

TOWN OF SOMERS
ZONING BOARD OF APPEALS
REGULAR MEETING
AUGUST 12, 2025
6:30 P.M.

HELD IN TOWN HALL LOWER CONERENCE ROOM

MINUTES

(NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING)

Call to order at 6:30 p.m.

Chairman Dean Hills began the meeting by welcoming Tara Moody, whom the selectmen recently appointed as an alternate on the board.

ROLL CALL

Present: Chairman Hills; Vice Chairman Andy Rockett; members Shawn Curtis, Doug Stebbins, and Ralph Williams; and alternate Tara Moody.

Absent: Alternate BJ Ferro.

Also in attendance was Zoning Enforcement Officer Jennifer Roy.

PUBLIC HEARINGS

ZBA25-001 — Nicholas Turnberg, 183 King Road, Somers, appeal of cease-and-desist order issued by the zoning enforcement officer, for commercial operation/vehicles and earthwork.

Attorney Robert Cane, representing the appellant, requested a continuance because his associate, Derek Donnelly, who has been Mr. Turnberg's principal attorney, is vacationing outside the country.

A motion to continue the hearing was made by Mr. Rockett and seconded by Mr. Williams. After some discussion, the board members voted unanimously against a continuance. However, the members unanimously agreed, on a motion made by Mr. Curtis and seconded by Mr. Stebbins, to move the appeal to the end of the evening's agenda to give Attorney Cane time to prepare his presentation.

ZBA25-003 — Frank Poirer, 9 Robert Street, Somers, appeal of notice of violation from the ZEO regarding vehicle classification per Section 214-3.3B of the Somers Zoning Regulations.

Chairman Hills recused himself from the hearing due to a personal relationship with the appellant and asked Mr. Rockett to preside over the proceedings on this matter. He also designated Mrs. Moody to participate in the deliberations on this appeal.



Frank Poirer told the board that he does not use the truck, which is parked in his home's driveway, for commercial use and has it registered with the Department of Motor Vehicles with a "classic," rather than commercial license plate. He also complained that other such vehicles are parked on residential properties around town without being subject to complaint and that the only reason he was before the board was because a neighbor had objected. He said he bought the truck to use for such purposes as towing parade floats for the American Legion.

Ms. Roy acknowledged having acted due to a complaint but observed that the truck's size and weight made it subject to the town's zoning regulations and said that those regulations aren't dependent on the nature of DMV registration.

A nearby homeowner, Yvonne Howe of 30 Maple Ridge Drive, told the board she had no objection to the truck's presence.

A motion to close the hearing was made by Mr. Williams and seconded by Mr. Stebbins. The participating members voted unanimously in favor. A motion to support the appeal was then made by Mr. Williams and seconded by Mr. Stebbins. After some discussion, the motion was opposed by Messrs. Rockett and Williams and Mrs. Moody, while Messrs. Curtis and Stebbins abstained. Consequently, the appeal was refused.

Chairman Hills resumed the chair for the remainder of the evening's meeting, with the five full board members present deliberating over the remaining applications.

ZBA25-004 — Christopher Jez, 15 La Cabana Road, Somers, requesting a variance from Section 214-3.4 minimum side yard setback of 25 feet, to allow construction of a detached garage 15 feet from the side property line in the A-1 residential zone.

Christopher Jez explained that the property sits on a hilltop without sufficient level land to site a garage farther from the property line. Ms. Roy confirmed that the topography poses a significant hardship in terms of zoning compliance.

Christopher Bores of 8 Little Sorrel Lane, owner of the abutting property at 110 Mountain View Road, spoke in favor of the request and said that the garage's siting would not adversely impact any plans he has for his own land.

A motion by Mr. Curtis and seconded by Mr. Stebbins to close the hearing was approved unanimously. Mr. Curtis then made a motion, seconded by Mr. Stebbins, to grant the variance. The board voted unanimously to grant the variance.

ZBA25-001 — Nicholas Turnberg, 183 King Road, Somers, appeal of cease-and-desist order issued by the zoning enforcement officer, for commercial operation/vehicles and earthwork.

Attorney Case argued that Mr. Turnberg's operations on the site that were cited by Ms. Roy were entirely forestry and thus an agricultural use protected as of right under both the Connecticut General Statutes and the Somers Zoning Regulations. He argued that any earthwork on the property involved less than 1,000 cubic yards and was carried out only to provide a gravel-covered area to park farm vehicles. He acknowledged, however, under questioning by the board that some of the logs being processed have been brought from other locations.

Ms. Roy began by saying that she had not discussed agricultural uses, but commercial operations in an A-1 residential zone. She presented aerial photos indicating that the earthwork on the property has steadily expanded and involves far more than 1,000 cubic yards. She also offered photos of the vehicles in use on the land, several of which are large machines often used for land clearance and road work and said that they could not be considered farm vehicles. She also observed that the town's regulations allow outdoor storage of commercial vehicles only if the Zoning Commission grants a special use permit.

Two owners of an abutting property, David and Janice Gaskell of 200 Watchaug Road, spoke against the appeal. They said Mr. Gaskell's operations have created a 20-foot-tall, 100-yard-long barrier of mulch and tree waste along their property line that pose an environmental and health nuisance, and they complained about the noise and fumes from what they said have been daylong commercial work on Mr. Turnberg's land.

A motion to close the hearing, made by Mr. Rockett and seconded by Mr. Stebbins, was approved unanimously. Mr. Williams then made a motion, seconded by Mr. Curtis, to grant the appeal. After some discussion, the five board members present voted unanimously against granting the appeal.

MINUTES

A motion to approve the minutes of the board's June 10, 2025 meeting was made by Mr. Williams and seconded by Mr. Stebbins. The board voted unanimously in favor.

ADJOURNMENT

A motion to adjourn, made by Mr. Curtis and seconded by Mr. Stebbins, was approved unanimously. Chairman Hills declared the meeting adjourned at 8:12 p.m.

Respectfully submitted by Ralph Williams, secretary.