

**WORKING PAPER FOR ZC DISCUSSION**  
**Somers Zoning Regulations –Public Hearing Comments Through January 13, 2020**

Section	Page	GENERAL	Discussion / Possible Action
		1. <b>CRCOG Referral</b> – No apparent conflict with regional goals and policies or the concerns of neighboring towns	
		2. <b>Planning Commission Referral</b> – Favorable recommendation (see below for specific “conditions”)	
		3. Multiple comments complimenting the Zoning Commission on the update of the Zoning Regulations	
Section	Page	1. REGULATORY BASICS	Comment / Suggestion
		4. No comments	
Section	Page	2. WORDS & TERMS	Comment / Suggestion
	19	5. Wonders if daytime hours definition (in “Noise-Related Terms”) should be reduced to address construction noise	See comments below for Section 7.11
Section	Page	3. RESIDENTIAL DISTRICTS	Comment / Suggestion
3.1	29	6. Endorse maintaining the Purposes of the respective residential district as stated in Section 3.1	
3.2	30+	7. Support NOT allowing non-profit institutions and private schools (Section 3.2.D.3 and 3.2.D.6) in Residential A zone	
3.2	30+	8. <b>Planning Commission Referral</b> – Keep the same "A" Zone prohibition of "Removal of Earth Products" as shown in the present regulations.	<p style="background-color: yellow;"><b>ZC to decide (2/3rds vote?).</b> Many communities regulate this as a temporary activity rather than a use. If want to regulate as a use:</p> <ul style="list-style-type: none"> <li>• Could relocate Section 8.4 to Section 6.14,</li> <li>• Could add “earth removal and filling in accordance with Section 6.14” to all use tables in Sections 3 and 4</li> <li>• Would identify as a use permitted by Special Use Permit in all zones (except Residence A zone)</li> </ul>

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3.2	31	9. Concerned that Golf Center was removed as allowable with a Special Use Permit in A-1 (Sonny's Place)	<b>ZC to decide.</b> CR Zone was established to address Sonny's Place.  CR zone could be deleted from the proposed regulations and "Golf Center" could be added back into Section 3.2 as allowed with a Special Use Permit in the A-1 zone
3.2	31	10. Concerned that Golf Center was removed as allowable with a Special Use Permit in A-1 (Pleasant View)	Should add "Golf Center" back into Section 3.2 as allowed with a Special Use Permit in the A-1 zone
3.2	31	11. Suggested that Commission require any new golf center in a residential zone be required to have at least 15 acres and be located on a state highway	
3.4	37	12. <b>Planning Commission Referral</b> – Keep the new residential house structure minimum square foot areas the same as in the present regulations	<b>ZC to decide (2/3rds vote?).</b> Requirements were not carried forward due to CT Supreme Court decision.
3.4	37	13. <b>Planning Commission Referral</b> - Keep the full basement foundation requirement the same as in the present regulations.	<b>ZC to decide (2/3rds vote?).</b> Requirements had not been carried forward (similar to floor area requirement).
<b>Section</b>	<b>Page</b>	<b>4. BUSINESS / INDUSTRIAL DISTRICTS</b>	<b>Comment / Suggestion</b>
4.3		14. Concerned that Principal Uses and Structures does not permit uses already at 349 Main Street (Sonny's Place) <ul style="list-style-type: none"> <li>• 4.3A.(b) Restaurant Space</li> <li>• 4.3.A.(a) Retail Space</li> </ul>	Table refers to Section 4.6 which allows such uses (and other uses) when approved as part of a Master Plan
4.4		15. Concerned that Accessory Uses and Structures does not permit uses already at 349 Main Street (Sonny's Place) <ul style="list-style-type: none"> <li>• 4.4.C.4 Outdoor Seating associated with a restaurant/winery/brewery/distillery</li> <li>• 4.4.F.4. Non-profit events in accordance with Section 6.3.C of these regulations</li> <li>• 4.4.F.5 Special Events for commercial operations in accordance with Section 6.3.D of these Regulations</li> </ul>	Table refers to Section 4.6 which allows such uses (and other uses) when approved as part of a Master Plan (or events as part of an annual calendar)
4.6		16. Special Regulations for CR Zone contains subjective criteria and are not fact based (Sections 4.6.C.3 (a-d)) (Sonny's Place)	Criteria are similar to the Special Permit criteria contained in Section 9.4.E. of the Regulations and applicant would present information to the Commission to demonstrate they would be met

