

TOWN OF SOMERS - ZONING COMMISSION
SPECIAL MEETING MINUTES
TUESDAY, SEPTEMBER 1, 2020
6:30 PM – TELECONFERENCE

Enter Meeting ID: 850 1007 1046
Passcode: 754847

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

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

Carl Landolina advised the commission that it would be acceptable to open the public hearing on all three Eastman applications simultaneously.

Jill Conklin read the legal notice, and opened the public hearing.

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.
2. #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.
3. #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.

Attorney Dwight Merriam, 80 Latimer Lane, Simsbury, present to speak for the applicant. Attorney Merriam referred to the 17-page memorandum (exhibit A) submitted for the commission to review prior to the meeting. Attorney Merriam questioned the aerial photos on record; wanted to know who took the drone photos

and until that information is provided, he objects to it being submitted for the record. He does not object to the google earth photos.

Jay Ussery, J.R. Russo & Associates explained to the commission the depth of the Eastman's well, and the approximate distance to other wells. DEEP recommends a distance of 500 feet if blasting; there does not seem to be any wells within 500 feet.

Jay Ussery also explained an approximate bond about of \$97-98,000 which includes the cost of trucking in the topsoil, and soil and erosion control. Jay further explained the time line to complete the remaining phases of the project.

Discussions held.

Jay Ussery submitted a letter from Michael Talbot of O'Reily, Talbot and Okun (Exhibit B). Ashley Sullivan from O'Reilly, Talbot and Okun read the letter into the record.

Attorney Merriam addressed the commission further regarding application #20-010 to rezone a portion of 42 Hallie Lane, stating this is consistent with the Plan of Conservation and Development.

Attorney Merriam explained the applicant will not be blasting, rather they will remove the remaining ledge by hydraulic splitting, which would take approximately 75 working days. The moving of the material would take approximately 60 days, overlapping the 75 days of splitting. Lastly it would be approximately 30 days devoted to moving material on to the property.

Public comments:

Attorney Dory Famiglietti, Kahan Kerensky, Caposella representing Tom and Vicki Clark. Attorney Famiglietti explained concerns regarding the access driveway, the water quality impact (submitted copies of letters sent to residents by Steve Jacobs, Sanitarian. Exhibit C). Attorney Famiglietti further explained concerns about "spot zoning". In closing Attorney Famiglietti requested that should the commission move to approve this work, they be very careful to include restrictions to protect the neighboring properties; and consider fees to allow for monitoring compliance, including a schedule of inspections for staff to follow.

Tom Clark, 175 Mountain Road – spoke in opposition
Joseph Figlar, 159 Mountain Road – spoke in opposition

Jennifer Greiger, 24 Amie Lane – spoke in opposition, provided satellite photos (Exhibit D)

Sandy Olearcek, 47 Long Hill Drive – spoke in opposition

Patricia Banach, 104 Green Tree Lane – spoke in opposition

Ellen Smithline, 10 Hallie Lane – spoke in opposition

Donald Bridge, 238 Root Road – spoke in opposition

Kristin Curran, 9 Hallie Lane – spoke in opposition

Scott Soares, speaking for Carol Falkowski – opposed

Jennifer Roy read written correspondence for the record:

Jerry Tarbox, Hall Hill Road – opposed

Jason Bissaillon, Rosehaven Road - opposed

John and Amanda Vesce, 25 Long Hill Road - opposed

Attorney Landolina commented on the topic of settlements. Generally, the issue of settlement discussions are not intended to be evidence in any proceeding; therefore, they are not relevant to the commission member's decision making. Attorney Landolina also commented on "spot zoning"; that this is not necessarily the case.

Further discussions were held regarding the driveways, and interpretation of various sections of the zoning regulations.

Jill Conklin polled the commission members regarding closing or continuing the public hearing.

Paige Rasid made a motion to continue the public hearing to a special meeting on September 14, 2020 at 6:30 pm. Karl Walton seconded the motion, all in favor, motion carried.

OLD BUSINESS: Discussion/Possible Decision - TABLED TO September 14, 2020.

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

#20-010: Amy Eastman, 40-42 Hallie Lane, Somers, CT.

#20-011: Amy Eastman, 40-42 Hallie Lane, Somers, CT.

NEW BUSINESS:

Withdrawn #20-012: Sarah Christie, 124A Pearl Street, Enfield, CT. Application for proposed text amendment to Zoning Regulations sections 214-4 Definitions, adding Pet Grooming; and 214-98 Schedule of permitted uses, adding Pet

Grooming as a permitted use in the Business and Industrial Zones with a Special Use permit.

CORRESPONDENCE

Jill Conklin confirmed receipt of letter from Attorney John Parks regarding special use permit application for Union Agricultural Society. Ms. Conklin explained this application has been withdrawn previously so there is no discussion necessary. Ms. Conklin asked Jennifer Roy to be sure all commission member have received a copy of this.

MINUTES APPROVAL: August 3, 2020 and August 11, 2020

Paige Rasid made a motion to table the minute approval. Dan Fraro seconded, all in favor, motion carried.

ADJOURNMENT

Paige Rasid made a motion to adjourn at 9:50pm. Dan Fraro seconded, all in favor, motion carried.

Respectfully submitted,
Jennifer Roy

Not official until approved at subsequent meeting