

2005 WL 2854852

UNPUBLISHED OPINION. CHECK COURT RULES
BEFORE CITING.

Superior Court of Connecticut,
Judicial District of Middlesex.

Kathleen A. DeVEAU et al.

v.

EAST HADDAM ZONING BOARD OF
APPEAL et al.

No. CV020099749.

|
Oct. 7, 2005.

Attorneys and Law Firms

Frederick Odell, Wethersfield, for Kathleen A. DeVeau, Timothy H. Tedeski, Richard A. Rablen, Edward Finger, Brian E. Beard, Rob Webster, Linda C. Abel, Elizabeth Tedeski, Carolyn Z. Rablen, Gale Maretsky and Jane E. Webster.

Mark Kepple, Stonington, for Richard A. Hart and Marlene E. Hart.

Branse & Willis LLC, Glastonbury, and Broder & Butts, Colchester, for James Ventres, Town of East Haddam Zoning Board of Appeal.

Opinion

ROBERT L. HOLZBERG, J.

*1 This is an appeal from the decision of the defendant East Haddam Zoning Board of Appeals ("ZBA") overturning a cease and desist order issued by the East Haddam Zoning Enforcement Officer ("ZEO") prohibiting the continued construction of a single-family home owned by defendants Richard and Marlene Hart. For the reasons set forth below the plaintiffs' appeal is sustained.

The facts giving rise to this dispute are largely undisputed. The defendants Marlene and Richard Hart are the record owners of a parcel of property located on Ridgewood Road at Lake Hayward in the Town of East Haddam. In 1997 the former owner of the parcel, Carolyn

Hart, who is the mother of Richard Hart and an employee of the East Haddam Building Department, obtained site plan approval from the Building Department for a two-bedroom, two-story house with a 962-square-foot footprint. Thereafter, Mrs. Hart transferred title to the property to her son and daughter-in-law. In September 2001, Richard and Carolyn Hart filed a Zoning and Building Application with the Town Building Department seeking permission to construct a two-story single-family dwelling.

The Hart's application apparently did not contain a set of building plans, but rather only a copy of the previously granted site plan approval. In order to properly grant the application town officials are required to determine whether the square footage shown on the building plans is within the limits authorized by the site plan approval. Despite the absence of the building plans, the ZEO, Fern Tremblay approved the application one day after its submission on September 12, 2005. On November 1, 2001, Building Inspector Wayne Greene also approved the application, also failing to calculate whether the plans conformed to the site plan approval.

Construction began shortly after the Harts received approvals from the ZEO and Building Inspector. In early 2002, zoning officials began receiving complaints from neighbors concerning the number of stories on the house and its total square footage. In response to his investigation and a review of the pertinent documents including a February 2002 set of plans submitted by the Harts, James Ventres, Town of East Haddam Land Use Administrator, in May 2002 issued a cease and desist order commanding the Harts to halt construction of their by then substantially completed home. The cease and desist order alleged that because the Harts fully enclosed a deck shown on the original plans, the house exceeded the permissible lot coverage in violation of East Haddam Zoning Regulations.

The issuance of the cease and desist order prompted the Harts to both appeal that order and file an application for a variance. They subsequently withdrew the variance application and pursued only the appeal of the cease and desist order before the East Haddam Zoning Board of Appeals. The Harts' appeal prompted hearings-often contentious-spanning a period of over four months. At the conclusion of the hearings the ZBA voted to overturn the May 20, 2002 cease and desist order, ruling, in effect, that the doctrine of municipal estoppel prohibited the Town from stopping further construction of the Hart residence because the Harts in good faith relied on the erroneous and improper decision of the ZEO and Building Inspector

to issue a building permit. In its decision the ZBA stated:

*2 The Board overturn[ed] the Cease & Desist Order dated May 20, 2002, issued by James Ventres, on the violation of Lot Coverage restrictions of Section 10.1 of the Zoning Regulations, for the following reasons:

1. At the time the applicant submitted the application to the Zoning Enforcement Officer, the Zoning Enforcement Officer endorsed the application without computing the lot coverage square footage of the proposed home.

2. The applicant relied upon the Zoning Enforcement Officer's endorsement of the applicant's application and proceeded with construction. The construction to date has involved a considerable expense to the applicant.

The plaintiff Kathleen DeVeau and nine other neighbors of the Harts now appeal the Zoning Board of Appeals' decision vacating the cease and desist order. As of the date of the argument of this appeal the Harts have completed construction of the property, obtained a certificate of occupancy and are now residing in the residence that is the subject of this appeal.¹ The essence of the plaintiffs' claim in this appeal is that the ZBA erred by relying on the doctrine of municipal estoppel as the basis of its decision to vacate the cease and desist order.²

The law governing resolution of this appeal is well established.

"Generally it is the function of the zoning board or commission to decide within proscribed limits and consistent with the exercise of [its] legal discretion, whether a particular section of the zoning regulations applies to a given situation and the manner in which it does apply. The trial court [decides] whether the board correctly interpreted the section [of the regulations] and applied it with reasonable discretion to the facts ... In applying the law to the facts of a particular case, the board is endowed with a liberal discretion, and its decision will not be disturbed unless it is found to be unreasonable, arbitrary or illegal ... Upon appeal, the trial court reviews the record before the board to determine whether it has acted fairly or with proper motives or upon valid reasons." (Citations omitted; internal quotations marks omitted.) *Spero v. Zoning Board of Appeals*, 217 Conn. 435, 440, 586 A.2d 590 (1991). "The burden of proof to demonstrate that the board acted improperly is upon the party seeking to overturn the board's decision." *Pleasant View Farms Development, Inc. v. Zoning Board off Appeals*, 218 Conn. 265, 269-70, 588 A.2d 1372 (1991) (internal quotation marks omitted).

"When a zoning agency has stated its reasons for its actions, a court should not reach beyond those stated purposes to search the record for other reasons supporting the [board's] decision ... Rather, the court should determine only whether the assigned grounds are reasonably supported by the record and whether they are pertinent to the considerations which the authority was required to apply under the zoning regulations ... The principle that a court should confine its review to the reasons given by a zoning agency ... applies [only] where the agency has rendered a formal, official, collective statement of reasons for its action. It does not apply to mere utterances of individual members of the agency." (Citations omitted; internal quotation marks omitted.) *Harris v. Zoning Commission*, 259 Conn. 402, 420, 788 A.2d 1239 (2002).

*3 "In an appeal from the decision of a zoning board, we therefore review the record to determine whether there is factual support for the board's decision, not for the contentions of the applicant." (Internal quotation marks omitted.) *Francini v. Zoning Board of Appeals*, 228 Conn. 785, 791, 639 A.2d 519 (1994). If "a zoning authority has stated the reasons for its actions, the reviewing court ought to examine the assigned grounds to determine whether they are reasonably supported by the record and pertinent to the considerations the authority was required to apply pursuant to the zoning regulations." *Beit Havaurah v. Zoning Board of Appeals*, 177 Conn. 440, 444-45, 418 A.2d 82, (1979).

The plaintiffs' specific claim of error is that the ZBA improperly concluded that the Town of East Haddam is prohibited, under the doctrine of municipal estoppel, from ordering the Harts to cease further construction of their residence.

"The contours of the application of the doctrine of municipal estoppel to zoning regulations are well established in our jurisprudence. [I]n special circumstances, a municipality may be estopped from enforcing its zoning regulations ... In municipal zoning cases, however, estoppel may be invoked (1) only with great caution, (2) only when the resulting violation has been unjustifiably induced by an agent having authority in such matters, and (3) only when special circumstances make it highly inequitable or oppressive to enforce the regulations ... Moreover, it is the burden of the person claiming the estoppel to show that he exercised due diligence to ascertain the truth and that he not only lacked knowledge of the true state of things but had no convenient means of acquiring that knowledge ...

“To summarize, in order for a court to invoke municipal estoppel, the aggrieved party must establish that: (1) an authorized agent of the municipality had done or said something calculated or intended to induce the party to believe that certain facts existed and to act on that belief; (2) the party had exercised due diligence to ascertain the truth and not only lacked knowledge of the true state of things, but also had no convenient means of acquiring that knowledge; (3) the party had changed its position in reliance on those facts; and (4) the party would be subjected to a substantial loss if the municipality were permitted to negate the acts of its agents.” (Citations omitted; internal quotation marks omitted.) *Cortese v. Planning and Zoning Board of Appeals*, 274 Conn., 411, 420 (2005).

The record indicates that the Building Official Fern Tremblay issued a building permit without determining whether the structure complied with the lot coverage requirements set forth in the Town Regulations. The record also reflects that Tremblay told the applicants that he would take care of the required calculations. In order to find that the ZBA properly applied the doctrine of municipal estoppel this court must necessarily conclude that the factors set forth in *Cortese v. Planning and Zoning Board of Appeals*, *id.*, are supported by the record. Assuming, without deciding, that the record would support a finding that: 1) the authorized agent of the municipality, Mr. Tremblay, had taken action “to induce the [Harts] to believe that certain facts existed and to act on those facts”; 2) “the [Harts] had changed [their] position in reliance on those facts”; and 3) the Harts “would be subjected to a substantial loss if the municipality were permitted to negate the acts of its agents,” the record does not support a finding that “the party had exercised due diligence to ascertain the truth and not only lacked knowledge of the true state of things, but also had no convenient means of acquiring that knowledge.” *Id.*

