

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

**ZONING MINUTES  
REGULAR MEETING  
OCTOBER 19, 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 7:04pm. 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.

Mr. Collins notified the Commission that per the advice of the Town Clerk, hence forward meetings would be called to order before a Public Hearing is heard.

**II. PUBLIC HEARINGS**

Chairman Martin announced that this evening's Public Hearings would be cancelled. The reasons given were that the application for item II.a. for 403 Main Street was withdrawn from consideration of the Planning Commission. Chairman Martin said he had been informed by Mr. Collins that the Town attorney said that this is a Zoning decision and does not need to go before Planning. Mr. Martin cited the Zoning Regulation regarding special use permits, section 214.01, to explain why he believes the Town attorney was in error. A special use permit requires a site plan and all site plans except single-family dwellings are required to be referred to the Planning Commission.

Mr. Collins explained that he had obtained the Town attorney's opinion on this, which he believes to be the final say on the issue. However, he said he would get another opinion from the Town attorney on Chairman Martin's opinion. Chairman Martin said the expense of another opinion is unnecessary.

Regarding item II.b. on the Somers Overlay Zone, Chairman Martin said that the proper referrals must be made before the issue goes to Public Hearing. The issue needs to be referred to Planning, CROG and to the Somersville Committee.

Mr. Collins said the Public Hearing was just to get public feedback and he planned to send this to CROG afterward. However, it was pointed out that this meeting's agenda allowed for "Discussion/Possible Amendment to Definition of the Somers Overlay Zone."

Mr. Fraro asked why the request for the Zoning change in Somersville is not coming from the applicant. He pointed out that there are fees associated with these types of applications that help to defray the costs to the Town.

**III. MINUTES APPROVAL: September 28, 2009**

*A motion was made by Mr. Fraro; seconded by Ms. Rasid and unanimously voted to add approval of the minutes of June 15, 2009 to the agenda.*

*A motion was made by Ms. Rasid; seconded by Ms. Conklin and unanimously voted to approve the minutes of June 15, 2009 as written.*

Approval of the minutes of September 28, 2009 was deferred, as there were discrepancies in the minutes that were e-mailed to the Commissioners and the final copy.

#### **IV. OLD BUSINESS**

##### **a. DISCUSSION/POSSIBLE ACTION: APPLICATION FOR HOME OCCUPATION; 403 MAIN STREET**

Mr. Collins asked for Chairman Martin to give a synopsis of his interpretation of the regulation so he could forward it to the Town attorney.

Chairman Martin reiterated that forwarding to the attorney costs money and is unnecessary however, he provided the cites for the record. In section 214-101 "Zoning Permit and Site Plan Approval" states all site plans except those for single-family dwellings are required to be referred by the Somers Zoning Commission to the Somers Planning Commission. Under "Special Use Permits" it states that applications for special use permits shall be filed by the Commission and they require a site plan. Therefore, if it requires a site plan one needs to refer back to language in section 214-101.

Chairman Martin requested that in the future the minutes of the Planning Commission meetings also be e-mailed to the Zoning Commissioners. He pointed out that having the issue of the home occupation withdrawn from the Planning meeting sent the wrong message. Mr. Collins explained why he had withdrawn the application from the Planning meeting. He said that he did not have all the information he needed for the application in time for this meeting and he had obtained the interpretation from the Town attorney that found no need to submit the application to the Planning Commission. Mr. Collins had e-mailed the Zoning Commissioners the Town attorney's findings.

The applicant's Statement of Use, floor plan and the scale drawing of the property were submitted to the Commission and were hand dated and signed for the record. Chairman Martin asked Mr. Hastie to come forward to add any additional information before the issue goes to the Planning Commission.

Mr. Hastie explained that his partner in the business is the owner of the 403 Main Street property. Mr. Martin questioned Mr. Hastie's assertion from the last meeting that the proposed design center would give his partner something to do. Mr. Hastie explained that this would give Mr. Okraska something to do while he is at home. He said that Mr. Okraska is recognized by the State of Connecticut as a partner in the Somers Division of his business that he is opening up and he will work out of his home. Mr. Hastie reasserted that the State of Connecticut has already given their approval to open the business and they have their tax ID number as well.

Mr. Martin asked if anything would be sold from this location. Mr. Hastie explained that nothing would be sold here and there would be no fencing displays on the property. It is a fence design center where people will come, pick out a product and then someone will go to the person's home and take measurements and then the product will be manufactured. Mr. Martin asked how business will be transacted afterward. Mr. Hastie said it would happen in the East Longmeadow location.

