

**TOWN OF SOMERS  
ZONING COMMISSION  
MINUTES – REGULAR MEETING  
MONDAY, FEBRUARY 3, 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:**

Jill Conklin re-opened public hearing for the following applications continued from January 6, 2020:

1. #19-012: Hillsdale College, 33 E College Street, Hillsdale, MI. Pursuant to section 214-98 B (3) of the Zoning regulations, applicant is seeking a Special Use Permit to allow operation of a religious institution at 700 Hall Hill Road, Somers, CT.
2. #19-013: Hillsdale College, 33 E College Street, Hillsdale, MI. Pursuant to section 214-98 B (3) of the Zoning regulations, applicant is seeking a Special Use Permit to allow operation of a religious institution at 708 Hall Hill Road, Somers, CT.
3. #19-014: Hillsdale College, 33 E College Street, Hillsdale, MI. Pursuant to section 214-98 B (3) of the Zoning regulations, applicant is seeking a Special Use Permit to allow operation of a religious institution at 732 Hall Hill Road, Somers, CT.
4. #19-015: Hillsdale College, 33 E College Street, Hillsdale, MI. Pursuant to section 214-98 B (3) of the Zoning regulations, applicant is seeking a Special Use Permit to allow operation of a religious institution at 740 Hall Hill Road, Somers, CT.

Jennifer Roy presented written correspondence for the record.

Tim Keeney, Somers Republican Town Committee – in favor  
Rick and Liz Wilson, 67 Franklin Woods Drive, Somers – in favor  
David Shultz, 15 Laurel Woods Road, Woodbury, CT – in favor  
Christopher Mozdzanowski, 7 Meadowbrook Road, Somers – in favor  
Chris Flynn, 597 Hall Hill Road, Somers – opposed  
Jennifer Fitzsimmons, 56 Blue Ridge Drive, Somers – opposed  
Jerry Tarbox, 2 Meadowbrook Road, Somers – provided a petition with 21 signatures – opposing  
Michael Lesco, 113 Colton Road, Somers – opposed  
Nancy Rodriguez and Eric Meisterling, Jr, 646 Hall Hill Road, Somers – opposed  
Eric Meisterling, Sr., 44 Goodwin Drive, Somers – opposed  
Hyman Robinovitz, 634 Hall Hill Road, Somers – opposed  
Julie Hinkley, Collins Road, Somers – opposed  
Tracey Eisenman, Michele Drive, Somers – opposed  
Karen Regan, 597 Hall Hill Road, Somers, CT – opposed  
Ralph Williams, 42 Springfield Road, Somers – opposed

Attorney Carl Landolina addressed the commission and the public regarding a video that has been brought to his attention. The video was found on social media, of a meeting held at a local restaurant at which representatives of Hillsdale College invited the residents to come hear about Hillsdale College and ask questions. Attorney Landolina explained that a commission member has seen the video, in fairness to the applicant Attorney Landolina feels the video should be made part of the record. Also, at least one member of the public has approached staff to introduce the video. With that, Attorney Landolina submits a transcript and a digital copy of the video for the record. Discussion was held. Video and transcript exhibit #2.

Attorney Ryan Walsh spoke for Hillsdale College, stating their objection to submitting the video and transcript for the record. Attorney Walsh states the video is clearly irrelevant, the video and transcript are not part of this proposal before the commission. Attorney Walsh further states that he feels the commission or some third party may affirmatively use it against the college, and cast aspersions on their sincerely held religious beliefs.

Attorney Walsh further explains that he feels this new line of inquiry into various ideas discussed for the properties before this proceeding began is fruitless. Previous presentations were merely ideas. Attorney Walsh urged the commission to not accept the video and transcript for the record.

Attorney Landolina clarified for the record that he was the attorney who allegedly cut Mr. Norton short during his presentation during the January 6, 2020 public hearing. Attorney Landolina does not believe he cut Mr. Norton short, he believes Mr. Norton had full opportunity to complete his commentary.

Attorney Evan Seeman responded to a few points made by Attorney Walsh. Attorney Seeman states that under these proceedings, the applicant has raised protection under the Religious Land Use & Institutionalized Persons Act, under which sincerely held religious beliefs are entitled to protection. Attorney Seeman explained that the requests for materials for previously proposed use as well as what course offerings will be at new proposed use are clearly relevant. The information requested is in order to understand whether or not the College's plans constitute "sincerely held" religious beliefs and if they are entitled to protection under state and federal law. This is a question of fact for the fact-finder. Memorandum from Attorney Seeman to the Zoning Commission submitted for the record, exhibit #1.

Attorney Walsh asked who paid for the transcript of the video. Attorney Landolina explained that he paid for this upfront and will bill the commission.

Attorney Walsh introduced two new members of their team; Attorney Dwight Merriam, CT Land Use "guru"; and Attorney Daniel Daulton of Michigan, Land Use expert.

