

TOWN OF SOMERS: ZONING COMMISSION
REGULAR MEETING MINUTES

Monday, July 18, 2016
7:00 PM TOWN HALL

I. CALL TO ORDER

Chairman Jill Conklin called the meeting to order at 7:08 p.m. Members present were: Jill Conklin; Karl Walton; Paige Rasid; Lucas Cherry; Town Attorney Carl Landolina and Staff Liaison to the Zoning Commission John Collins. Absent was Dan Fraro

II. PUBLIC HEARING:

Application of Bruce E Wood, 223 Wood Road, Somers, CT: renew Special Use Permit to conduct an earth removal and filling operation at 263 Wood Road, Somers volume 97 pg 173.

Jill Conklin read the legal notice that was published on May 25 and June 1, 2016. Tim Coon from JR Russo Associates represented Wood Construction presented the current status plan and acknowledged that there had been several dust complaints. He indicated that there would be an area of about 3 acres adjacent to the top of the current excavation that would be loamed and seeded starting mid-August 2016. A water truck had been at the site, with site watering taking place twice a day.

The meeting was then opened to the public for public comment by Jill Conklin. Attorney John Bonee from the law firm of Bonee and Weintrub, West Hartford represented Vincent Navin, 244 Root Rd in opposition to the application. He indicated that this was a worsening problem for the last 16 years. He presented photos of dust on the interior and exterior of the Navin residence. He stated that the applicant was creating a safety hazard with a dust cloud that rises to 200 ft and covers the adjacent area.

References to non-compliance to 214.66, 214.69, and 214.70 as well as noncompliance with 214-101. He also made the following comments:

- *Watering not done on a regular basis*
- *Previous plant/seeding has not been done*
- *Performance bond “woefully” low (\$50,000± vs \$250,000 min)*
- *More seeding, grading, and buffering should be done to avoid dust*
- *Have regular inspections performed*
- *Set conditions of operation (ie; Mon. through Fri. 9-5)*
- *Set end date of project*
- *Report tonnage on a per diem basis*
- *Clean surrounding roads*
- *Power wash adjacent residences*
- *Soil testing for contaminants: Report to DEEP*
- *Test neighborhood well water*
- *Identify trucks and equipment used at the site*
- *Require 20 ‘arborvitae buffer to be planted along Root, Wood, and Springfield Roads*
- *Require 3:1 final grading*
- *Indicate ingress and egress access to State Highways*

Speaking for the application were Ralph Peckish, 167 Sokol Rd, and Joyce Miller, 272 Root Road

Carl Landolina recommended continuing the Public Hearing until the next regular meeting date of September 6, 2016. At that time there should be a written memo re: prior conditions of approval.

Tim Coon indicated the applicant is willing to topsoil and seed the referenced three+ acres in August/September, and will continue watering twice a day unless there is measurable rainfall. Tim Coon also submitted a written request to extend the public hearing until September 6, 2016.

Karl Walton made a motion to extend the gravel removal operation through and including September 6, 2016 with the provision to water site twice a day unless there is measurable rainfall. Paige Rasid seconded the motion. The Motion Carried

III. MINUTES APPROVAL: (06/20/2016)

Paige Rasid made a motion to approve the 6/20/2016 minutes as written. Lucas Cherry seconded the motion. The motion carried and the minutes were approved

IV. OLD BUSINESS:

There was none.

V. NEW BUSINESS:

**Application of Hendels, Inc., 35 Great Neck Rd, Waterford, Ct:
Construction of a 4000 SF (91'X44') convenience store and filling station
with associated parking and utilities**

Attorney Carl Landolina was present and gave a brief overview of the application and procedure for the Commission to follow re: this application. A petition had been circulated and received by the Commission requesting a public hearing. There was a public hearing scheduled for the IWC on August 3, 2016.

He commented that the normal procedure for the Zoning Commission would be not to hold a public hearing on a site plan application that met all the requirements of the Zoning Regulations. However, the Commission amended the regs in 2014 to allow a public hearing for a site plan application if it was "deemed to be in the public interest".

Karl Walton made a motion to set a public hearing date for September 6, 2016.

Paige Rasid seconded the motion. The Motion passed with all in favor

He also reference a 2011 ordinance that was passed that would allow the commission to ask applicant to pay for additional consultant services up to \$10,000. Carl Landolina recommended the Commission to request through staff to have traffic engineer review the application.

Karl Walton made a motion to request staff sit with the Board of Selectmen to request that a traffic expert be retained to review the application and the traffic study submitted with it. Paige Rasid seconded the motion. Jill Conklin voted in favor; Lucas Cherry voted against. The motion passed.

VI. STAFF/COMMISSION REPORTS

There were none

VII. CORRESPONDENCE AND BILLS

There were none

VIII. ADJOURNMENT

Paige Rasid made a motion to adjourn. Karl Walton seconded the motion. The meeting was adjourned at 8:10

Respectfully Submitted;

Jill Conklin, Chairperson

John R Collins, staff liaison to Zoning Commission

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING.