

**TOWN OF SOMERS - ZONING COMMISSION**  
**SPECIAL MEETING MINUTES**  
**MONDAY, AUGUST 3, 2020**  
**6:30 PM – TELECONFERENCE**  
**Meeting ID: 85903303547**

CALL TO ORDER Meeting was called to order at 6:36pm

Members present Jill Conklin, Karl Walton, Dan Fraro, and Paige Rasid. Also present, Jennifer Roy, Staff Liaison, Attorney Carl Landolina. Absent: Lucas Cherry and Bill Shapiro

**PUBLIC HEARING:**

1. #20-009: Amy Eastman, 40 Hallie Lane, Somers, CT. Pursuant to Article XII Earth removal and Filling, §214-70 Issuance of Special Use permit, applicant is seeking a Special Use Permit to undertake excavation, removal and filling of approximately 9,650 cubic yards and removal of that material to the abutting, conjoined parcel at 42 Hallie Lane.

Attorney Dwight Merriam addressed the commission, speaking for the applicant. Attorney Merriam explained what Mrs. Eastman would like to do, outlining the entire project. Attorney Merriam explained that his client would like to blast the areas they are able, and this would be much faster than other methods of removal such as hydraulic fracturing, or jack hammering.

Attorney Merriam explained the steps they would like to take to complete this project. First they are applying to the Planning Commission for a boundary line adjustment, adding 9 acres to 40 Hallie Lane property. Next they would be applying to the Zoning Commission for a zone change for 5 of the 9 acres, and apply for a second Special Use permit for the 5 acres, for earth removal.

Jay Ussery addressed the commission, explaining wells in the area, and the approximate location of these other wells from the blasting site. Mr. Ussery explained that the Eastman's well is the closest to the site, and within 500 feet.

Mr. Ussery presented and discussed a November 19, 2019 report from O'Reilly, Talbot & Okun, exhibit A. He also presented and discussed a January 6, 2020 memo from Steve Jacobs, Town Sanitarian, to Jennifer Roy, exhibit B.

Mr. Ussery discussed the water table in that area, and the fact that the Eastman's well is 460 feet deep. Once the project is complete, by the end of the year, with all grading, top soil and seeding, there should be no change in the water table.

Karl Walton questioned what map Jay Ussery was referring to; as Mr. Ussery explained the lot lines.

Jill Conklin opened the floor to the public, and the following residents addressed the commission:

James Fiore, 110 Long Hill Drive, Somers – In favor  
Janet Shlafstein, 155 Mountain Road, Somers – In favor. Submits GIS map Exhibit C  
Peter Riley, 6 Amie Lane, Somers – In favor  
Kelly Lewis, 6 Amie Lane, Somers – In favor  
Dean Gianchello, 118 Stafford Road, Somers – In favor  
Tim Welch, 168 Mountain Road, Somers – Opposed  
Scott Soares, for his aunt, Carol Falkowski, 19 Root Road, Somers – Opposed  
Harshi Panchal, 92 Highland View Drive, Somers – In favor  
Jennifer Grieger, 24 Amie Lane, Somers – Opposed. Submits google earth satellite photos Exhibit D  
Sandra Olearcek, 47 Long Hill Drive, Somers – Opposed. Submits water test results Exhibit E  
Ed Depeau, 18 Hallie Lane, Somers – Opposed

Attorney Dory Famiglietti, representing the Clarks – addressed the commission, discussing the opposition her clients have to the special use permit, concerns about the maps that were posted on the town website, concerns about the access driveway, and concerns about the hours of operation, should the commission approve a special use permit.

Tom Clark, 175 Mountain Road, Somers – Opposed  
Brian Duperre, 110 Long Hill Drive, Somers – concerned about deed restrictions

Attorney Carl Landolina addressed the commission, provided a timeline and some context behind the applications now before the commission. Attorney Landolina further discussed case law on Special Use permits, and approving them when it is a use that is expressly permitted; and reminded the commission that this application and public hearing is for 40 Hallie Lane.

Discussions were held regarding possible conditions that could be placed on the permit should it be approved, as well as the maps that have been submitted, and bonds that may be required.

Jennifer Roy suggested that due to the number of applications and attachments, and teleconferencing; hard copies of the applications, and supporting documents and maps, be provided to each commission member. Ms. Roy confirmed that all the documents were on the town website, and suggested that perhaps one of the links to the Zoning Commission page may be mislabeled.

Paige Rasid made a motion to continue the public hearing to September 1, 2020 at 6:30pm. Karl Walton seconded the motion, requesting hard copies, pre-blast survey, and a bond estimate from the Town Engineer. All in favor, motion carried, public hearing session ended at 9:33pm.

**OLD BUSINESS:** Discussion/Possible Decision

1. #20-009: Amy Eastman, 40 Hallie Lane, Somers, CT

2. Discussion of possible Farm Winery regulation-text.

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Discussion was held among the commissioners regarding the possible Farm Winery regulation. All members have received a draft the Karl Walton came up with, along with state regulations and public acts regarding same.

Karl Walton made a motion to table further discussions, and schedule a special working meeting on Tuesday, August 11, 2020 at 5:30pm, via teleconference. Dan Fraro seconded, all in favor, motion carried.

NEW BUSINESS: (to be received)

1. #20-010: Amy Eastman, 40 Hallie Lane, Somers, CT. Zone change from Residential A Zone to Residential A-1 zone for a portion of conjoined parcel at 42 Hallie Lane.

Paige Rasid made a motion to accept application 20-010 and refer it to planning. Dan Fraro seconded. Brief discussion was held regarding the application. All members opposed, motion failed.

2. #20-011: Amy Eastman, 40 Hallie Lane, Somers, CT. Pursuant to Article XII Earth removal and filling, §214-70 Issuance of Special Use permit, applicant is seeking a Special Use Permit to undertake excavation, removal and filling of approximately 9,650 cubic yards and removal of that material to the abutting, conjoined parcel at 42 Hallie Lane.

Karl Walton made a motion to not accept application #20-011 Amy Eastman, 40 Hallie Lane. Dan Fraro seconded, all in favor, motion carried.

ADJOURNMENT: Dan Fraro made a motion to adjourn, Paige Rasid seconded, all in favor, meeting adjourned at 9:55pm.