

**TOWN OF SOMERS  
ZONING COMMISSION  
MINUTES - SPECIAL MEETING  
MONDAY, MARCH 9, 2020  
6:30 PM - Somers Town Hall Auditorium**

CALL TO ORDER: Meeting was called to order at 6:40pm. Members present: Jill Conklin, Chairperson, Lucas Cherry, Dan Fraro, and Paige Rasid. Also present, Jennifer Roy, Staff Liaison. Absent: Karl Walton

PUBLIC HEARING cont'd from February 3, 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.

Attorney George Schober filled in for Attorney Ryan Walsh; presented additional documents for the record, regarding the lot reconfiguration conveying a portion of land from 700 Hall Hill Road to 732 Hall Hill Road.

Exhibit #1 – Warranty deed

Exhibit #2 – Use and occupancy agreement

Exhibit #3 – Utility easement

Exhibit #4 – Proposed access and utility easement

Exhibit #5 – Map of properties reflecting easements

Attorney Schober shared with the commission and public that the applicant, Hillsdale College, and Danuta Toklowicz-Vuerich have come to an agreement. Under the agreement she does not oppose the Special Use Permits and will not appeal any approvals that may be given. Key points of this agreement are that Hillsdale College will install fencing along the property line, no trespassing signs and vegetative screening installed at agreed upon points of fencing, and the re-routing of several walking paths that head towards Ms. Tklowicz-Vuerich's property.

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING Video of this meeting can be found at <https://www.youtube.com/channel/UCitLJvpaGg5rGsVVbsUYK8A>

Attorney Dwight Merriam, 80 Latimer Lane, Simsbury, addressed the commission next for Hillsdale College. Attorney Merriam introduced Stanley Gniazdowski, consultant, who presented a supplemental impact analysis report.

Mr. Gniazdowski addressed the commission, summarized his report, he does not feel there will be any impact on the surrounding property values. The date of his analysis is February 19, 2020.

Attorney Carl Landolina asked Mr. Gniazdowski if there was a tipping point in his opinion, that the use was more frequent, it would have a greater impact? Mr. Gniazdowski responded that the applicant has already explained their use of the properties. He did not analyze more frequent use of the properties.

Attorney Ryan Walsh addressed the commission via speaker phone, assisted by Attorney Bob Norton. Attorney Walsh commented that they (Hillsdale College) understands the concerns of the residents. They are willing to be flexible and agree to reasonable conditions. Attorney Walsh explained the use of the property located at 732 Hall Hill Road will be used both as a place of worship and a religious institution.

Attorney Walsh further explained each of the property at 700 Hall Hill Road will be operated by a religious institution and the buildings for religious activities including housing staff. Additionally, 708 Hall Hill Road will be operated by a religious institution, housing a grounds keeper, and having an office for a Chaplain to use for spiritual direction and the like. Attorney Walsh further states that in his capacity as manager, Mr. Dumas' role is critical in ensuring the college's religious vision of the Blake Center is realized.

Attorney Evan Seeman explains his role for the Zoning Commission, and has questions for Attorney Walsh. Has the college explored alternative properties in Somers?

Attorney Walsh explained they have, with no other suitable properties, and also pointed out this property has been gifted to the college. Attorney Walsh further stated, finding another location within Somers would cause a substantial burden on the college under RILUPA.

Attorney Seeman asks if the proposed properties have a religious significance independent of the proposed use? Attorney Walsh explained the Monticello building represents the high principals of our founding of our nation, which points to the divine.

Attorney Seeman asks which other properties in town they have considered. Attorney Walsh did not have that information readily available. Attorney Walsh states they have not come across any of this size, and layout of buildings.

Attorney Seeman asks if there are any other secular uses in this zone that the college has identified? Attorney Walsh comments that it appears approximately 5% of the Town is zoned “A” residential. There are non-religious places of assembly in the “A-1” zone.

Attorney Seeman asks if there are any non-religious aspects of the proposed use? No, per Attorney Walsh; most activities that are tied to a religious institution would be considered a religious use. Further, none of this would exist if it were not for the college’s strictly held religious beliefs.

Paige Rasid asks Attorney Walsh specifically about weddings and other activities; are there intentions to rent or hold such events? None that he is aware of.

Attorney Norton explained at this time there are no plans for weddings; and even at their main location, this is not typical. Larger events on rare occasion.

Ms. Rasid asked if they would have an issue with a restriction on tents, not using them. Attorney Norton explained that this is not something they would agree with, besides a restriction on location of such tents.

