PROPOSED AMENDMENT TO THE ZONING REGULATIONS FOR OPERATING HOURS FOR GRAVEL BANKS

Mrs. Carson distributed a March 29, 2006 letter written by Mr. and Mrs. Henry Broer which requested that a change be made to the zoning regulations amending the hours of operation for earth removal and filling projects. The Commission had a lengthy discussion about the hours of operation, identifying those individuals who use the gravel banks, and the seasonal needs and changes in daylight. The overall conclusion was that the banks are probably worked more hours in the summer (longer days and better weather as well as higher demand) and less in the winter (shorter daylight and bad weather with snow and freezing temperatures) and the actual hours of operation for the normal gravel bank probably averages out to be 40 or less a week.

At the end of the conversation, the Commission felt that they had given the topic much consideration visiting the pros and cons of tweaking the hours. In conclusion, Ms. Conklin suggested that in the future when a Special Use Permit application for a gravel pit is requested from the town, specific requirements can be attached to the permit if need be for specific operating hours. No further action would be taken.

c. DISCUSSION/REVIEW OF PROPOSED AMENDMENT TO THE ZONING REGULATIONS FOR CHANGE IN ALLOWABLE BUILDING HEIGHT

Mrs. Carson distributed a copy of the current Somers Zoning Regulations which define building height. With the influx of homes being built with 9-foot ceilings, larger roof peak variations, and walk-out basements changing the grading surrounding some homes, it has become difficult to agree on how permits would be issued and which ones were to go to ZBA. In addition, the Fire Department has concerns with the construction of the homes in question specifically truss roofs. They are proposing regulations where there may be a requirement of a sprinkler system if on a public water line, and for those that are not, a cistern tank. This would keep the fire at bay until the Fire Department was able to arrive on scene.

Mrs. Carson added that it may be as simple as changing the definition of the "Building Height". For example, stating the highest level of the ground to the middle point of the roof. Mrs. Carson mentioned that she would get examples from other towns to see if they were running into the same issue and get back to the Commission.

VI. DISCUSSION: PLAN OF CONSERVATION & DEVELOPMENT

There will be a meeting held next Monday – May 22, 2006. Mr. Pinney is looking into talking with the regional planning agency and joining other towns in the area to see if they are interested in grouping together to request state grant monies that are available for agricultural/farm use. Mrs. Carson will forward via email information she has on an upcoming meeting on this subject.

VII. STAFF/COMMISSIONER REPORTS

The Town Planner reported that in April, she reviewed and issued 21 zoning permits, and 13 certificates of occupancy were reviewed of which, 12 were issued.

Jim Taylor's Zoning Enforcement Officer Report was reviewed and after brief discussion, a motion was made by Robert Martin, seconded by Lise Wood and unanimously voted to accept the Report.

A motion was made to accept the report as presented with all members in favor.

VIII. CORRESPONDENCE AND BILLS

Mrs. Carson reminded the Zoning Commission that David Pinney was still interested in the Zoning and Planning Commissions recommendations of individuals to serve on the Design Review Board. She inquired whether any of the members were able to contact any individuals to be part of this Board. She had spoken with Ken Coelho, and although he was interested, he felt it would be best to wait until he was less busy; say around the 1st of the year. Although Mrs. Carson was happy that he was interested, the 1st of the year might be too late.

Jill Conklin mentioned that she would investigate further into the availability of Kenny Albert and David Fontaine to serve on the Design Review Board.

A bill from the Journal Inquirer was presented in the amount of \$86.57 for the meeting of March 6, 2006. In addition, a bill from the Journal Inquirer was presented in the amount of \$55.09 for the meeting of April

3, 2006.

A motion was made by Lise Wood, seconded by Robert Martin and unanimously voted to pay the JI bills.

VIII. ADJOURNMENT

A motion was made by Rob Martin, seconded by Jill Conklin and unanimously voted to adjourn the May 15, 2006 Zoning Commission meeting at 8:25 p.m.

Respectfully submitted,

J. Boudreau, Recording Secretary

A.P. Calder, Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING.

Town of Somers Zoning Enforcement Officer
For the Zoning Commission Meeting of May 15, 2006

Covering from 5/01/06 thru 5/12/06 Activities listed by Address

Enforcement activity:

-
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. 3/21/06 663 Main St. P. Smith. Sections 214-98 (Storage of Junk Material) and 214-60 (Storage of Unregistered Vehicles). Issued Cease & Desist Order.
4/13/06. In 30 day appeal period. Appeal period expires 30 days from date of receipt which was 4/04/06.
5/10/06 Very little progress made to compliance. Will consider legal action within two weeks.

3. 4/03/06. 63 Bradfield Dr. M. Kloter. Section 214-98.A. (Failure to meet Set-Back requirements. Requested compliance.
4/27/06 Mr. Kloter is in process of application for a variance to the ZBA.

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 2nd week of May 2006. The reason for this delay is winter weather. Will follow up in May.

5. 5/09/06 63 Bradfield Dr. M. Kloter. Section 214-19 (Improper Storage of Recreation Vehicle). Requested Compliance

6. 2/07/06 64 Main St. L. Sonski. Sections 214-101 (Failure to obtain Zoning Permit for accessory building) and 214-98.A (Failure to comply with Set-Back Requirements). Requested Compliance.

3/15/06. In process of obtaining permits.

3/25/06. Permit for structure has been issued. Structure to be moved to comply with Set-Back requirements.

7. 5/10/06 8 Bittersweet Hill, T Denehy. Sections 214-101 (Failure to obtain Zoning Permit) and 214-98 (Failure to comply with Front Yard Set-back requirement. Request Compliance.

8. 3/14/06. 701 Stafford Rd. R. Bourque. Sections 214-98 (Storage of Junk Material) and 214-60 (Unregistered Vehicles). Requested Compliance.

3/29/06. Issued Cease & Desist Order.

4/13/06. Pending 30 day Appeal Period.

4/28/06 In the process of compliance and should be in total compliance by May 22, 2006.

9. 2/01/06. 515 Springfield Rd. M. Bushior. Section 214-98.B. (Storage of Junk Material). Requested Compliance.

3/02/06. About to commence further enforcement action.

3/15/06. Issued Cease and Desist Order.

3/29/06. Pending 30 day appeal period.

4/24/06 partial compliance and has agreed to further compliance.

Respectfully submitted:

James R. Taylor
Zoning Enforcement Officer