

**TOWN OF SOMERS - ZONING COMMISSION**  
**SPECIAL MEETING MINUTES**  
**MONDAY, December 13, 2021, 6:00 PM**



CALL TO ORDER at 6:03pm Members present: Jill Conklin, Karl Walton, Dan Fraro and Paige Rasid. Absent: Lucas Cherry  
Also present Jennifer Roy, Staff Liaison

PUBLIC HEARING (cont'd from 10/18/2021):

Application #21-002 Applicant: Mark and Karen Murdoch d/b/a Worthington Vineyards LLC, Owner: Somers Mountain Properties LLC, 359 Mountain Road, Somers; seeking a Special Use Permit for a Farm Vineyard and Winery pursuant to Section 6.12 of the Somers Zoning Regulations to allow the operation of a tasting room and sale of wine for consumption on and off premises.

Jill Conklin read the agenda and legal notice for the record. Public hearing opened at 6:07pm.

Mark Murdoch addressed the commission, stated they have obtained the traffic study and revised site plan as requested by the commission and town staff.

Mr. Murdoch presented a letter from the State of Connecticut, Dept. of Consumer Protection, Liquor Control Commission, a letter denying the appeal of the Worthington Vineyards Liquor Permit approval. Exhibit L.

Jay Ussery, of J.R. Russo & Associates presented revised site plans to the commission. Mr. Ussery explained each page; describing the property. Mr. Ussery pointed out sugar bushes and hay fields that have been used over the years on the property, and which the Murdoch's are still utilizing.

Mr. Ussery further explained the existing conditions plan, as well as the future site plan. The tent size has been reduced. The future planned winery building and permanent tasting room was shown and discussed, as well as future areas for vineyard/grape vine locations.

Discussion followed. Also discussed where parking and tent size. Jennifer Roy presented the commission with an email and tent manual/specification booklet, received from Karen Murdoch for proposed tent. Exhibit M.

Further discussions were held regarding composting, waste tank location, and disposal of waste.

Collene Byrne, Project Manager for Solli Engineering, present to discuss traffic study. Traffic Impact Assessment Exhibit N.

Attorney George Schober, representing Ken Prior, addressed the commission. Attorney Schober asked permission to direct questions to the applicant and their representatives.

Attorney Schober questioned Mr. Ussery regarding the number of parking spaces shown, and each building they will serve. Discussion continued regarding driveways, parking, and various structures on the property and restroom facilities.

Attorney Schober asks Ms. Byrne several questions regarding her certifications. Ms. Byrne explained she is a Certified Road Safety Professional, Level 2. Attorney Schober asked further questions regarding the traffic study, what structures were included in the capacity calculations. Ms. Byrne states the warming house capacity was used for her calculations. The tent was not included as it is a “seasonal tent”.

Further discussions here held regarding sight lines, speed, and accident data.

Ken Prior, 364 Mountain Road, Somers addressed the commission. Mr. Prior explained how he measured the sight line distances on the road from the Worthington driveway. Mr. Prior further explained about 2 accidents he is aware of in the past 2 years. Mr. Prior is also concerned with traffic utilizing his property to turn around as they miss the Worthington driveway, he suggests signs be installed ahead of the entrance to help alleviate this.

Attorney Schober mentioned lack of a lighting plan being submitted with this application. The current lighting is overflowing onto his client’s property, against zoning regulations. Five photos are submitted reflecting this. Exhibit O.

Mike Schober, 98 Rocky Dundee, Somers, also representing Prior; provides comments and comparison to zoning regulation Section 7 for site plan and special use permits. Mr. Schober believes based on this section, the application should be denied.

Discussions continued regarding the site plan, including what was reviewed by applicants Engineer and Somers Zoning Enforcement Officer, and what was waived.

Jennifer Roy, Zoning Enforcement Officer presented for the record, email correspondence with Jay Ussery and the Murdoch’s, along with a site plan checklist, summarizing what she felt did not need to be included on the site plan due to no development being performed; per section 9.4 B (2). Exhibit P.

Discussions continued with Attorney Schober, Ms. Byrne and Mr. Prior, about accident data.

Mike Schober presented further statements/summary of his opinion of deficiencies in the application compared to Zoning Regulation requirements. A document titled Opinion title: Memorandum of Decision, Worthington Pond Farm LLC v Town of Somers Zoning Commission, dated July 7, 2006; denying the use of a tent at this site, was submitted for the record. Exhibit Q.

Attorney Schober presented documents for the record, related to the Zoning Regulations revision. 4/8/2021 Zoning Commission meeting minutes, and drafts of 2/2/2021 proposed regulations, 3/16/2021 proposed regulations, and December 2019 proposed regulations. Exhibit R.

Attorney Schober read some points/notes he wished to share with the commission, and submits a copy for the record, referring to the statement as “George T. Schober Law Firm – legal notes”. Exhibit S.

Attorney Schober asked a series of questions, addressing Mr. Ussery and the Murdoch’s, regarding use of the property, deliveries, waste disposal and more.

Ken Prior addressed the commission expressing concern about sheet run off, drainage problems.

Attorney Schober presented several documents/maps for the record, as follows:

Notice of Violation from the Somers ZEO to the Murdoch’s dated 12/7/2021; Exhibit T.

D. Roulier, Special Use Permit dated 12/4/2000; Exhibit U.

CT Dept. of Public Health brochure regarding water, 2018 revision; Exhibit V.

