

**TOWN OF SOMERS
ZONING COMMISSION
MINUTES - SPECIAL MEETING
TUESDAY, JANUARY 21, 2020
6:30 PM - Somers Town Hall Auditorium**

CALL TO ORDER: Meeting was called to order at 6:34pm. Members present: Jill Conklin, Chairperson, Karl Walton, Dan Fraro, and Paige Rasid. Absent: Lucas Cherry
Also present, Jennifer Roy, Staff Liaison.

PUBLIC HEARING:

Glenn Chalder of Planimetrics updated the commission on the summary of comments he had compiled from the January 13, 2020 public hearing.

Jennifer Roy presented written correspondence for the record.

Ken Prior, Mountain Road, Somers – opposed
Thomas Nesbitt, 9Mountain Road, Somers – opposed
Tom and Sue Wosko, 192 Turnpike Road, Somers – opposed
Eleanor Labine, 9 Mountain Road, Somers – opposed
Debra Srone, 6 Mulberry Lane, Somers – concerned about pesticides, traffic, water
Kenneth Coelho, 605 Stafford Road, Somers – concerns about use of winery in residential zone
Nancy Rodriguez and Eric Meisterling Jr., 646 Hall Hill Road – in favor
Eric Meisterling Sr., 44 Goodwin Drive, Somers – in favor
Hyman Robinovitz, 634 Hall Hill Road, Somers – in favor
Tracey Eisenman, 85 Michele Drive, Somers – in favor
Judith LaVallee, Somers – in favor
Melissa Turmel, 31 Hickory Hill Drive, Somers – in favor
Angela Koehler, 43 Sunshine Farms Drive, Somers – in favor
Cindy Reynolds, 37 Isabella Drive, Somers – in favor
Caroline and Chris Skowronek, 36 Grist Mill Terrace, Somers – in favor
Kelle Giachello, 118 Stafford Road, Somers – in favor
Christine Anderson, 11 Evergreen Lane, Somers – in favor
Dawn Cuvier, 24 Hillcrest Drive, Somers – in favor
Erin Tynan, 48 Michele Drive, Somers – in favor
Cindy Reynolds, 37 Isabella Drive, Somers – in favor
Kimberly Radziewicz, Juniper Hill Drive, Somers – in favor
Kristin Foy, 20 Bradfield Drive, Somers – in favor
Heidi McCarthy, 40 Florida Road, Somers – in favor
Sean Clark, Attorney, Rep. Murdoch’s – suggested wording for sections 6.11 and 6.12 of the draft

Jill Conklin then opened the floor to anyone wishing to speak on the draft Zoning Regulations.

#19-016 Town of Somers Zoning Commission - Adoption of revised Regulations

#19-017 Town of Somers Zoning Commission - Adoption of revised Zoning Map

The following persons commented:

John Parks, 352 Billings Road, Somers – spoke for 349 Main Street regarding the CR Zone

Mark Murdoch, 24 Gulf Road, Somers – spoke about the section on wineries

Tom Nesbitt, 9 Mountain Road, Somers – spoke about his concerns outlined in written correspondence; presented a letter from Margorie Griswold, 208 Battle Street, Somers – in opposition

Dwight Merriam, 80 Latimer Lane, Simsbury, Rep. Hillsdale College – presented concerns about various aspects of the draft regulations. Also presented the following exhibits:

1. Appendix of representative documents affirming Hillsdale College's Christian Identity and Mission
2. Hillsdale College outline of learning, character, faith and freedom.
3. History of Hillsdale College (narrative)
4. Hillsdale College article; Celebrates 175 years with Christ Chapel Dedication
5. Sonny's Place website link
6. IMLA Sign Code draft
7. Excerpt from the Complete Illustrated Book of Development Definitions re: institutional use, church, and additional religious terms
8. Frank Fish, FAICP resume
9. Outline of issues with the proposed revisions and recodification of the Somers Zoning Regulations
10. Testimony of Frank Fish, FAICP
11. Hillsdale College Special Use Permit applications (4)

After speaking on each exhibit, Attorney Merriam urged the commission to withdraw their application for adoption of the revised regulations, and start over. Attorney Merriam further addressed the commission, stating his client, Hillsdale College, has given him permission to assist the town in any way needed to address and resolve issues with the draft Zoning Regulations.

Frank Fish, BFJ Planning, Stamford, CT – spoke about planning perspective, issues with draft regulations section that provides for permitted uses, and the purpose section does not mention religious.

Glenn Chalder responded to comments and presentation; respectfully disagreeing with Attorney Merriam and Mr. Fish's conclusions. However, Mr. Chalder does feel that they have raised some issues that need to be looked at. Mr. Chalder also mentioned the commission will need to consult with the Town's attorney. Mr. Chalder pointed out one thing to focus on in particular is section 3.2D #2 & 3. Discussion was held.

Discussion was held among the commission members and Glenn Chalder with how to proceed. Glenn advised the commission that he would compile the questions, also discuss with Town Attorney.

Bob Chester, 19 Manse Hill Rd, Somers – asked the commission to look at the definition of place of worship and religious institution; they are very different.

Attorney George Schober, 98 Rocky Dundee, Somers – addressed concerns about wineries, distilleries, and breweries and traffic. Also concerned about commercial dog kennels being allowed in a residential zone.

Attorney Schober had submitted a Freedom of Information Request asking for all information regarding the revisions to the zoning regulations; including notes and emails. He did not receive any notes or email. Attorney Schober submitted a copy of a complaint filed with the FOI Commission regarding his original request. Attorney Schober submitted the following for the record:

12. A. Freedom of Information Commission – complaint dated January 10, 2020
- B. Email correspondence from town staff regarding FOI request for notes

Attorney Schober strongly urged the commission to not adopt the draft Zoning Regulations until the town complies with his request.

Attorney Schober then asked the commission questions regarding the hiring of Glenn Chalder and Planimetrics; asking if there was any Request for Proposals sent out; where there other bids? In addition, Attorney Schober would like to know the amount paid to Planimetrics; and submits an official Freedom of Information request.

Jeff Lipton, 452 South Road, Somers – spoke in favor of on site consumption; asked if weddings are already permitted, and pointed out they could do “BYOB”. If so, and the winery can serve, it would bake BYOB not allowed, therefore not have hard liquor allowed.

Jennifer Roy addressed the commission regarding drive-thru establishments. The permitted use seemed to drop when the Commercial zone transferred to Village Business zone. Where drive-thru’s omitted intentionally or in error? Karl Walton and Jill Conklin confirmed, it was omitted in error. Ms. Roy suggests the Glenn Chalder be advised to place this in the permitted use chart for Village Business.

Discussion was held regarding how to proceed. Ms. Conklin explained that town’s counsel is not present, the commission will take in the information and provide it to counsel.

Glenn Chalder suggested continuing the public hearing to a later date. Discussion was held regarding time constraints.

Karl Walton made a motion to continue the public hearing to Monday, February 3, 2020 at 6:30pm. Discussion was held regarding the February 3rd meeting. The public hearing may or may not be opened at that time, depending on the Town Attorney's availability. Paige Rasid seconded, all in favor, motion carried.

ADJOURNMENT: Karl Walton made a motion to adjourn. Paige Rasid seconded, all in favor, meeting adjourned at 7:49pm.

Respectfully Submitted,

Jennifer Roy

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING Video of this meeting can be found at <https://www.youtube.com/channel/UCitLvpaGg5rGsVVbsUYK8A/featured>