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4.6		17. Special Regulations for CR Zone requires a Special Use Permit for uses already approved and operational at 349 Main Street (Sonny's Place) (Section 4.6.D.1)	Existing uses/events might be "grand-fathered". So long as events are managed well, calendar can be extended for up top 5 years by Staff. New events or change in calendar would require SUP approval.  <i>New events could be permitted <u>in accordance with an annual calendar</u> approved by the ZC under Section 4.6.D</i>
4.6		18. Requests the CR Zone be deleted from the proposed regulations and that "Golf Center" be added back into Section 3.2 as allowed with a Special Use Permit in the A-1 zone	<b>ZC to decide.</b> CR Zone was established to address Sonny's Place.  CR zone could be deleted from the proposed regulations and "Golf Center" could be added back into Section 3.2 as allowed with a Special Use Permit in the A-1 zone
		19. If delete Commercial Recreation zone, need to clean up regulatory provisions	If delete CR zone, need to: <ul style="list-style-type: none"> <li>• Edit purposes on page 39</li> <li>• Delete CR columns in principal uses and accessory uses and area/dimensional standards</li> <li>• Delete rows D.1 through D.3 on page 42</li> <li>• Delete pages 48-49</li> <li>• Remove other references to CR zone (such as in pedestrian improvements on page 135)</li> </ul>
Section	Page	<b>5. SPECIAL DISTRICTS</b>	Comment / Suggestion
		20. No comments	
Section	Page	<b>6. USE-RELATED PROVISIONS</b>	Comment / Suggestion
6.8	99	21. Requests that 1,500-foot separation of food service drive-through windows be eliminated (Section 6.8.A.1.b) since believes this unnecessarily prohibits desirable food service establishments from entering the Town of Somers.	<b>ZC to decide.</b> Commission could: <ul style="list-style-type: none"> <li>• eliminate the separation requirement altogether</li> <li>• reduce the separation requirement</li> <li>• keep the 1500' separation requirement</li> </ul>
6.12	105	22. Multiple comments in support of allowing farm winery (see detailed comments below)	

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6.12	105	<p>23. Multiple comments in opposition to a farm winery and/or expressing concerns:</p> <ul style="list-style-type: none"> <li>• Traffic / speed / alcohol / events / noise</li> <li>• Commercial use in residential zone / hours of operation</li> </ul>	
6.11 6.12	104 105	<p>24. Multiple comments requesting <b><i>on-site consumption</i></b> be allowed at a farm winery. (see related provision in Section 6.11.3)</p>	<p><b>ZC to decide.</b> On-site consumption could be allowed.</p> <p>According to CGS Section 30-16(e), a farm winery permit is a <b><i>manufacturer</i></b> permit ... located on a farm in the state in which wine is manufactured and sold. The permit shall authorize ... sale at retail ... for consumption on the premises ... [except that] a town may prohibit any such offering, tasting or selling at retail at premises within such town ... (CGS Section 30-16(e)(2).</p> <p>To enable on-site consumption:</p> <ul style="list-style-type: none"> <li>• Could delete Section 6.11.3</li> <li>• Could modify Section 6.11.7 to read “ ... requirements, <del>except that</del> <i>including</i> sale at retail for consumption on the premises is <del>not permitted</del> <i>when specifically approved by the Commission</i>”</li> <li>• Could modify Section 6.12.2 to read “To the extent approved by the Commission, such winery, brewery, and/or distillery may, as an accessory use, sell alcoholic beverages for on-site and/or off-site consumption in accordance with State law”</li> </ul> <p><b>Some communities</b> limit tasting rooms and winery cafes:</p> <ul style="list-style-type: none"> <li>• Floor area (tasting / retail / food areas and outside patios)</li> <li>• Hours of operation</li> <li>• Amplified music</li> </ul>
6.11.5	104	<p>25. Look at language on bottling to be sure this does not prevent a winery</p>	<p>Could make existing text item #5.a (alcoholic liquors) and add the following as #5.b “The bottling, storage, and sale of wine at a farm winery is permitted when such facility is approved by the Commission and when in accordance with State law.”</p>