*A motion was made by Ms. Conklin; seconded by Mr. Fraro and unanimously voted to refer Mr. Okraska's application for home occupation at 403 Main Street to the Planning Commission.*

Mr. Pinney joined the meeting at this time.

Mr. Collins said he would get this into the agenda for the next Planning meeting. He also offered that he would take care of this along with informing the Town attorney of the Zoning Commissioner's disagreement with his finding. Mr. Collins mentioned that he does not think that the terminology of the two site plans are synonymous.

##### **b. DISCUSSION/POSSIBLE AMENDMENT TO DEFINITION OF SOMERS OVERLAY ZONE**

Mr. Collins displayed a map of the Somersville Overlay Zone and nearby areas and pointed to the lots that are to be looked at as to why they were not included in the overlay zone. Two of the properties are two-family and one is a single-family and the area is zoned for business and "will not support a residence". The Commission questioned this statement and it was agreed that the residential use has been

grandfathered. However, Mr. Collins pointed out that someone can come in and make it a business use. He further added that if someone wanted to add to the buildings they would not be able to do this because this would increase the non-conformity. Therefore, this could encourage the conversion of the properties to business use.

Ms. Conklin stated that this would not be a bad thing since this is a very busy street. She does not see a problem with leaving the current zoning intact. Mr. Pinney added that the properties can be residential or business with the current zoning but cannot be mixed. Ms. Conklin did not believe that two-families can be built in Somers now, but Mr. Collins said that in an A-1 zone this is an allowable use if the property is 80,000 square feet.

Mr. Martin pointed out that there were many hours spent by the members of the Somersville Committee in determining the location of the Overlay Zone. He also pointed out that Mr. Vono has not submitted an application for the change. Mr. Collins said that he would not take an application from Mr. Vono. However, he said since Mr. Vono was in the process of doing renovations Mr. Collins had informed Mr. Vono that he would need to submit some kind of application, but no work was being done that would require inspection—mostly demolition work.

Chairman Martin questioned why the zone change needs to occur. He added that he drove through the area in question and saw that there was a large parking lot with a drive though to the back of the restaurant. Mr. Collins said that Mr. Vono had come to this meeting to address these concerns.

Ms. Conklin said that as a member of the Somersville Committee, they focused their attention on Main Street for the overlay zone so did not include Maple or School Streets. Mr. Collins questioned why the lots on Hall Hill were included in the overlay zone and it was explained that there were active businesses there. She pointed out that one of the two-families on School Street recently came before the Zoning Commission to have a business on the first floor and received a special use permit for it.

Mr. Collins reiterated that Mr. Vono thought his property was a two-family because the second floor was unfinished and had plumbing. Mr. Martin refuted this statement saying that there would need to be two kitchens for the house to be a two-family. Mr. Collins acknowledged that the house is listed as a single-family.

Mr. Vono said that he is not saying that he was justified in his belief but he is trying to make it a two-family now if he can. Mr. Collins added that the only way this can happen is with an amendment to the overlay zone. Mr. Martin responded that there are referral guidelines that dictate where such an issue must go first. This needs to be reviewed by Planning, CROG and the Somersville Committee.

Ms. Conklin said that one of the concerns addressed with the overlay zone was to cut down on traffic and driveways, but it looks like this proposal would allow people to drive in on Maple Street and go through to Main Street.

Although, it was pointed out that no formal application had been submitted by Mr. Vono, Chairman Martin asked him to address the Commission. Mr. Vono presented a diagram to show how he could construct a horse fence to prevent traffic going to and from Main and Maple Streets. The Commissioners asked what would prevent cars from Main Street parking in the fenced in area and Mr. Vono said nothing would stop this. The Commission asked if Mr. Vono's reason for purchasing the property was to have more parking for his restaurant. Mr. Martin added that there is a large area prepped for paving but Mr. Vono said it was not. He said that the home was offered for sale so he bought it.

Mr. Collins stated that in a recent conversation with Chairman of the Somersville Committee, David Reed had said that the original plan was to take down the Tantillo building to make way for parking. Ms. Conklin said that the only property that the Committee considered taking down for parking was the building across from the Mill.

Mr. Martin said that nothing is preventing Mr. Vono from coming forward with a business plan for this property.

## **V. NEW BUSINESS**

### **a. DISCUSSION: ADDITIONAL BUILDING/PARKING AT 138 MAIN ST**

The Commission asked Mr. Collins to include the names of applicants when creating the meeting agenda.

Mr. Collins said that there was some confusion about the feedback Mr. Redmond received from the former Town Planner. He provided a site plan for Mr. Redmond's property that was on file with the Town.

Mr. Redmond explained that his original plan was to construct another building on his lot in the Somersville Overlay Zone. However, the wording in the Overlay District states that only two residential units per lot are allowed. Mr. Redmond wants his new building to be architecturally similar to his existing building with business space on the first floor and residences on the upper floor. He has all the necessary space because his 1-acre lot is larger than others in the area, which are about 1/3-acre.

Ms. Conklin referred back to the discussions that led to the creation of the overlay zone. The main focus of the discussions was that the mixed business/residential use buildings existed in the area and the Committee wanted to continue that use and keep that character. She felt that the mixed use zoning was for the existing buildings. Mr. Pinney added that recent concepts of urbanism call for new building to the steel line with business at street level and residential on the second floor. This would be the expectation if present structures are taken down in the area that they would be constructed as described previously. However, Mr. Pinney pointed out the sewage capacity continues to be a problem.

Mr. Redmond showed the Commission what he hoped to do on the site plan. The planned building had already been included on the site plan submitted to the Town one year ago. The building as shown would be about 40' X 80' with four commercial spaces on the ground floor and 2 to 4 residences above. This had been before the Zoning Commission about 1 year ago. Mr. Pinney suggested that wording that gives a ratio for one residential unit per "X" number of square feet could be used in the Overlay District regulation

The process to change the current regulation would be:

1. For the Zoning Commission to review and decide if this is something they want to recommend.
2. Zoning would then refer the issue to Planning, CROG, Design Review, the WPCA and the Somersville Committee.

Chairman Martin said that he would suggest this go back to the Town offices for discussion on a ratio proposal.

*A motion was made by Mr. Fraro; seconded by Ms. Rasid and unanimously voted to refer this issue to the Somersville Committee for discussion.*

Mr. Collins explained that he needed to add an item to the agenda. A request for an extension was recently found for the construction trailer at High Ridge Estates. The request was received on May 28, 2009 but no action was taken.

*A motion was made by Mr. Fraro; seconded by Ms. Rasid and unanimously voted to add to the agenda Leaska's request for a 1-year extension of special use permit for work trailers at High Ridge Estates.*

### **b. APPLICATION FOR 1-YEAR EXTENSION OF SPECIAL USE PERMIT FOR WORK TRAILERS AT HIGH RIDGE ESTATES, LEASKA**

*A motion was made by Mr. Fraro; seconded by Ms. Rasid and unanimously voted to approve the one-year extension to the special use permit for the construction trailer at High Ridge Estates, for a period of one year effective retroactively to the date of expiration.*

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

**a. RIDGELINE REGULATIONS/ RIDGELINE MAP**

Mr. Collins said that he had quotes for Planometrics for the topo maps. A topographic overlay of the zoning map would be \$250.00. A transparent plan of the topography to lay over the zoning map would be \$300.00.

Mr. Collins has asked Planometrics to show the ridgeline setbacks on whatever map they are to create for the Town. He provided to the Commissioners a copy of the Avon zoning map with the ridgeline delineation as an example of the \$250 map that could be provided. The map would be 24" X 36".

The Commission agreed that they would like a ridgeline and topographical transparency to go over the zoning map.

Mr. Collins pointed out that the setbacks that would be provided on the map would be approximations and a surveyor would need to locate the ridgeline for properties near the setback area. It was questioned whether the \$250 cost was for only one map or might it be possible to get a copy as well. Mr. Collins said he would look into this.

The map would need to be asterisked that it is not to scale. Language would need to go into the Regulation stating that because the proposed map would be an approximation the applicant will need to submit a site plan that precisely delineates the ridgeline. This language could be similar to the wetlands delineation. Mr. Collins said he would also look into how Avon's regulation addresses this and would provide it at the next meeting.

**VII. STAFF/COMMISSIONER REPORTS**

**a. ZEO REPORT** – As there is no ZEO there was no ZEO report.

**VIII. CORRESPONDENCE AND BILLS** – There were none.

**IX. ADJOURNMENT**

*A motion was made by Ms. Rasid; seconded by Ms. Conklin and unanimously voted to adjourn the October 19, 2009 meeting of the Zoning Commission at 8:21pm.*

Respectfully submitted,

, Secretary

Jeanne Reed, Recording Secretary