

**TOWN OF SOMERS
ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
June 12, 2007**

1. Call to Order: Chairman Torres called the meeting to order at 7:40 P.M.

11. Members Present: John Torres, Robert Minch, Barbara Flebotte, Daniel Scully, Jerry Young, Edward Mack
Absent: B.J. Ferro III

Public Hearing was called to order by Chairman Torres at 7:41 P.M.

111. Public Hearing

1. 1. Thomas C. Sheehan

Secretary, Mr. Scully read the legal notice. Thomas C. Sheehan of 30 Avery Road, Somers, CT is seeking a variance from Somers Code 214-98 requirement of 25 feet for side yard and rear yard setback in order to allow for location of a storage shed and gazebo on his property at 30 Avery Road, Somers, CT. The shed in question has been on the property for three years. The gazebo was placed on an existing basketball cement platform roughly a year ago. It wasn't until an inspector was over that he was informed that a variance was needed for the two above mentioned structures.

Mr. Sheehan presented the Commission two letters; one from Mr. Steven J. Hurchala of 24 Bradford Lane, Somers, CT and a second from Mr. and Mrs. Colin Kendrick of 24 Avery Road Somers, CT. These abutters expressed in their letters that they had no objection with Mr. Sheehan's request.

2. 2. Michael Campion

Secretary, Mr. Scully read the legal notice. Michael Campion of 81 Hall Hill Road, Somers, CT is seeking a variance from Somers Code 214-98 requirement of 25 feet for side yard setback in order to allow for the location of a storage shed on his property at 81 Hall Hill Road, Somers CT. Mr. Campion stated that someone called in regards to his shed and until he was contacted by the town, he was unaware of the need for a variance.

Due to the septic and leach field location as well as an excessive water table, the current location is the only possible placement for the shed. Even now, the shed is elevated on cement footings to deter water damage to its base.

Mr. Jim O'Donnell, an abutter, stated that he had no objection with Mr. Campion's request.

3. 3. Dan Roulier and Associates

Secretary, Mr. Scully read the legal notice. Dan Roulier and Associates, Inc. of 11 South Road P.O. Box 823, Somers, CT. is seeking a variance from Somers Code Section 214-9 and 214-98 requirement of 35 feet for maximum primary building height to allow for a proposed family home for Hemant and Harshi Panchal at 86/92 Highland View Drive Somers, CT. Rick Grainger presented to the Commission schematics which illustrated the amount of the home that would be above the 35 foot height requirement. Essentially it would be the center section of the roofline. There had already been pitch changes made to the roof in order to meet the town regulations, but to change the pitch of the roof further would make the roof more“flat”.

Maria Hollister of 99 Highland Road Somers, CT was in the audience and wished to view the schematics that were presented.

After all discussion, motion made by Commissioner Mack; seconded by Commissioner Minch and unanimously approved to cease discussion and adjourn the public hearing.

Public Hearing closed at 8:13 p.m.

IV. Regular Meeting

The regular meeting continued at 8:14 P.M.

V. Minutes Approval – May 8, 2007

Corrections – May 8, 2007 – Bottom of Page 3 second to last paragraph – “convalescent” home to be replaced with “convalescent” home.

Motion made by Commissioner Scully, seconded by Commissioner Mack to approve the ZBA May 8, 2007 minutes with above noted correction. Motion approved unanimously.

VI. Public Hearing Discussion

1. 1. Thomas Sheehan

After much discussion, motion made by Commissioner Scully; seconded by Commissioner Flebotte and unanimously voted to cease discussion and vote.

The Commission voted unanimously to grant a variance from Somers Code 214-98 for a 13 foot side-yard set-back and a 13 foot rear yard set-back variance for a storage shed and gazebo at 20 Avery Road

Somers, CT

2. 2. Michael Campion

After much discussion, motion made by Commissioner Minch; seconded by Commissioner Flebotte and unanimously voted to cease discussion and vote.

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The Commission voted unanimously to grant a variance from Somers Code 214-98 for a 14 foot side yard setback for a storage shed at 81 Hall Hill Road, Somers, CT.

3. 3. Dan Roulier and Associates, Inc.

The Commission discussed how long the new regulation for a home's height requirement had been in effect; meaning how long had there been a change from the initial 30 foot height requirement to the new 35 foot height requirement. There was also discussion about the architectural hardship being the only hardship connected with this request for variance.

After much discussion, motion made by Commissioner Mack; seconded by Commissioner Scully and unanimously voted to cease discussion and vote.

The Commission denied Mr. Dan Roulier and Associates, Inc. request by a vote of 4 to 1. Commissioners Flebotte, Mack, Minch, and Scully to deny the appeal; Commissioner Torres voted in favor of the appeal.

4. 4. Marie Therese Demers

Note: Alternate member Jerry Young sat in for Commissioner Scully for this case. Mr. Young was present during the hearing phase for the appeal and Commissioner Scully was absent.

Commissioner Torres distributed an email letter from Attorney Richard S. Conti dated June 1, 2007; subject "Town of Somers-ZBA Representation." – Please see attached.

The Commission completed their review and discussion concerning the cease and desist appeal of Marie Therese Demers of 129 Springfield Road, Somers, CT.

After much discussion, motion made by Commissioner Minch; seconded by Commissioner Mack and unanimously voted to cease discussion and vote.

The Commission voted unanimously that while there was no time limit, there was a lengthy duration of continued practice at the above mentioned location and with that knowledge and approval of the acting

Zoning officer the situation had gone on too long. Due to this lengthy time frame, the ZBA Commission voted not to support the cease and desist.

VII. Old Business:

None

VIII. New Business:

None

IX. Correspondence:

Commissioner Torres mentioned that he had received a correspondence from the Somers Treasurer but he had not had time to it completely. He would discuss with the Commission at a future meeting.

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X. Bills:

Motion made by Commissioner Mack; seconded by Commissioner Scully to pay all ZBA bills including the Journal Inquirer in the sum of \$362.02. Motion approved unanimously.

XI. Adjournment:

Motion made by Commissioner Flebotte; second by Commissioner Scully to adjourn the meeting. Motion approved unanimously. The meeting stood adjourned at 9:01 P.M.

Respectfully Submitted,

Jennifer D. Boudreau
Recording Secretary

