

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

**ZONING MINUTES  
REGULAR MEETING  
SEPTEMBER 28, 2009  
TOWN HALL - 7:00 p.m.**

**I. PUBLIC HEARINGS**

Mr. Collins stated that there were no public hearings but this was for public comment. Chairman Martin explained that this item should be left off the agenda unless there is an actual public hearing.

**II. CALL TO ORDER**

Chairman Rob Martin called the regular meeting of the Zoning Commission to order at 7:05pm. Members Jill Conklin, Rob Martin, Dan Fraro, and alternate member Paige Rasid (seated for Ray Hafford) were present and constituted a quorum. Also present: Zoning Liaison John Collins.

**III. MINUTES APPROVAL: July 27, 2009**

Chairman Martin noted for the record that during a previous meeting the Commission had agreed to review the minutes of June 15, 2009, but this will be deferred until the next Zoning Commission meeting.

*A motion was made by Mr. Fraro; seconded by Ms. Rasid and unanimously voted to approve the minutes of September 28, 2009 as written.*

**IV. OLD BUSINESS – There was none**

**V. NEW BUSINESS**

**a. APPLICATION FOR HOME OCCUPATION; 403 MAIN STREET**

Mr. Collins presented the lot map of the property with an inset that showed a shaded area in the left front room of the house where the proposed fencing design center for GMH Fence would be located.

Mr. Collins explained that the applicant proposes to use one small room in the residence to meet with customers and show them the styles of fence available. He would then go out and take the customers measurements. Mr. Collins said that there are different styles of fencing already installed on the property. There would be no fabrication or storage of material on the site. This is a residential zone but according to Mr. Collins this use is allowable under a special use permit for a home occupation.

The owner of the property, Michael O'kraska did not attend this meeting. Glenn Hastie, the owner of GMH Fence, an East Longmeadow company, did attend the meeting and said that Mr.

O'kraska is his partner in the business. Per Mr. Hastie this business location is to provide Mr. O'kraska with something to do.

Mr. Hastie pointed out on the plot map where there is a large tree on the property that he would remove so he could install 6 or 7 fencing sample displays. He said that the reason he installed the original fence was to prevent people from driving through Mr. O'kraska's backyard. He had installed a business sign on that fence previously. Mr. Hastie said that Atty. Devlin had assisted with the State of Connecticut paperwork that was required to allow installation of this sign. He explained that when he was informed by the former Town Planner that the sign had to come down; he removed it.

Mr. Collins said that he brought this issue before the Commission because he thought there might be objection to the fencing displays on the property. Mr. Hastie added that he wanted to avoid fencing Mr. O'kraska's yard in 30 to 45 different styles of fencing.

The Commission expressed concern that the fencing display, along with the sign and phone number and customer parking would be turning the property into a more commercial retail application than the home occupation regulation section 214-39 allows. The Commission explained that they must be careful about setting precedent by allowing a display or any retail as a home occupation, which is not allowed. Mr. Collins pointed out that under this regulation in the A-1 zones doctor's offices are allowed with 2 non-resident employees.

Mr. Hastie offered that he could forgo the display in favor of some sample fence sections along the perimeter of the property. Mr. Hastie expects that most of the business to the proposed design center would be walk-ins. He continued that because this is a very busy intersection people stop in there all the time. He said that only Mr. O'kraska and himself would work at this location and they would not be selling anything from here, but that this would be strictly a design center. Mr. Hastie reminded the Commission that at one time the building was used as a gas station, barbershop and an ice-cream parlor.

The applicant did not have a floor plan, street card with square footage or a statement of purpose to present at this meeting. However, Mr. Collins explained that it was evident that the space was less than 25% as shown in the applicant's diagram. He said the space is about 11'X15'. Access would be through the home's front door, onto the front porch then into the room that would be the design center.

The Commission asked about the applicant's hours of operation and statement of purpose. Mr. Hastie said that he had provided all of this information to the former Town Planner but unfortunately Mr. Collins could not find it.

Mr. Hastie provided the following information at this meeting:

- Hours: 8:00am – 4:00pm
- # Employees: Resident + one employee
- Statement of Purpose: Fence design center

Mr. Fraro reminded the Commission that the home occupation has to be contained in the house. Ms. Conklin stated that the applicant needs to submit a statement of purpose in writing. . A sign and permit are ready for approval per Mr. Collins. The Commission discussed advertising for the public hearing. Mr. Collins said only 7 days is needed.

*A motion was made by Mr. Fraro; seconded by Ms. Rasid and unanimously voted to refer the application for GMH Design Center to the Planning Commission and set the Public Hearing for October 19, 2009.*

The Commission reiterated that there are to be no exterior displays on the property. They recommended that the applicant attend the October 8, 2009 Planning Meeting and explained the Public hearing process. After the applicant left, Mr. Collins offered to contact the applicant to provide a floor plan for the next meeting.

