

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

**ZONING MINUTES
REGULAR MEETING
JUNE 4, 2007 - 7:00 p.m.
TOWN HALL**

I. PUBLIC HEARINGS

Chairman Robert Martin called the public hearing to order at 7:04 p.m. and the legal notice was read.

a. Special Use Permit Application for Home Occupation for Computer Repair and IT Business, 7 School Street, Diakostavrianos

Nick Diakostavrianos, 7 School Street, presented plans for his home business. He is closing his retail shop and applying to have a home computer business doing contract work and outside service calls. No public will be coming to his home and he will not be having any employees.

Mrs. Carson reported that Nick has filed an application and submitted a floor plan and a site plan, including parking spaces. The Planning Commission reviewed the application on May 24, 2007 and unanimously voted to recommend approval for the home business as it is in keeping with the POCD.

There were no comments from the Commissioners or the audience and a motion was made by Jill Conklin, seconded by Dan Fraro and unanimously voted to close the public hearing for the application at 7:07 p.m.

b. Special Use Permit Application for Office Trailer, 367 Hall Hill Road (High Ridge Estates Subdivision), Leaska Construction Co.

Mike Leaska, 22 Bittersweet Hill, from Leaska Construction Company, explained that he is applying for a Special Use Permit to bring his office trailer and a box trailer into the subdivision and park it in an approved right of way within the subdivision during construction. The office trailer is to take care of paperwork and the box trailer is for storing hand tools. Once construction on the site is complete, the trailers will be removed and lawn will be planted.

The Planning Commission reviewed the application on May 10, 2007 and voted unanimously to recommend approval of the trailers and suggested that perhaps the Zoning Regulations should be amended to include construction trailers as part of the Subdivision approval, which applications extend over 5 years. For this particular application, the special use permit would need to be reviewed and renewed each year.

There were no comments from either the Commissioners or the audience and a motion was made by Jill

Conklin, seconded by Dan Fraro and unanimously voted to close the public hearing for the application at 7:10 p.m.

c. Special Use Permit for Liquor Store, 95 South Road, Nilsson

The applicant, Jim Nilsson, and Chuck Bomley, Plan B, presented plans for the liquor store and explained that they are applying for permission from the town to apply for a liquor store permit from the State of Connecticut. The store will be under the same management as Geissler's Supermarket and will be situated adjacent to Geissler's on South Road in Somers Crossing.

Mrs. Carson reported that Planning Commission reviewed the application on May 10, 2007 and unanimously recommended approval of the application as it is an appropriate commercial business in a commercial zone.

There were no comments from either the Commissioners or the audience and a motion was made by Jill Conklin, seconded by Dan Fraro and unanimously voted to close the public hearing for the application at 7:14 p.m.

d. Special Use Permit Application for Gravel Bank, Egypt Road, Charter

Applicant Peter Charter, 516 Somers Road, Ellington, presented plans for the gravel bank and explained that they are seeking renewal of the annual permit. The Ellington portion is completed and reclaimed and has corn planted on it. Materials are in the process of being moved from the center portion and then will be reclaimed. Then they will move onto the new section approved in May, 2007.

Mrs. Carson read Town Engineer Merv Strauss's comments for the record. Everett Morrill and Mr. Strauss inspected the site on May 21, 2007 and most of the work is completed. They could see a deep hole that is being refilled with fine material left over from the soil screening process. Other areas appear to be acceptable. The bond is \$21,600 and is acceptable for the current renewal.

Mr. Charter explained that they had planned on being done with the spot at 206 Egypt Road by now and they were going to file an as-built by June 30, 2007, but there is a 5% section that is incomplete. The remaining 95% is complete and has been planted with either grass or corn. He asked to file an as-built for the completed portion and pay the filing fee of \$600.00 and continue to take material out of the remaining 5% during the year.

The Planning Commission reviewed this application on May 24, 2007 and unanimously voted to recommend approval in accordance with the Town Engineer's comments.