Town of Somers Driveway Ordinance, Chapter 104; Exhibit W.

CT Dept. of Transportation Highway design, sight distance chart pg 7-11; Exhibit X.

Somers Zoning Commission 6/28/2004 meeting minutes; Exhibit Y.

Benesch map prepared for Town of Somers, Mountain Rd reconstruction, sheet 54, marked distances by Ken Prior; Exhibit Z.

Benesch map prepared for Town of Somers, Mountain Rd reconstruction, sheet 53, marked distances by Ken Prior; Exhibit AA.

Benesch map prepared for Town of Somers, Mountain Rd reconstruction, sheet 52, marked distances by Ken Prior; Exhibit BB.

Benesch map prepared for Town of Somers, Mountain Rd reconstruction, sheet 43, marked distances by Ken Prior; Exhibit CC.

Town of Somers GIS map showing topography for a section of Mountain Rd; Exhibit DD.

Journal Inquirer article about road salt and wells in Manchester dated 9/9/2021; Exhibit EE.

Mark Murdoch email to Jennifer Roy, ZEO, dated 6/22/2021; Exhibit FF.

Copies of two photos of Mountain Road; Exhibit GG.

Town of Somers Plan of Conservation and Development welcome letter dated June 2015 from Planning Commission; Exhibit HH.

Series of emails between Town of Somers Staff regarding Mountain Road; Exhibit II.

Article titled “Hope Springs eternal for Somers Vineyard”; Exhibit JJ.

Town of East Granby Planning and Zoning 3/10/2020 meeting minutes; Exhibit KK.

Journal Inquirer article regarding Coventry wintery, dated 9/14/2021; Exhibit LL.

Town of Somers Assessor’s 359 Mountain Road property card; Exhibit MM.

State of CT, Dept. Public Health, water screening form, dated 9/3/2021; Exhibit NN.

Town of Somers, Bd. Of Selectmen 9/17/2020 meeting minutes; Exhibit OO.

Journal Inquirer article regarding Somers Zoning Commission/regulations revision and wineries, dated 3/4/2021; Exhibit PP.

Letter from the late Attorney Harold Cummings to Dr. Segol, former Somers Dir. Of Health, dated 10/13/2004; Exhibit QQ.

Email correspondence between Ken Prior and Jennifer Roy, ZEO, January 2021; Exhibit RR.

Email correspondence between Ken Prior and Jennifer Roy, ZEO, April 2020; Exhibit SS.

Application to the ST of CT for Manufacturer of Wine for Worthington; Exhibit TT.

Document titled “Defendant’s Brief; Worthington Pond Farm LLC v. Somers Zoning Commission, dated 2/17/2005; Exhibit 2/17/2005; Exhibit UU.

Document titled “Intervening Defendants’ Brief in Opposition to Plaintiff’s complaint”, dated 2/21/2005; Exhibit VV.

Email from Attorney Sean Clark, regarding documentation for revised application for the Murdoch’s, documenting property owner, dated 11/23/2021; Exhibit WW.

Statement from Attorney Schober, “summary of non-compliance with regulations, Worthington Pond Winery” dated 12/13/2021; Exhibit XX.

Jennifer Roy, ZEO, read written correspondence received:

Kenneth Coelho, 605 Stafford Road, Somers – Opposed

Casimir & Melissa Kruzal, 43 Brookford Drive, Somers – in favor

Beth Frechette, Chair, Economic Dev. Committee – in favor

Michelle Hoyt, former Somers resident – in favor

Victoria Clark, CCR & Select Homes, Somers – in favor

Kevin & Nancy Boudreau, 71 Franklin Woods Dr – in favor

Bob Garlick, 52 Juniper Hill Dr – in favor

Jennifer Phillips, 17 Gulf Rd – in favor

Attorney Sean Clark, representing Mark and Karen Murdoch, addressed the commission in closing. Attorney Clark feels the Murdoch's have provided all the requested information, demonstrating they meet the requirements of the long vetted revised Zoning Regulations. Discussions followed among commission members, and Attorneys Clark and Schober.

Mark Murdoch added, they have reviewed the water usage as Paige Rasid expressed concerns earlier in the proceedings. A review of the usage indicated they will not use any more water than a single family dwelling with approximately 3 household members.

Brief discussion held among commission members.

Karl Walton made a motion to close the public hearing. Dan Fraro seconded, all in favor, motion carried. Public hearing closed at 9:35pm.

#### DISCUSSION/POSSIBLE DECISION

Application #21-002 Applicant: Mark and Karen Murdoch d/b/a Worthington Vineyards LLC, Owner: Somers Mountain Properties LLC, 359 Mountain Road, Somers; seeking a Special Use Permit for a Farm Vineyard and Winery pursuant to Section 6.12 of the Somers Zoning Regulations to allow the operation of a tasting room and sale of wine for consumption on and off premises.

Paige Rasid made a motion to table discussion/possible decision for application #21-002 Mark and Karen Murdoch. Karl Walton seconded, all in favor, motion carried.

ADJOURNMENT: Karl Walton made a motion to adjourn, Dan Fraro seconded, all in favor, meeting adjourned at 9:36pm.

Respectfully submitted,  
Jennifer Roy, CZEO

**\*\*MINUTES ARE NOT OFFICIAL UNTIL APPROVED A SUBSEQUENT MEETING\*\***