

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

**ZONING MINUTES
REGULAR MEETING
MAY 18, 2009
TOWN HALL - 7:00 p.m.**

I. CALL TO ORDER

Chairman Rob Martin called the regular meeting of the Zoning Commission to order at 7:05pm. Members Rob Martin, Dan Fraro, and Alternate Member Paige Rasid (seated for Wes Smith) were present and constituted a quorum. Town Planner Patrice Carson was also present.

II. MINUTES APPROVAL: March 26, 2009 & May 4, 2009

The minutes for March 26, 2009 were unavailable.

A motion was made by Mr. Fraro; seconded by Mr. Martin and unanimously voted to approve the May 4, 2009 minutes as written. Ms. Rasid abstained, as she had not attended the May 4th meeting.

III. OLD BUSINESS

a. OTHER – There was no other Old Business.

IV. NEW BUSINESS

A motion was made by Ms. Rasid; seconded by Mr. Fraro and unanimously voted to take the agenda out of order and to go directly to item IV.b.

b. MODIFICATION OF SPECIAL USE PERMIT APPLICATION FOR GOLF CENTER: ADD STORAGE BUILDING & SECOND BUILDING WITH TAKE-OUT FOOD SERVICE, 349 MAIN STREET, DRIVING RANGE 349 MAIN STREET, LLC– SET PUBLIC HEARING

Timothy Coon of J.R. Russo & Associates represented the applicant at the meeting. He explained that last fall the applicant received approval to construct the mini-golf course and to expand the parking lot to serve the golf course and a future food service. Since then, the applicant has decided to tear down the existing building on the property and replace it with a new 1,700 square foot building to house the new food service. Mr. Coon presented an architectural rendering of the new building, which looks similar to a horse barn. He showed on the lot map where the new building will be located and explained the layout of the building and how the space will be used. There will be a foyer, two toilet facilities, a small arcade game room, an office and a kitchen area with indoor and outdoor take-out windows. There will be indoor and outdoor seating areas as well but no waitress service. The number of seats for the dining area was calculated based on the square footage of kitchen area. Outside there will be a sidewalk that runs along the parking lot and a ramp for handicapped access. The current plans for the surface of the outdoor seating area show an impervious concrete pad but the applicant may choose pavers. The game room will be approximately 13½ feet by 16 feet, so there will only be room for a small number of arcade machines.

The original plans provided for outside porta-potties, which will not be necessary since there will be inside facilities as required by the Health Code for food service. The propane tank and dumpsters will be in the same area as on the original plans and will be screened by landscape plantings. The outdoor lighting will be the same as it was on original approval.

The hours of operation for the driving range are sunrise to 10:00pm Sunday to Thursday and sunrise to midnight on Friday and Saturday. For the mini-golf and food service the applicant would like the option to open as a seasonal use dependant on the weather.

The plan for treatment of stormwater runoff has been changed from a single treatment construction to a treatment at each catch basin, which allows for the parking lot to be lowered and less fill in the wetland as a result. The plan has been approved by David Askew and Bob Cafarelli.

The septic system and grease trap will be on the west side of the new buildings. The Sanitarian has given conditional approval based on approval of the well by the State Health Department. Because of the food service, the well must now be approved as a public water supply. The applicant has received a letter from the State Health Department that says the water quality and quantity are sufficient and meet with their approval.

A motion was made by Ms. Rasid; seconded by Mr. Fraro and unanimously voted to refer the application to the Planning Commission and to set the Public Hearing date for June 1, 2009 at 7:00pm at Town Hall.

a. EXECUTIVE SESSION: PENDING CLAIMS & LITIGATION, SMYTH & AVERY VS. ZONING COMMISSION

At 7:25pm, a motion was made by Mr. Fraro; seconded by Ms. Rasid and unanimously vote to go into executive session regarding Smyth & Avery vs. Somers Zoning Commission and to invite Town Attorney Carl Landolina, Selectman David Pinney and Ms. Carson to attend.

