

TOWN OF SOMERS - ZONING COMMISSION
MEETING MINUTES
Monday, October 2, 2023, 6:30pm



CALL TO ORDER 6:30pm, members present: Karl Walton, Jim Formica, Chris Locatelli, Dan Fraro, and Shane Manning. Also present Jennifer Roy, ZEO, Staff Liaison and Carl Landolina, Town Attorney Absent: Doug Ferro and Howie Coro

NEW BUSINESS:

Application #23-004: Somers Zoning Commission, application for text amendments, removing regulations for home group daycares per CT Public Act 23-142, corrections to Sections 214-3 and 214-4 errors made during 2021 rewrite; and change Section 4.3A3 Offices from prohibited in the Industrial Zone to permitted with a Zoning Permit.

Jennifer Roy provided an explanation to the commission regarding the text amendments. Brief discussion was held.

Christ Locatelli made a motion to schedule a public hearing for Monday, November 13, 2023 at 6:30pm. Dan Fraro seconded, all in favor, motion carried unanimously.

DISCUSSION/POSSIBLE DECISION:

1. Application #23-003: Mark and Karen Murdoch, 359 Mountain Road, Somers seeking a modification of the Special Use permit and Site Plan; for operation of farm winery, amending the conditions of approval:
 - #3 regarding parking, increasing the number of parking spaces 195,
 - #4 allow food trucks,
 - #5 outdoor amplified music and
 - #6 pop-up tents maximum size of 12' x 12'; and
 - allow an 8' x 40' storage container at the rear of the Sugar House.

Attorney Carl Landolina explained to the commission a document has been prepared by staff, with an outline of possible motions to approve, conditions to consider, and motions to deny, as guide. Attorney Landolina explained the commission can use any and/or all that they feel appropriate. Attorney Landolina suggests taking each modification one at a time and vote on each. (Document titled: Application #23-003 Findings 10/2/2023)

APPLICATION #23-003 FINDINGS 10.2.2023

Findings regarding the 22a-19 Intervention Petition:

The Intervenor failed to provide evidence of the claim in his Petition that parking in the proposed over-flow parking area would have a reasonable likelihood of unreasonably polluting the groundwater on the property or adjacent properties or any other natural resources over which the Commission has jurisdiction. The intervenor offered no substantial or expert testimony or other evidence to establish his claims.

The Commission finds that the concerns raised by the Intervenor are speculative and generalized in nature. As such, the allegations in the Petition have not been proven.

Jim Formica made a motion to deny intervenor status, Shane Manning seconded, all in favor, motion carried.

Discussions held on each of the following items:

Jim Formica made a motion to approve parking for 195 cars, with conditions, as written in section 1 of “Application #23-003 Findings 10/2/2023”, Chris Locatelli seconded. Formica, Locatelli, Manning and Fraro in favor, Walton opposed, motion carried.

I. PARKING

The additional parking complies with the regulations. Section 7.2 provides minimum, not maximum, parking requirements. The applicant has demonstrated that 30 parking spaces are insufficient for the proposed use and the Commission finds that parking should be provided to meet peak demands. There is room on the property to provide parking for up to 195 vehicles without any improvements. Based upon the Parking Justification Report provided by Solli Engineering dated June 26, 2023, concludes that “the proposed parking expansion is adequate to serve the demand generated by the winery”. It also states, “the analysis of the existing traffic volumes on the roadway network during peak operating hours of the vineyard indicate that the roadway network has adequate capacity to accommodate trips associated with the winery operations without adverse impact to the surrounding roadway network”. Other substantial evidence in the record supports these conclusions. Although some evidence to the contrary was heard, that evidence was not by expert testimony. The Commission therefore approves the application to permit up to 195 total parking spaces on the site for winery operations. The Commission also finds that the provisions and standards of Section 9.4 of the Regulations have been met, including Section 9.4E. The Commission finds that the proposal is consistent with the Town’s POCD. The Commission also finds that the site plan and other documents submitted by the Applicant are sufficient to allow the Commission to make a reasonable review of the application.

Conditions related to Parking.

1. The site plan shall be revised to increase the size of the parking spaces to 9x20.
2. The corners and outer boundaries of the overflow parking area shall be staked in the field.
3. Applicant shall submit to Town Staff a parking management plan to demonstrate the measures it will take to restrict the site to a maximum of 195 parked cars and ensure that there is no parking along Mountain Road.

Shane Manning made a motion to allow food trucks at 359 Mountain Road, with conditions, as written in section 2 of “Application #23-003 Findings 10/2/2023”, Chris Locatelli seconded. Formica, Locatelli, Manning and Fraro in favor, Walton abstained, motion carried.