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6.12.4	105	26. Multiple comments requesting there not be limits on number of servings or serving size and that on-site food service be allowed at a farm winery	<p><b>ZC to decide.</b> Limits on number of servings and serving sizes could be removed and on-site food service could be allowed.</p> <p>Reword Section 6.12.B.4 to apply to a brewery and/or distillery and incorporate existing Section 6.12.5 into this as subsection d.</p> <p>Insert new Section 6.12.B.5 to read “To the extent authorized by a Special Use Permit approved by the Commission, a farm winery may, in accordance with State law:</p> <ul style="list-style-type: none"> <li>• sell wine for consumption on and/or off the premises,</li> <li>• offer samples of wine for consumption on the premises,</li> <li>• offer food for consumption on the premises,</li> <li>• sell winery related products at retail, and/or</li> <li>• hold special events in accordance with a calendar approved by the Commission.</li> </ul>
		27. Sale of wine from wineries not in Somers	<p>A licensed farm winery may sell wine manufactured by another Connecticut farm winery (CGS Section 30-16(e)(4)). Some towns prohibit this (Lyme, North Stonington). Marlborough limits to 25% of total sales.</p>
		28. Minimum acreage planted in grapes	<ul style="list-style-type: none"> <li>• Marlborough requires a minimum of 5 acres prior to issuance of a Certificate of Occupancy for a farm winery</li> <li>• For the first seven years from establishment, transfer or sale, an average crop shall be considered to be 3 tons of grapes per acre.</li> <li>• CGS Section 30-16(e)(5) states that the average crop of fruit (grown on-site or elsewhere in CT by the permittee) cannot be less than 25% of the wine sold.</li> <li>• So total crop used could be 12 tons per acre of acre of grapes planted (not acreage of property).</li> <li>• On-line information suggests a ton of grapes produces about 720 bottles.</li> <li>• This would translate to about 8,640 bottle of wine per acre of grapes.</li> <li>• Five acres of grapes planted could translate to about 43,200 bottles of wine.</li> </ul>

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		29. Hours of operation	Marlborough limits hours of operation of tasting room / retail sales: <ul style="list-style-type: none"> <li>• Monday – Thursday 10:00 AM to 8:00 PM</li> <li>• Friday to Saturday 10:00 AM to 10:00 PM</li> <li>• Sunday 11:00 AM to 8:00 PM</li> </ul>
		30. Special events	Some towns have limits on the number of events per year. Marlborough allows a private function room (indoor and/or outdoor and/or patio) for up to 2 events per week and up to 52 events per year if approved as part of Special Use Permit process. Marlborough limits hours of operation as above. Some towns do not limit and allow weddings and other events.
		31. Parking / setbacks	Some towns specify parking requirements and setbacks from property lines.
6.11		32. Alcoholic Beverages does not allow for the sale of Alcoholic Beverages in the CR Zone (Sonny’s Place)	Applicants original reference to Section 6.5 is not correct.  If CR zone to be kept, include type of permit Sonny’s Place has if not listed.  If reverting back to A-1 zone, Section 6.11.C would permit alcoholic beverages with ZC approval.
<b>Section</b>	<b>Page</b>	<b>7. STANDARDS</b>	<b>Comment / Suggestion</b>
		33. Submitted information indicating that other communities had adopted zoning regulations requiring a “non-explosive” product be used for ledge and large rocks	Could be considered as part of an application for blasting or applicant may select to avoid application process
7.11.F		34. Concerned about language in Section 7.11.F.7.b related to noise generated by construction equipment during daytime hours	<b>ZC to decide.</b> Could leave daytime hours definition intact (since also applies to other parts of this Section) and specify hours for construction as 8:00 AM to 6:00 PM weekdays and 9:00 AM to 5:00 PM on weekends. (construction could occur outside these hours but the noise regulations would apply since such activity would not be exempt)
		35. In Section 7.11.F.7.d., should include a reference at the end of the sentence to Section 8.4.D. (where blasting requires a Special Permit from the Zoning Commission)	Include a reference at the end of the sentence to Section 8.4.D.

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Section	Page	<b>8. SPECIAL PROVISIONS</b>	Comment / Suggestion
		36. Concerned that Sonny’s Place would be considered a pre-existing non-conforming use upon adoption which would severely limit the uses at this property.	<ul style="list-style-type: none"> <li>• <i>New physical improvements <u>in accordance with a master plan</u> could continue to be allowed under Section 4.C</i></li> <li>• <i>New events could be permitted <u>in accordance with an annual calendar</u> approved by the ZC under Section 4.6.D</i></li> </ul>
		37. Concerned the proposed regulations if adopted may not allow some or all the uses that were previously approved since some existing uses will require a new special use permit annually.	<i>Existing uses/events might be “grand-fathered”. So long as events are managed well, calendar can be extended for up top 5 years by Staff. New events or change in calendar would require SUP approval.</i>
Section	Page	<b>9. PROCEDURES</b>	Comment / Suggestion
		38. No comments	

Section	Page	<b>ZONING MAP</b>	Comment / Suggestion
		39. Requested a more descriptive map of Commercial Recreation zone be provided.	
		40. The CR zone is only related to 349 Main Street only and not for other areas of Town	
		41. The CR zone as shown on the proposed zoning map does not fully encompass 349 Main Street.	