There were no comments from either the Commissioners or the audience and a motion was made by Jill Conklin, seconded by Dan Fraro and unanimously voted to close the public hearing for the application at 7:20 p.m.

e. Special Use Permit Application for Gravel Bank, South Road, Pleasant View Farms Realty

Applicant Jeff Lipton, 452 South Road, spoke on behalf of Pleasant View Farms Realty. He explained that the work is mostly done, with the exception of the removal of the stockpiles inside of the pit. He explained that there is some concern about a 20-foot embankment that was dug on the east side of the gravel pit located within the 100-foot allowance. They have currently reclaimed 50% of the slope and are in the process of sloping off the drop off. The work should be completed within the next 2 weeks.

Mrs. Carson noted that the Town Engineer stated in his review that he had problems with the steep embankments, and there is a bond in the amount of \$39,000. The Planning Commission did review this and voted to recommend NOT approving it until the applicant meets the approval of the Town Engineer. It was noted that this was an issue last year as well.

There were no comments from the audience or the Commissioners and a motion was made by Jill Conklin, seconded by Dan Fraro and unanimously voted to close the public hearing for the application at 7:25 p.m.

f. Special Use Permit Application for Gravel Bank, South Road, Bordeaux

Applicant Cliff Bordeaux spoke on behalf of the application noting that they are in Phase 11 of the 11 Phase operation. The work is done other than getting rid of the stockpiles. The cuts are not very deep and they are blending over the 2 finished phases. They expected to be done now, but the weather did not cooperate this winter and so they are hoping to complete everything within the next 12 months.

Merv Strauss has reviewed the plans dated April 23, 2007 and checked the site with Everett Morrill on May 21, 2007, and it was found in good order. Mrs. Carson read his comments for the record. The previous bond estimate of \$24,037 is acceptable for the remaining work and the pit is nearing completion. The Planning Commission reviewed the application on May 24, 2007 and unanimously voted to recommend approval in accordance with the Town Engineer's comments.

There were no comments from the audience or the Commissioners and a motion was made by Jill Conklin, seconded by Dan Fraro and unanimously voted to close the public hearing for the application at 7:29 p.m.

g. Special Use Permit Application for Gravel Bank, Stafford/Root/Wood Roads, Wood Gravel Operation LLC

Mrs. Carson explained that the plans arrived on the date of the May 24, 2007 meeting so Mr. Strauss did not go out to the pit before the Planning Commission Meeting and he has not yet submitted comments.

Applicant Bruce Wood presented the latest as-built for the operation with Jay Ussery from J. R. Russo and noted that it has changed very little from last year. The working face has moved approximately 50 feet from last year. The siltation control along Wood Road and Root Road has been installed in the form of stone check dams and the bond estimate includes \$5,000 for the maintenance of these. The remaining work will continue in a southerly direction along Wood Road. A berm was constructed along the topside of the working face for safety.

The Commissioners discussed waiting to receive the Town Engineer's comments and the referral from the Planning Commission. There were no comments from the audience. At 7:37 p.m., a motion was made by Jill Conklin, seconded by Dan Fraro and unanimously voted to continue the public hearing until Monday, June 18, 2007 at 7:00 p.m. in the Town Hall.

h. Special Use Permit Application for Gravel Bank, 164 Hampden Road, Grower Direct Farms

Applicant Leonard Van Wingerden, speaking on behalf of Grower Direct Farms, presented plans for the gravel bank. He noted Mr. Strauss's concern about an area of 20 to 30 foot ledge and explained that the slope was there prior to any excavation. They have written a letter back to Mr. Strauss explaining that they will be installing some fencing to prevent anyone from accidentally coming upon the area, and Mr. Van Wingerden submitted a copy of this letter for the file. Mike Mocko has contacted a slope specialist who will be evaluating the slopes next week and making suggestions. Comments will be forwarded to Mr. Strauss when received. No excavation has currently taken place in this area.

There is a potential for future blasting in the area, and it is expected that when the slope evaluation is done, comments will be received on this as well.

Mrs. Carson explained that the bond amount has been doubled. The Planning Commission reviewed the application on May 24, 2007, and based upon Mr. Strauss's comments, they voted not to recommend approval of the application until the applicant remedies the issues. The applicant is working to address all issues. The consensus of the Commission was to keep the hearing open until comments have been received from Mr. Strauss.