Ms. Rasid also questioned the maximum number of attendees for any event. There is no exact number Attorney Norton can provide. Attorney Norton suggests that a condition be that the college notifies Town Staff of any event that may exceed 100 attendees.

Attorney Seeman asked Attorney Norton if he has any information about other possible locations the college has explored? Attorney Norton responded that the college did make a review of the area, and he agreed with Attorney Walsh’s response.

Jill Conklin asked about outside, recreational use; by permit. What type of use would this be? Attorney Norton responded that this would be by permit only, after a review of the college for what type of activity.

Ms. Conklin also commented about shuttle bus. The “A” zone will not allow lettered vehicles stored outside of a garage.

Lucas Cherry commented dark sky compliant lighting.

Jay Ussery spoke regarding the site elevation, the possibility of large tents for events, and where they could be located which would be low visibility.

Paige Rasid asked Mr. Ussery about septic size and maximum capacity. Mr. Ussery explained the current septic size is 4000 gallons for the 732 Hall Hill Road property. Mr. Ussery further explained 96 people at an event would use approximately 360 gallons per day. He cannot answer maximum number of people without further calculations. Discussion was held. Attorney Norton agreed that they will not erect any tents that will be visible from the road without expressed permission from the town.

Attorney Carl Landolina states the POCD (Plan of Conservation and Development) should be placed on the record for this public hearing. Exhibit #15 – Town of Somers POCD.

Discussions continued.

Jill Conklin opened the floor to public:

Joe Williams, Shipman & Goodwin – spoke about his client’s agreement with the applicant  
John Cutter, 14 Olmstead Manor Drive, Somers – in favor  
Cliff Martin, 92 Colorado Drive, Somers – opposed  
Linda Louise Lacasse, 87 Main Street, Somers – in favor  
Kevin Foye, 40 White Oak Road, Somers – opposed  
Joan Rivard, 74 Maple Ridge Drive, Somers – concerned about talk regarding lawsuits  
Ralph Williams, 42 Springfield Road, Somers - opposed  
John Burney, 361 Watchaug Road, Somers – in favor

Jennifer Roy read written correspondence for the record:

Joan Nielsen, 37 Fox Hollow Road, Somers – in favor  
James Lietz, 25 Blue Ridge Drive, Somers – opposed  
Eric Young, 15 Rye Hill Circle, Somers – opposed  
Deanise Shewokis, Somers – opposed  
Michael Freedman, 99 Four Bridges Road, Somers – opposed  
Mark Scavotto, 46 Heron Drive, Somers – opposed  
Ann Levesque, 230 Four Bridges Road, Somers – opposed

Attorney Ryan Walsh referred to pages 4-7 of his December 2, 2019 memo where it speaks about Hillsdale’s faith and learning being integrated. The following supplemental documents were submitted on March 2, 2020:

Exhibit #6 – Summary of compliance with regulations  
Exhibit #7 – Outline of documents and statements  
Exhibit 8 – Responses to Commission’s revised list of questions  
Exhibit #9 – Response to Special Counsel’s memorandum to the commission regarding RILUPA  
Exhibit #10 – Amended appendix – examples of other residential zone parcels  
Exhibit #11 – Impact Study by Michael Kurschat  
Exhibit #12 – Impact Analysis by Stanley Gniazdowski  
Exhibit #13 – Memorandum to Attorneys Landolina and Seeman

Dan Fraro presented a list of discussion points for consideration. Exhibit #14 Discussion was held regarding these points.

Resident Nancy Rodriguez, 646 Hall Hill Road asked for clarification that once the public hearing is closed, no further information can be submitted. Attorney Landolina confirmed, only staff can submit information to the commission.

Paige Rasid made a motion to close the public hearing on applications #19-012, #19-013, #19-014 and #19-015 for Hillsdale College. Lucas Cherry seconded, all in favor, motion carried. Public Hearing closed at 9:18pm

Discussion was held regarding scheduling a special meeting for discussion and decision. May 9, 2020 would be the deadline for decision, to comply with statutory time limits.

Paige Rasid made a motion to table the discussion/decision of applications #19-012, #19-013, #19-014 and #19-015 for Hillsdale College to a special meeting, March 25, 2020 at 6:30pm in the Town Hall Auditorium. Lucas Cherry seconded, all in favor, motion carried.

ADJOURNMENT: Paige Rasid made a motion to adjourn. Lucas Cherry seconded, all in favor, meeting adjourned at 9:24pm.

Respectfully Submitted,

Jennifer Roy