Attorney Walsh listed the letters and memorandum provided for the record; letter to Attorney Landolina regarding the video and transcript dated January 31, 2020; letter to the Members of the Somers Zoning Commission regarding the video and transcript dated January 31, 2020; and Memorandum to the Town of Somers Zoning Commission regarding further supplemental discussion of Hillsdale College's Special Use Applications for 700, 708, 732 and 740 Hall Hill Road.

Attorney Walsh pointed out that the College will now also have an indoor chapel in the basement area of the Monticello building at 732 Hall Hill Road. The use will be identical as the chapel proposed on 700 Hall Hill Road. Additionally, the College will be applying for a reconfiguration of 700 Hall Hill Road and 732 Hall Hill Road; this will put Monticello and the stand-alone chapel on the same lot.

Attorney Walsh explained that the primary use of the center will be that of a religious institution and place of worship. The majority of the activities and topics will predominately touch on religious themes. Attorney Walsh provided further explanation on the newest submission of materials.

Attorney John Parks explained the site plan and lot reconfiguration.

Attorney Dwight Merriam spoke about current Zoning Regulation section 214-10 as it relates to one house per lot. Attorney Merriam presented a binder with examples of other properties in Somers with multiple structures, exhibit #3 with appendix. Attorney Seeman asks the context of the approvals for the 16 parcels listed. Attorney Parks states that all but the first 3 were approved under current regulations. Attorney Landolina pointed out properties listed as #5 are town properties which are exempt from zoning.

Jay Ussery of JR Russo spoke on the updated site plans and traffic assessment. The revised site plan for 732 Hall Hill Road has nothing in the wetlands review area, a letter regarding dark sky compliance, and data block added. There will be an office at 700 Hall Hill Road for staff's occasional use. There will be an office at 708 Hall Hill Road for clergy's occasional use, but primarily Mr. Dumas' residence. The new acreage at 700 Hall Hill Road will be 11.5 acres, and 732 Hall Hill Road will be just under 78 acres.

Jill Conklin opened the floor to the public.

Karen Regan, 597 Hall Hill Road, Somers – spoke in opposition

Ann Levesque, 230 Four Bridges Road, Somers – spoke about concerns in opposition

Attorney Seeman – comments on political and religious views and beliefs

Richard Syder Carey, 8 Kibbe Grove Road, Somers – spoke in favor, presented an article, exhibit #4

Attorney Joe Williams, 1 Constitution Plaza, Hartford – spoke in opposition, urged the commission to keep public hearing open

Jerry Tarbox, 2 Meadow Brook Road, Somers – spoke in opposition, presented a binder of information exhibit #5

John Burny, 341 Watchaug Road, Somers – urged the commission to work things out w/applicant

John Papale, 732 Hall Hill Road, Somers – spoke in favor

Marjorie Moorhart, 639 Hall Hill Road, Somers – spoke in favor

Bob Chester, 19 Manse Hill Road, Somers – spoke in favor

Nancy Rodriguez, 646 Hall Hill Road, Somers – spoke in opposition

Attorney Parks requested a continuation to March 9, 2020; granting the commission an extension on the statutory deadline for closing the public hearing. Discussion was held among commission members and attorneys for both the applicant and the town regarding information requested, time frames, and formats.

Jill Conklin asks that the applicant submit additional information and answers by March 2<sup>nd</sup> for a March 9<sup>th</sup> continuation public hearing. Attorney Landolina reminded the commission that March 10<sup>th</sup> is the deadline for closing the public hearing statutorily. Public hearing is continued to March 9, 2020 6:30pm.

Karl Walton made a motion to for a 2 minute recess at 8:58pm, Paige Rasid seconded, all in favor, motion carried.

Next on the agenda, public hearing continued from January 27, 2020:

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

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

Karl Walton made a motion to withdraw applications 19-016 and 19-017 for the revisions to the Somers Zoning regulations. Paige Rasid seconded, all in favor, motion carried.

#### MINUTES APPROVAL:

Jennifer Roy presented the commission with a letter from Attorney George Schober regarding correction to the December 2, 2019 minutes; third paragraph, page 2 states Hillsdale College expects approximately 60-80 people; the range stated was 30-80 people. Karl Walton made a motion to approve the December 2<sup>nd</sup> minutes with corrections. Paige Rasid seconded, all in favor, motion carried.

Karl Walton made a motion to approve the January 6, 2020 minutes, Paige Rasid seconded, all in favor motion carried.

Karl Walton made a motion to table the minutes approval for January 13, 2020 and January 21, 2020 to the March meeting. Paige Rasid seconded, all in favor, motion carried.

ADJOURNMENT: Karl Walton made a motion to adjourn. Dan Fraro seconded, all in favor, meeting adjourned at 9:07pm.

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/UCitLJvpaGg5rGsVVbsUYK8A/featured>