Henry Broer, 74 Hampden Road, spoke against the application and presented copies of his comments for the record. He gave a history of the application, as included in previous minutes of previous meetings. Mr. Broer explained that this history warrants the denial of the application and that Grower Direct does not deserve the Commission's approval. He added that they had even violated a cease and desist order issued by the town.

Mr. Broer also commented on a letter he sent requesting that the Zoning Commission consider a change to the Zoning Regulations limiting the hours of gravel pit operations to 40 per week. While receipt of the letter was acknowledged in the minutes, as well as a notation that the topic would be placed on a future Zoning Commission Meeting agenda, it has not yet appeared on an agenda for any subsequent meeting. Mrs. Carson noted that this item was discussed at a meeting and she will look into this.

Priscilla Broer, 74 Hampden Road, stated that she is opposed to the application for the reasons that Henry Broer stated.

Leonard Van Wingerden, Hampden Road, commented that he doesn't understand the difference between a mac truck with "Holden" on it and a mac truck with "Woods" on it and why it is perceived that a Holden truck goes by like a tank and a Woods truck goes by like a limousine. He cannot understand Mr. Broer's complaints. He also explained that he did not violate the cease and desist order because when he received it he immediately was in contact with the Zoning Enforcement Officer and the First Selectman

and explained what he was doing and why he believed that no special permit was required. After they went over the regulation together, he was told that the cease and desist order would not be enforced but was asked to take out a special use permit so that he would fall under the same regulations as the other gravel pit operations in the town. He stated that he agreed to do this and for this reason has applied for a renewal.

Henry Broer, 74 Hampden Road, commented that it is the number of trucks he is concerned about, not the manner in which the trucks move along the road. He added that while the number of trucks has decreased recently, he is concerned that this number will increase in the future.

A motion was made by Jill Conklin, seconded by Dan Fraro and unanimously voted to continue the public hearing to Monday, June 18, 2007 at 7:00 p.m. in the Town Hall.

II. CALL TO ORDER

Chairman Robert Martin called the regular meeting to order at 8:00 p.m. Members Jill Conklin, Robert Martin, and Alternate Member Daniel Fraro (seated for Ray Hafford) were present and constituted a quorum. Town Planner Patrice Carson was also present.

III. INTERVIEW DESIGN REVIEW BOARD CANDIDATES – There were none.

IV. MINUTES APPROVAL

A motion was made by Jill Conklin, seconded by Dan Fraro and unanimously voted to approve the minutes of the May 21, 2007 meeting as written.

V. OLD BUSINESS

a. Discussion/Possible Decision: Special Use Permit Application for Home Occupation for Computer Repair and IT Business, 7 School Street, Diakostavrianos

A motion was made by Jill Conklin, seconded by Dan Fraro and unanimously voted to approve Diakostavrianos' Special Use Permit application for a home occupation for a computer repair and IT business at 7 School Street.

b. Discussion/Possible Decision: Special Use Permit Application for Office Trailer, 367 Hall Hill Road (High Ridge Estates Subdivision), Leaska Construction Co.

Mrs. Carson noted that this permit would be subject to a yearly review so the permit would be valid from June 5, 2007 through June 5, 2008. It was the consensus of the Commission to discuss modifying the regulation at a future meeting.

A motion was made by Jill Conklin, seconded by Dan Fraro and unanimously voted to approve Leaska Construction Co.'s Special Use Permit application for an office trailer at 367 Hall Hill Road (High Ridge

Estate Subdivision), to become effective June 5, 2007 through June 8, 2008.

c. Discussion/Possible Decision: Special Use Permit for Liquor Store, 95 South Road, Nilsson

A motion was made by Dan Fraro, seconded by Jill Conklin and unanimously voted to approve Nilsson 's Special Use Permit for a liquor store at 95 South Road.

d. Discussion/Possible Decision: Special Use Permit Application for Gravel Bank, Egypt Road, Charter