At 7:40pm, a motion was made by Mr. Fraro; seconded by Ms. Rasid and unanimously voted to come out of executive session. There were no votes taken.

A motion was made by Mr. Fraro; seconded by Ms. Rasid and unanimously voted to set the Public Hearing date to discuss a proposal to settle the lawsuit for Smyth & Avery vs. Somers Zoning Commission pending in Tolland Superior Court regarding the zone change application previously denied by the Zoning Commission for the properties at 225 Field Road and 251 Field Road.

After a brief recess, the regular meeting resumed at 7:45pm.

c. OTHER – RECEIVE AND REFER GRAVEL BANK APPLICATION FOR: PLEASANT VIEW FARMS, CHARTER ACRES AND GROWER DIRECT

*A motion was made by Mr. Fraro; seconded by Ms. Rasid and unanimously voted to add to the agenda the **Special Use Permit Application For Gravel Bank, South Road, Pleasant View Farms Realty.***

There have been no issues with this gravel bank's operations. All the information to review has been received.

A motion was made by Ms. Rasid; seconded by Mr. Fraro and unanimously voted to accept Pleasant View Farms Realty's application for a gravel bank permit at South Road, refer it to the Planning Commission and to set the Public Hearing date for June 15, 2009.

*A motion was made by Mr. Fraro; seconded by Ms. Rasid and unanimously voted to add to the agenda the **Special Use Permit Application For Gravel Bank, South & Egypt Roads, Charter.***

There have been no issues with this gravel bank's operations. All the information to review has been received.

A motion was made by Ms. Rasid; seconded by Mr. Fraro and unanimously voted to accept Charter's application for a gravel bank permit at South and Egypt Roads, refer it to the Planning Commission and to set the Public Hearing date for June 15, 2009.

*A motion was made by Mr. Fraro; seconded by Ms. Rasid and unanimously voted to add to the agenda the **Special Use Permit Application For Gravel Bank, 164 Hampden Road, Grower Direct Farms.***

There have been no issues with this gravel bank's operations. All the information to review has been received.

A motion was made by Ms. Rasid; seconded by Mr. Fraro and unanimously voted to accept Grower Direct's application for a gravel bank permit at 164 Hamden Road, refer it to the Planning Commission and to set the Public Hearing date for June 15, 2009.

Ms. Carson notified the Commission that the Zoning Enforcement Officer (ZEO) and the Town Engineer have been to the sites and their comments will be available for the meeting on June 15th.

V. DISCUSSION: PLAN OF CONSERVATION & DEVELOPMENT (POCD)

a. RIDGELINE REGULATIONS

Ms. Carson said that the updated Zoning Code Books should be in by June 1st. The Commission will resume their work on the Ridgeline regulations. The first draft of the regulations will be reviewed by the new ZEO with special consideration to enforceability. Ms. Carson hopes to have the ZEO's comments for the June 1st Zoning Commission meeting. The Commission suggested that the ZEO contact the ZEO in Kent to discuss Kent's Ridgeline Regulation and enforcement issues.

The Commission intends to take a field trip to figure out the locations to be included in the Ridgeline Overlay Zone. A final draft of the Regulation will need to be submitted to the Town Attorney and to CRCOG.

VI. STAFF/COMMISSIONER REPORTS – There were none.

VII. CORRESPONDENCE AND BILLS

The following bill was submitted for payment:

Journal Inquirer March 16 and April 6 meetings & April 27 Public Hearing \$377.75

A motion was made by Mr. Fraro; seconded by Ms. Rasid and unanimously voted to pay the bill.

VIII. ADJOURNMENT

A motion was made by Ms. Rasid; seconded by Mr. Fraro and unanimously voted to adjourn the May 18, 2009 regular meeting of the Zoning Commission at 8:00pm

Respectfully submitted,

Wesley Smith, Secretary

Jeanne Reed, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING.