

TOWN OF SOMERS - ZONING COMMISSION
MEETING MINUTES
MONDAY, DECEMBER 7, 2020
6:30 PM – TELECONFERENCE

RECEIVED
TOWN CLERK'S OFFICE

DEC 09 2020

CALL TO ORDER - 6:31 pm Members present: Jill Conklin, Dan Fraro, Lucas Cherry, Paige Rasid, and Bill Shapiro. Absent: Karl Walton
Also present: Jennifer Roy, Staff Liaison, and Carl Walton Town Attorney

Jill Conklin seated Bill Shapiro for Commission member Karl Walton.

OLD BUSINESS: Discussion/Possible Decision

1. #20-009: Amy Eastman, 40 Hallie Lane, Somers, CT.
2. #20-010: Amy Eastman, 40 Hallie Lane, Somers, CT.
3. #20-011: Amy Eastman, 40 Hallie Lane, Somers, CT.

Attorney Landolina reminded the commission of the previous discussion/vote on application #20-010 and suggested the commission discuss and decide on application #20-010 for the zone change first. The outcome come of this application plays a key role in the other two applications.

Additionally, Attorney Landolina asked Bill Shapiro to confirm that he had been present and/or reviewed all the public hearings/documents related to this application. Bill Shapiro confirmed he has been present and/or reviewed all the videos and documents.

Jennifer Roy shared the map of the site plan showing zone change for the 5.45 acres. Discussions were held.

Dan Fraro made a motion to approve #20-010 Amy Eastman, 40 Hallie Lane, for a zone change for a portion of the property, from "A" zone to "A-1" zone as shown on the map dated 7/20/2020 as this is consistent with the Somers POCD, Lucas Cherry seconded. Commissioners Fraro, Cherry, Conklin and Shapiro: Yes. Commissioner Rasid: No. Motion carries 4-1.

Discussion was held regarding the remaining two applications #20-009 and #20-011 for Amy Eastman.

Attorney Landolina referred to a draft proposed conditions of approval that was sent to the commission members prior to the meeting. This is merely a guide for the commission to discuss possible conditions should they choose to approve the applications.

The commission discussed what would be reasonable hours of operation. It was agreed that 8am-4pm Monday-Friday would be fair.

Discussions were also held regarding the recommendations from Lenard Engineering and Town Sanitarian, Steve Jacobs; for well testing. Attorney Landolina reminded the commission what was recommended by Lenard, and by Mr. Jacobs.

Jill Conklin made a motion to approve application #20-009 Amy Eastman, 40 Hallie Lane, for the issuance of 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 with the following conditions:

1. Work shall be permitted Monday – Friday from 8:00 a.m. to 4:00 p.m. There shall be no work on weekends or state holidays. Work shall include all activities related to this approval including, but not limited to, drilling and fracturing of rock, transportation of rock or any material to, from or around the site, movement of equipment or trucks into, out of, or around the site.
2. All heavy equipment including drilling rigs, material for drilling, trucks, dozers, etc. shall enter from Mountain Road through the easement to the rear of the Eastman property. Once on the property this equipment will remain on-site until it is no longer needed. All heavy equipment shall exit by the same means. All top soil and other “cover materials” shall also enter from the Mountain Road easement.
3. All drinking water from private wells within a 750-foot radius of the previously blasted outcrop areas and area approved by this permit shall be tested prior to the commencement of work and again on the following schedule: 60 days, 180 days, and lastly 365 days after completion. The Applicant shall test for contaminants as set forth in the DEEP 2019 Blasting Guidance Document and including PH levels as set forth in recommendation #1 in a letter from Lenard Engineering, Inc. dated October 18, 2020. In addition, the applicant shall test all drinking water from private wells located between 751 – 1200foot radius for Radon and Uranium only, and the PH levels as recommended by Steve Jacobs, Town Sanitarian, following the same schedule of testing. Applicant will seek the permission of the homeowner to enter upon the property. If any homeowner does not give such consent, the Applicant’s obligation to test the well will be negated. Applicant shall provide results of testing to the Town with copies to homeowners. Lenard Letter Attached
4. Applicant shall provide MSDS sheet, along with a letter of certification, for the “splitting tool grease” used at the site which grease shall not contain any petroleum products.

5. Applicant shall provide detailed bedrock grading plan and otherwise comply with recommendation #3 in Lenard's letter of October 18, 2020, grading plan to be approved by town staff prior to commencement of work.
6. Applicant shall comply with recommendation #4 in the Lenard letter dated October 18, 2020.
7. Applicant shall provide a bond to the Town as set forth in Section 214-72 of the Zoning Regulations. Applicant shall provide estimate to the to Town for review and approval prior to commencement of any work. Bond shall include cost of "cover materials" and topsoil as shown on the final grading plan.
8. Prior to commencing any work Applicant shall deposit the sum of \$10,000 in escrow with the Town towards the payment of Lenard Engineering's consultant fees. Any excess funds shall be returned to Applicant

Lucas Cherry seconded the motion. All in favor, motion carries.

Dan Fraro made a motion to approve #20-011: Amy Eastman, 40 Hallie Lane, for 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; with the same conditions as application #20-009. Lucas Cherry seconded the motion. All in favor, motion carries.

II. MINUTES APPROVAL: November 9th and November 16th, 2020 meetings

Dan Fraro made a motion to approve the November 9th minutes as written. Paige Rasid seconded, all in favor, motion carries. Dan Fraro made a motion to approve he November 16th minutes as written. Lucas Cherry seconded, all in favor, motion carries.

Discussion was held regarding meeting with Glenn Chalder to discuss final draft of Zoning regulations prior to scheduling a public hearing in January. All commission members agreed to a special meeting, next Tuesday, December 15, 2020 at 6:00 pm.

- III. ADJOURNMENT Paige Rasid made a motion to adjourn, Lucas Cherry seconded, all in favor, meeting adjourned 8:39pm.

Respectfully submitted,
Jennifer Roy

Not official until approved at subsequent meeting