A motion was made by Jill Conklin, seconded by Dan Fraro and unanimously voted to approve Charter's Special Use Permit application for a gravel bank on Egypt Road and South Roads with the conditions that 1) an as-built plan of the site be submitted by June 30, 2007 showing 95% graded and planted, 2) a bond of \$21,600.00 be submitted, and 3) the one-year permit expires June 30, 2008.

e. Discussion/Possible Decision: Special Use Permit Application for Gravel Bank, South Road, Pleasant View Farms Realty

The Commission wanted the Town Engineer to go back out to the site so this item was deferred until the next meeting.

f. Discussion/Possible Decision: Special Use Permit Application for Gravel Bank, South Road, Bordeaux

A motion was made by Jill Conklin, seconded by Dan Fraro and unanimously voted to approve Bordeaux's Special Use Permit application for a gravel bank on South Road conditioned upon 1) a bond of \$24,037.00 and 2) the one-year permit expires June 30, 2008.

g. Discussion/Possible Decision: Special Use Permit Application for Gravel Bank, Stafford/Root/Woods Roads, Wood Gravel Operation, LLC

This item was deferred since the public hearing was still open.

h. Discussion/Possible Decision: Special Use Permit Application for Gravel Bank, 164 Hampden Road, Grower Direct Farms

This item was deferred since the public hearing was still open.

i. Site Plan Application for Somers Crossing Phase II, 87 South Road, Somers Crossing, LLC

Applicant Chet Ladd and Chuck Bomley of Plan B presented an update on Somers Crossing Phase II.

Mrs. Carson reported that they had a very productive, positive staff meeting with the applicant and his representatives.

Mr. Bomley noted that one of the biggest requests made at that meeting was for better pedestrian circulation through the village area. It was determined that they would delete a roadway to add some additional walkways. Plans include a sidewalk network connecting the various facilities and allowing for access to both Phases.

Another area of concern was direction of traffic flow. He showed how this had been revised on the plans.

Mr. Bomley presented architectural style drawings as examples for the buildings. The intent is to keep a lower profile. Gables and dormers will be included. There will be no flat roofs. For the larger buildings a barn style was suggested with a bit of dress to the front. Clear-story glass was included to let light in, as well as stone work on the front facades. Because they do not know who the tenants will be at this point, the drawings were conceptual only, so that the Commission could understand what type of structure designs are intended.

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j. Other – There was no other Old Business.

VI. NEW BUSINESS

a. Other – There was no New Business.

VII. DISCUSSION: PLAN OF CONSERVATION AND DEVELOPMENT

a. Discussion: New Zoning Regulations for Somersville Center

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Mrs. Carson reported that the consultant is requesting comments so that the draft can be further refined. The Commissioners discussed the proposal line-by-line, presenting changes and corrections to the draft. The Commissioners also discussed the items that came up at the public hearing. It was the consensus of the Commissioners that the use of underground storage tanks, motor vehicle sales and service, and gasoline sales remain as prohibited uses in the Somersville Center Overlay District in accordance with the feedback from residents and the Town's Plan of Conservation & Development. Mrs. Carson recorded the changes and will forward them to the consultant and the Somersville Planning Committee.

VIII. STAFF/COMMISSIONER REPORTS

Mrs. Carson will be emailing Zoning Enforcement Officer Joy O'Connor's report. The Commission reviewed copies of enforcement letters sent since the last meeting.

A question arose about whether or not a permit was granted for the permanent greenhouses on Shaker Road by the Enfield line. Mrs. Carson will look into this.

A brief discussion followed about temporary carports/garages. The Commission requested that the ZEO look into this further.

Outdoor furnaces were also discussed and Mrs. Carson will get information about them for a future meeting.

Dan Fraro submitted information received at the training sessions. Mrs. Carson will get copies for everyone.

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IX. CORRESPONDENCE AND BILLS – None were presented.

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X. ADJOURNMENT

A motion was made by Jill Conklin, seconded by Dan Fraro and unanimously voted to adjourn the June 4, 2007 Zoning Commission meeting at 10:01 p.m.

Respectfully submitted,

Wesley Smith, Secretary

Robin Timmons, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING