

**TOWN OF SOMERS  
ZONING BOARD OF APPEALS  
REGULAR MEETING MINUTES  
December 11, 2007**

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

***II. Members Present:*** John Torres, Robert Minch, Barbara Flebotte, Jerry Young (seated for Daniel Scully), and B.J. Ferro III

*Absent:* Daniel Scully and Edward Mack Sr.

Public Hearing was called to order by Chairman Torres at 7:40 P.M.

***III. Public Hearing***

**1. Robert Sanville**

Legal notice was read: Robert Sanville of 97 Webster Road, Ellington, CT. is seeking a variance from Somers Code 214-84 requirement concerning flood plain areas in order to subdivide a 5-plus acre parcel located at 233 Mountain Road, Somers into two proposed building lots, creating a non-conforming use.

Applicant was not present.

**2. Joseph and Mary K. Kane**

Legal Notice was read: Joseph and Mary K. Kane of 210 Wrights Brook Dr., Somers, CT are seeking a variance from Somers Code Section 214-98 requirement of 40 feet for rear yard setback in order to allow for location of a proposed rear deck addition to their home at 210 Wrights Brook Dr., Somers.

This property abuts the prison property and Chairman Toress noticed that they had not been informed via a letter of the impending December 11, 2007 public hearing. He contacted the Town Hall and they then informed the appropriate individuals at the prison. No representatives from the establishment were present at the time of the meeting and no correspondence was sent as well in regards to this application.

There is approximately 26 feet from the edge of the proposed deck to the property line. The Commission agreed that the variance was fairly straight forward. There is a buffer between the Kane property and the state's property.

### **3. John and Kim Russell**

Legal Notice was read: John and Kim Russell of 7 Pleasant View Drive., Somers, CT are seeking a variance from Somers Code Section 214-98 requirement of 25 feet for side yard in order to allow for the location of a proposed underground 500 gallon propane storage tank at their home at 7 Pleasant View Drive, Somers.

Currently this property has three 100 gallon above ground tanks on a corner lot. They now have a 500 gallon below the ground tank approximately 4X11 in size. When the property owners contracted with the builder in October of 2007, it was their understanding that he went to Town Hall and followed the outlines required in order to place the tank where it currently sits. They were aware of the need to have it so many feet from the house in addition to so many feet from the well. When they did not hear anything for more than three weeks, in regards to the tank's location, they paid the contractor. It was that same day that the town planner, Patrice Carson contacted the applicants and informed them that they were not in compliance with the current regulations and would need a variance for the tank location.

The applicants presented a letter from the abutters who support the location of the tank.

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

Public Hearing closed at 8:02 P.M

### ***IV. Regular Meeting***

The regular meeting continued at 8:03 P.M.

### ***V. Minutes Approval – November 13, 2007***

***Correction:*** The Commission stated that with the new State Regulations, and how Wetlands are now identified, there needs to be at least 40,000 (contiguous) square feet of buildable area for there to be a “legal lot”. To be replaced with “The Commission stated that with the current zoning regulations for the town of Somers, and how wetlands are now identified,,,”

*Motion made by Commissioner Minch; seconded by Commissioner Flebotte, to approve the ZBA November 13, 2007 minutes as amended. Motion approved unanimously.*

### ***VI. Public Hearing Discussion/Decision***

#### **1. Joseph and Mary K. Kane**

After some discussion motion made by Commissioner Ferro; seconded by Commissioner Young and unanimously voted to cease discussion and vote.

*The Commission voted unanimously to approve a 14 foot set-back variance to allow for the location of a proposed rear deck addition to their home at 210 Wrights Brook Dr., Somers.*

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## **2. John and Kim Russell**

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

*The Commission voted unanimously to approve a 10 foot variance for side-yard set-back in order to allow for the location of a proposed underground 500 gallon propane storage tank at their home at 7 Pleasant View Drive, Somers.*

### **VII. Old Business:**

Commissioner Young brought it to the Commission's attention that the free-standing sign located at 403 Main Street, Somers CT, which should have been removed by Mr. and Mrs. Michael Judith by November 27, 2007, was still located on the subject's property. Commissioner Torres stated that he would take the appropriate actions and would contact the Somers Zoning Enforcement Officer.

### **VIII. New Business:**

The Commission reviewed the proposed ZBA Meeting Schedule for the Fiscal year 2008.

*Motion made by Commissioner Minch; seconded by Commissioner Young and unanimously voted to accept the ZBA meeting schedule for 2008 as presented.*

### **IX. Correspondence:**

Commissioner Torres distributed a Memorandum dated November 8, 2007 from Ann Logan in regards to the Regular Meeting Date Schedule for 2008 for the Commission's review.

### **X. Bills:**

*Motion made by Commissioner Flebotte; seconded by Commissioner Ferro to pay all ZBA bills including the Journal Inquirer in the amount of \$558.77. Motion approved unanimously.*

### **XI. Adjournment:**

*Motion made by Commissioner Minch; second by Commissioner Ferro to adjourn the meeting. Motion approved unanimously.*

*The meeting stood adjourned at 8:17 P.M.*

Respectfully Submitted,

Jennifer D. Boudreau  
Recording Secretary

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