

OCT 26 2020

TOWN OF SOMERS - ZONING COMMISSION
SPECIAL MEETING MINUTES
Monday, October 19, 2020
6:00 PM – Teleconference

Meeting ID: 812 5542 7729 Passcode: 840300

CALL TO ORDER meeting was called to order at 6:05pm

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

Absent: Lucas Cherry, and alternate Bill Shapiro.

PUBLIC HEARING cont'd from October 5, 2020:

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, representing Amy Eastman, addressed the commission. Attorney Merriam requested to ask a series of questions of William Warzecha (Exhibit A). Upon questioning, Attorney Merriam commented to the commission that Mr. Warzecha has not performed a site visit.

Attorney Carl Landolina stated letter from William Warzecha dated 10/2/2020 (Exhibit B) is entered for the record, and should be part of the commission's deliberations. Discussion was held.

Attorney Merriam presented a follow up letters/reports from O'Reilly Talbot and Okun dated 10/15/2020 and 10/16/2020 (Exhibit C). Mike Talbot, from O'Reilly Talbot and Okun discussed the details of his letter. Mr. Talbot discussed blasting, vibrations, and peak particle velocity(PPV). Mr. Talbot believes the PPV that was observed when the blasting took place, according to Baystate Blasting's report, was 0.3 inch per second. This is below the standard.

Attorney Merriam suggested that a condition of approval be that the contractor monitor the PPV at the perimeter of the site nearest to the closest well and will order work to stop if the PPV exceeds 1 inch per second.

Attorney Landolina asked Mr. Talbot to explain the impact of fracturing. Mr. Talbot explained the impact is much less than that of blasting. Typically, there are no concerns of vibrations from fracturing. Attorney Landolina also asked if Mr. Talbot believes the blasting causes damage vertically and horizontally? Mr. Talbot explained fly rock is typical, and most energy goes vertical. Mr. Talbot feels the data on record from Baystate Blasting is the best information.

Alternate Zoning Commission member Bill Shapiro joined the meeting at 6:30 pm.

Jay Ussery explained the grading plan. Discussion was held regarding some of Lenard's recommendations, and what testing would need to be done to meet those recommendations.

Mark Temple of Lenard Engineering Inc. gave an overview of his experience in hydrogeology and explained some key points of his report. Mr. Temple performed a site visit on October 1, 2020 along with Jay Ussery and Mike Talbot. Mr. Temple was also provided materials and data from Mr. Ussery and Mr. Talbot. (LEI report, Exhibit C)

Mr. Temple's report presentation continued explaining the type of rock present on the site, along with uranium and radon also present. Mr. Talbot agreed with Mr. Talbot's report that the blasting could not have caused damage to area wells. Mr. Temple further explained that well casings may have sediment which if the ground shakes, the sediment can get into the well itself.

Mr. Temple sees no problem with the fracturing method. His only concern would be what type of grease is used for the equipment used to drill the holes in the rock. There would be a potential for contamination if there is hydrocarbon. He also suggested the standing water in some areas be addressed by sloping the surface in these areas.

Mr. Temple further suggests a pre-blast survey, consider testing wells within 750 feet, at least 5, in different directions, and be sure to test for uranium.

Steve Jacobs, Town of Somers Sanitarian explained the testing that has been done in the past of at least 12 wells in the area. The test results are similar in this area, as in other "hot spots" in Somers. Mr. Jacobs explained that more than one round of testing must be done for more accurate results.

Mr. Jacobs suggested more wells be tested, for less constituents. He would suggest just uranium and radon. He also concurs with the Lenard Engineering Inc. report. He further explained that he has personally used the method of fracturing on his own personal property. Discussion was held.

Further discussion was held regarding well testing, past, present and future. Also discussed was seasonal effects on water including droughts.

Bill Warzecha spoke regarding his letter to resident Sandy Olearcek. He feels the commission should take the well testing very seriously. Mr. Warzecha comment on acid rain drainage when the water sits on the bedrock. Also, consider the source of top soil being used, as it may be contaminated with pesticides. Discussion was held.

Jill Conklin opened the floor to the public.

Sandy Olearcek, 47 Long Hill Drive, Somers. Spoke in opposition and expressed concerns. Ms. Olearcek is willing to have her well tested.

Jennifer Grieger, 24 Amie Lane, Somers. Spoke in opposition and expressed concerns.

Joseph Figlar, 159 Mountain Road, Somers. Spoke in opposition and expressed concerns. Mr. Figlar is also willing to have his well tested as part of the process; in addition to having Mr. Jacobs test his well for starting point.

Steve Jacobs advised that any resident who wished to have their well tested should reach out to him with by phone (860)763-8216 or email: sjacobs@somersct.gov.

Tom Clark, 175 Mountain Road, Somers. Spoke in opposition and expressed concerns.

Vicki Clark, 175 Mountain Road, Somers. Spoke in opposition and expressed concerns.

Carl Landolina asked the engineers if any of them have any other information they feel is critical for the commission to have.

Mr. Warzecha – rock screening and reduce the number of wells tested, and test for uranium and radon.

Mr. Temple – spoke about uranium and radon being present; but unknown levels prior to blasting.

Attorney Merriam address the commission, stating Mr. Warzecha is not a Professional Engineer, reports state no ARD appears to be present, and that allegations of prior activity are irrelevant to this application.

Discussion was held with the commission members asking some final questions of the experts.

Karl Walton made a motion to close the public hearing on applications 20-009, 20-010, and 20-011 for Amy Eastman, 40-42 Hallie Lane, Somers. Dan Fraro seconded, all in favor, hearing closed 9:24pm.

ADJOURNMENT

Karl Walton made a motion to adjourn, Paige Rasid seconded. All in favor, meeting adjourned at 9:24pm.

Respectfully submitted,
Jennifer Roy

Not official until approved at subsequent meeting