

NOV 10 2020

TOWN OF SOMERS - ZONING COMMISSION
MEETING MINUTES
MONDAY, NOVEMBER 9, 2020
6:30 PM – TELECONFERENCE

I. CALL TO ORDER 6:30 pm Members present: Jill Conklin, Karl Walton, Dan Fraro, Lucas Cherry, Paige Rasid, and Bill Shapiro. Also present: Jennifer Roy, Staff Liaison, and Carl Walton Town Attorney

II. PUBLIC HEARING:

1. #20-013: Alico, LLC, 96 White Oak Road, Somers, CT. §214-39 Home Occupation, applicant is seeking Special Use Permit for a home office use, in the Residential A-1 zone.

Attorney George Schober present to speak for his client, Helder Nunes/Alico, LLC. This application is for an official "home office". The office space is 200 square feet, which is well below the 25% limit for home occupation. There will be no visitors nor employees. Mr. Nunes company provides a pickup truck for him, and a sport utility vehicle for his wife; both owned by the business. These will be the only vehicles garaged in Somers.

Jill Conklin opened the floor for anyone wishing to speak in favor or opposition. Seeing none, Karl Walton made a motion to close the public hearing for #20-013 Alico, LLC. Lucas Cherry seconded the motion, all in favor, motion carried. Public hearing closed at 6:41pm.

2. #20-014: Chris Bores and Darcy LaChance, 110 Mountain View Road, Somers, CT §214-89 Horses, applicant is seeking a Special Use Permit for the construction of a private horse facility to house up to 8 horses.

Chris Bores present to speak on his application. 46-acre lot, they wish to construct a barn with care-takers quarters and house 4 horses, and a 5th one on the way.

Jill Conklin opened the floor for anyone wishing to speak in favor or opposition.

Peter Zurlino, 7 LaCabana Drive, Somers – questioned where the driveway and barn will be located. No opposition from him.

Seeing no one else present to speak, Karl Walton made a motion to close the public hearing for #20-014 Chris Bores. Paige Rasid seconded the motion, all in favor, motion carried. Public hearing closed at 6:48pm.

III. OLD BUSINESS: Discussion/Possible Decision

1. #20-013: Alico, LLC, 96 White Oak Road, Somers, CT.

Karl Walton made a motion to approve #20-013 Alico, LLC, 96 White Oak Road, for a home occupation, with the condition that no large commercial vehicles such as dump trucks, be stored on the property. Lucas Cherry seconded, all in favor, motion carried.

2. #20-014: Chris Bores and Darcy LaChance, 110 Mountain View Road, Somers, CT

Karl Walton commented that the proposed use of this property goes along with the POCD. Karl Walton made a motion to approve #20-014 Chris Bores and Darcy LaChance, 110 Mountain View Road, for the construction of a barn housing up to 8 horses, and care takers quarters. Lucas Cherry seconded the motion, all in favor, motion carried.

3. #20-009: Amy Eastman, 40 Hallie Lane, Somers, CT.
4. #20-010: Amy Eastman, 40 Hallie Lane, Somers, CT.
5. #20-011: Amy Eastman, 40 Hallie Lane, Somers, CT.

Carl Landolina addressed the commission. Attorney Landolina suggested the commission discuss and decide on application #20-010 of Amy Eastman, for the zone change. The outcome come of this application plays a key role in the other two applications.

Additionally, Attorney Landolina questioned Commissioner Lucas Cherry about reviewing the previous meeting's recording and documents. Lucas Cherry confirmed that he had in fact viewed the entire meeting and reviewed the documents.

Attorney Landolina asked Jay from JR Russo to share the map on the screen for all to see. Discussions were held about which area is "A-1" and which is "A" zone. Discussions continued as to moving the zone line fully to each side of the property, and not leaving a portion of the upper section an "A" zone.

Lucas Cherry made a motion to approve #20-010 Amy Eastman, 40 Hallie Lane, for a zone change for a portion of the property, from "A" zone to "A-1" zone as shown on the map dated 7/20/2020 as this is consistent with the Somers POCD, Dan Fraro seconded. Motion failed 3-2. Commissioners Conklin, Walton and Rasid: Nay. Commissioners Cherry and Fraro: Yes.

Discussion was held regarding the inability to act on the remaining two applications #20-009 and #20-011 for Amy Eastman. Since there is no zone change approval, they are not able to approve moving any rock to the rear portion of the property known as "42" Hallie Lane.

Discussion continued as to what steps the commission can take; deny the remaining two applications, leaving the matter up to the courts to decide. If this goes to court, there will be no conditions placed on the activity. Also discussed was the fact that without the zone change, the applicant will not be able to do the remediation that the commissions consultant, Lenard Engineering, recommended.

Karl Walton made a motion to table #20-009 Amy Eastman, to the next regular meeting December 7, 2020. Lucas Cherry seconded, all in favor, motion carried.

Karl Walton made a motion to re-open/re-consider the decision of #20-010. Lucas Cherry seconded, all in favor, motion carried. Discussion ensued. Attorney Landolina suggested the commission can also consider changing the zone for the 2 small portions on either side of the 5.45 acres; this falls under their authority to do so.

Karl Walton made a motion to vacate earlier vote for #20-010, Lucas Cherry seconded, all in favor, motion carried.

Karl Walton made a motion to table all application, #20-090, #20-010 and #20-2011 for Amy Eastman, to the December 7, 2020 meeting. Paige Rasid seconded, all in favor, motion carried.

6. Zoning Regulations revision/updated draft, scheduling of special meeting with consultant Glenn Chalder to discuss final steps.

Discussion held among commission members regarding starting the approval process back up for the Zoning Regulations revision. The next step will be a meeting with Glenn Chalder to go over the latest draft. All commission members have received a copy of the draft, along with a summary of changes. Jill Conklin asked the commission to review the draft and come to the next meeting with any questions. Meeting scheduled via zoom only, Monday, November 16, 2020 at 5:30pm.

IV. NEW BUSINESS:

1. Meeting schedule for 2021

Karl Walton made a motion to accept the 2021 meeting schedule as presented. Paige Rasid seconded, all in favor, schedule approved.

V. STAFF REPORT – None.

VI. MINUTES APPROVAL: October 5th and 19th, 2020 meetings

Karl Walton made a motion to accept the October 5, 2020 minutes as written, Paige Rasid seconded, all in favor, motion carried. Karl Walton made a motion to accept the October 19, 2020 minutes as written, Paige Rasid seconded, all in favor, motion carried.

- VII. ADJOURNMENT Lucas Cherry made a motion to adjourn, Paige Rasid seconded, all in favor, meeting adjourned 8:50pm.

Respectfully submitted,
Jennifer Roy

Not official until approved at subsequent meeting