II FOOD TRUCKS

The Commission has specifically allowed food vendors as part of the initial farm winery Special Use Permit. Per Section 1.4.A.2 of the Regulations, if a use is not specifically listed, the Commission has discretion to determine whether it is permitted or prohibited in a district. The Commission finds food trucks to be substantially similar to other food vendors. The Commission also finds that the provisions and standards of Section 9.4 of the Regulations have been met, including Section 9.4E. The Commission finds that the proposal is consistent with the Town’s POCD. The Commission also finds that the site plan and other documents submitted by the Applicant are sufficient to allow the Commission to make a reasonable review of the application.

To ensure that the use of food trucks on the site will have the least impact on the surrounding neighborhood, the Commission imposes the following conditions:

1. No more than One (1) food truck or other food vendor shall be allowed on the property at any time.
2. The Applicant shall provide electrical hook-ups to be used by all food trucks or other food vendors. No food vendors or food trucks shall operate using a generator.
3. All food trucks or food vendors making direct sales to the public shall be located at least 250 feet (or other number) from Mountain Road.
4. Food trucks and food vendors shall cease operations one hour before the closing of the winery.

Jim Formica made a motion to approve outdoor amplified music, with a one year expiration being an integral part of the consideration and decision; and with conditions, as written in section 3 of “Application #23-003 Findings 10/2/2023”, Chris Locatelli seconded. All in favor, motion carried unanimously.

III OUTDOOR AMPLIFIED MUSIC; LIVE OR RECORDED is approved for 1 year, expiring October 2, 2024, subject to renewal,

The Commission has specifically allowed outdoor music as part of the initial farm winery Special Use Permit. The applicant has demonstrated by its sound test that the provision of amplified music can meet the requirements of the Town’s Noise Regulations contained in Section 7.11.F. The Commission also finds that the provisions and standards of Section 9.4 of the Regulations have been met, including Section 9.4E. The Commission finds that

the proposal regarding amplified music is consistent with the Town's POCD. The Commission also finds that the site plan and other documents submitted by the Applicant are sufficient to allow the Commission to make a reasonable review of the application with respect to amplified music.

Conditions Relating to Amplified Music:

1. All music must be acoustic.
2. The location of any outdoor amplified music at the winery shall be in the locations identified on the plan presented by Applicant as Exhibit Z of the 8/21/2023 record.
3. Amplified music or voice shall be limited to 30 days per calendar year.
4. The owner/operator of the winery shall be responsible for monitoring the sound levels of any outdoor amplified music to ensure compliance with the standards set forth in Section 7.11.E and 7.11.F and shall keep a log of the readings and provide evidence of compliance to the Zoning Agent upon request.
5. Any outdoor music (amplified or otherwise) accessory to winery operations shall only be permitted during the permitted hours of the tasting room.
6. Applicant shall provide at least 2 weeks advance notice to the Zoning Officer of any scheduled outdoor amplified music at the winery.

Shane Manning made a motion to approve the temporary storage container, with conditions, as written in section 4 of "Application #23-003 Findings 10/2/2023", Jim Formica seconded. All in favor, motion carried unanimously.

IV. TEMPORARY STORAGE CONTAINER

Temporary Storage trailers are permitted under Section 6.9.A.2 for up to one year, expiring October 2, 2024.

The Commission also finds that the provisions and standards of Section 9.4 of the Regulations have been met, including Section 9.4E. The Commission finds that the proposal regarding storage trailers is consistent with the Town's POCD. The Commission also finds that the site plan and other documents submitted by the Applicant are sufficient to allow the Commission to make a reasonable review of the application with respect to the storage trailer.

Conditions related to temporary storage container:

1. The storage container remain in it's present location.
2. The existing fence be maintained as a buffer.

Jim Formica a motion to allow canopies, no larger than 144 square feet, with conditions, as written in section 5 of “Application #23-003 Findings 10/2/2023”, Chris Locatelli seconded. All in favor, motion carried unanimously.

V. TEMPORARY POP UP CANOPY

The Commission approves temporary Canopies, no canopy shall be larger than 144 square feet(ie. 12’x12’). All Canopies must be removed by the close of business. The Commission finds that the canopies are an accessory use to vineyard. The Commission also finds that the provisions and standards of Section 9.4 of the Regulations have been met, including Section 9.4E. The Commission finds that the proposal regarding canopies is consistent with the Town’s POCD. The Commission also finds that the site plan and other documents submitted by the Applicant are sufficient to allow the Commission to make a reasonable review of the application with respect to the canopies.

MINUTES: September 5, 2023 Jim Formica made a motion to approve minutes as written, Shane Manning seconded. All in favor, motion carried unanimously.

ADJOURNMENT: Jim Formica made a motion to adjourn, Shane Manning seconded, all in favor, motion carried. Meeting adjourned at 8:15pm.

Respectfully submitted,
Jennifer Roy

*****MINUTES ARE NOT OFFICIAL UNTIL APPROVED A SUBSEQUENT MEETING*****