*A motion was made by Ms. Conklin; seconded by Mr. Fraro and unanimously voted to take the agenda out of order and go to Item V.c.*

At this point, Selectman. Pinney joined the meeting.

c. **NEW ZONING MAP**

Mr. Collins announced that Planometrics has provided the Town with a decent Zoning map. There had been complaints about the legibility of the 1989 version that was still being used. The new map is already posted on-line and is reproducible on the Town's map machine. The Town received two maps at a cost of \$25.00 a piece. Mr. Collins reported that there was money in the Zoning Budget under printing. Last year's printing money was used to cover a shortfall for Zoning Regulations.

b. **DISCUSSION; DESIGNATION OF SOMERS OVERLAY ZONE**

Mr. Collins told the Commission that his reason for bringing this case to them was to amend the regulation to allow the overlay zone to apply to properties that are business zoned on Maple and School Streets. Mr. Collins explained that someone came into the office after buying a parcel in Somersville. He pointed out the parcel on the new Zoning map. The property at 11 Maple Street is located behind Richie T's Restaurant and is a single-family with an unfinished upstairs.

Ms. Conklin knew of the property and offered that they have created a burm on Maple Street between the driveway and road. She thought that access to the driveway had been diverted through Frankie's lot and was concerned that all the traffic was on 190 when the overlay zone was supposed to take traffic off 190. Mr. Collins acknowledged that Frank Vono of Frankie's Pizza is the new owner of the property. He continued that Mr. Vono bought the property on the assumption that it was a two-family dwelling, although it only has one kitchen. Mr. Collins said that because of the wording in the definition of the overlay zone this property is not included in this zone. He thought this might have been an oversight when the zone was created.

The Commission noted that there is a lot of work being done on the subject property and asked if the owner has received permits for the work. Mr. Collins said Mr. Vono obtained a permit for the stairs but that he "put him on hold."

A discussion ensued regarding Mr. Vono's intent with the residence and the parking area. According to the Commission it appears that he intends to create a joint parking lot for the restaurant and residence. The Commission agreed that this project must go on hold until they have had the opportunity to inspect it.

Mr. Collins assured the Commission that no work has been done on the property and reiterated his issue about amending the overlay zone to allow Mr. Vono to make this a 2-family property. He is

allowed the single family use because it is grandfathered, but he can't make it a 2-family without changing the definition of the overlay zone.

The Commissioners expressed concern about constructing a large residential/restaurant parking lot. The lot has already been covered with what appears to be underlayment in prep for paving and there is a maximum allowable area that may be paved per regulation. It was stressed that this area already has drainage issues.

Mr. Collins suggested that if the overlay zone is amended it should include the other adjacent parcels zoned business also for consistency. Selectman Pinney stated that the current use on most of Maple and School Street is residential. He cautioned that the overlay designation allows for residential use in the business zone and the residential owners would probably object to business uses in this area change .

The Commissioners agreed to table the issue until they have viewed the property.

**d. APPOINTMENT FOR REPRESENTATIVE TO THE CONSERVATION COMMISSION**

Mr. Collins said that a Zoning Commissioner is needed to sit on the Conservation Commission. The Conservation Commission meets once on the first Wednesday of every month. Lise Wood was the former Zoning liaison to the Conservation Commission. Although Dan Fraro also sits on the Conservation Commission he is already the WPCA liaison. The Town attorney recommends that another individual should be chosen from the Zoning Commission for the seat.

The Zoning Commission currently needs 2 more full time members and one alternate. Mr. Fraro suggested that Lise Wood is already on the Conservation Commission and might agree to rejoin the Zoning Commission.

**VI. DISCUSSION: PLAN OF CONSERVATION & DEVELOPMENT**

**a. RIDGELINE REGULATIONS**

Mr. Collins distributed a sample of the Ridgeline Regulation with proposed changes. The Commission reviewed and discussed the proposed regulation and changes. It was suggested that "Forest Management" should be included in the definitions.

Mr. Collins said he would print a copy of the CT State statutory ridgeline regulation to compare with the proposed regulations for the next meeting. He said he would also get information for the Commission regarding enforcement of the ridgeline regulation from an official in Granby.

**b. RIDGELINE MAP**

Unfortunately, the Town's large detailed topographical map that was going to be used to make the ridgeline overlay designation cannot be found. Mr. Collins has asked Planometrics to provide a quote on a topo map of Somers that would include the new ridgeline overlay district using the Somers and State ridgeline regulations. He expects the map should cost about \$200 - \$250.

A discussion ensued regarding whether the ridgeline designation should apply only to areas that can be viewed from a public way or to all areas a specified distance down from the peak elevations.

**IV. STAFF/COMMISSIONER REPORTS**

**a. ZEO REPORT**

Mr. Collins distributed the ZEO's report and announced that the ZEO has resigned to take a full time job with the State.

The Commissioners reviewed the ZEO's report. They asked Mr. Collins about the noise complaint from Angela Kohler. He said he has researched but cannot determine the source of the recurring Thursday, 3am noises. The Commission determined that if Ms. Kohler can provide some evidence, the problem would be further pursued.

**V. CORRESPONDENCE AND BILLS**

The following bill was presented for payment:

Planometrics .....\$50.00 .....For 2 Zoning Maps

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

The North Central Conservation District Agreement was presented for Chairman Martin's signature. This agreement is for the services of David Askew. Mr. Collins provided a stack of "Legal Notices for Record" forms for Mr. Martin's pre-signature as well.

**VI. ADJOURNMENT**

*A motion was made by Mr. Fraro; seconded by Ms. Conklin and unanimously voted to adjourn the September 28, 2009 meeting of the Zoning Commission at 9:00pm.*

Respectfully submitted,

, Secretary

Jeanne Reed, Recording Secretary

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