*4 At the outset, it should be noted that the defendant ZBA did not make a specific finding regarding this element of municipal estoppel. If it is assumed that such a

finding is implied in its decision to vacate the cease and desist order on the broad grounds of municipal estoppel, the record is devoid of any evidentiary basis to support the implied finding that the Harts “lacked knowledge of the true state of things namely, that the square footage of the house exceeded the limits specified in the site plan.” Nor is there any evidence upon which the ZBA could reasonably conclude that the Harts “had no convenient means of acquiring that knowledge.” *Id.* Indeed, the available evidence might reasonably be construed to permit a finding that the Harts in fact were aware that the square footage exceeded permissible limits. The failure to submit a copy of the actual plans with the application for the building permit, coupled with the Harts’ resistance to the Building Inspector’s inquiries concerning this very issue, could be construed to reflect the Harts’ actual knowledge that the house they were building in fact did not comply with the site plan approval. At a minimum, it is unquestionable that the Board did not have before it sufficient evidence upon which it could make an affirmative finding that the Harts were unaware of the square footage limitations of their parcel. In addition, because the Harts obviously had discussions with the Building Department concerning this issue, the ZBA could not and did not make a finding that the Harts “had no convenient means of acquiring that knowledge.” *Id.* Given the Harts’ state of knowledge concerning this issue, there is no evidentiary basis upon which the ZBA could reasonably conclude that the Harts “exercised due diligence to ascertain the truth.” *Id.* Accordingly, the ZBA erred in concluding that the doctrine of municipal estoppel prohibits the enforcement of the cease and desist order.

The plaintiffs’ appeal is sustained.

All Citations

Not Reported in A.2d, 2005 WL 2854852, 40 Conn. L. Rptr. 112

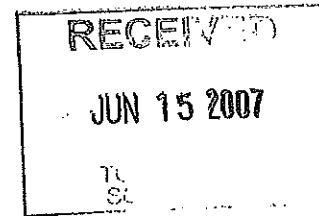
Footnotes

- 1 Because no appeal of the decision to grant a certificate of occupancy was taken to the Zoning Board of Appeals within thirty days of its issuance it is therefore unclear what practical relief, if any, the plaintiffs can obtain, even in the face of this court’s ruling that the East Haddam Zoning Board of Appeals acted illegally and in excess of their authority by vacating the cease and desist order. See, generally, *Fuller* in Land Use Practice and Law § 8.6.
- 2 Based on the testimony presented at trial the court finds that the plaintiffs are both statutorily and classically aggrieved and therefore have standing to maintain this appeal.

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**TOWN OF SOMERS
ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
May 08, 2007**



I. Call to Order: Chairman Torres called the meeting to order at 7:37 P.M.

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

Public Hearing was called to order by Chairman Torres at 7:38 P.M.

III. Public Hearing

1. 1. Mohammad Razavi

Secretary, Mr. Scully read the legal notice. Mohammad Razavi of P.O. Box 265, Somers, CT is seeking a variance from Somers Code 214-54 requirement for illuminated signs concerning his Pizza restaurant located at 48 South Road, unit #13 and #14 of Southfield Plaza, Somers.

Mr. Razavi was present and explained that for his restaurant, Mona's Pizza & Wings, he had requested all the appropriate permits. He further explained to the Commission that he had expressed to individuals at the town hall that he wanted his sign to be "like that of the Plaza Restaurant ". He spent over \$3,000 and purchased a sign that would allow for illumination from within. It was upon a visit from the inspector that he explained that the sign Mr. Razavi had purchased could not to be utilized because it did not meet current regulations.

Chairman Torres explained that the Plaza Restaurants' sign that he referred to prior has been internally lit since 1990 and was "grandfathered in" when new regulations were passed after its erection. Chairman Torres also explained that he did have the option of lighting the sign from the outside like other businesses in that plaza. Mr. Razavi stated that when the inspector visited the sight he explained the conditions and regulations he would have to follow if he wished to illuminate the existing sign using external lighting fixtures.

Unfortunately the only hardship Mr. Razavi's case had was monetary. Although the Commission did feel that there may have been some miscommunication on both the applicant and that of town hall employees, Mr. Torres stated that a regulation such as this could not be overturned simply on a monetary hardship.

No abutters to the business location were present.

Motion made by Commissioner Scully, seconded by Commissioner Minch, and unanimously approved to cease discussion.

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After all discussion, motion made by Commissioner Minch; seconded by Commissioner Young to adjourn the public hearing. Motion approved unanimously.

Public Hearing closed at 7:45 p.m.

IV. Regular Meeting

The regular meeting continued at 7:45 P.M.

V. Minutes Approval – April 10, 2007

Corrections – April 10, 2007 – Page 1 MEMBERS PRESENT B.J. “Farrow” to be replaced with “Ferro” Page 2
3. “Marie Theresa Demers” to be replaced with “Marie Therese Demers”

Motion made by Commissioner Minch, seconded by Commissioner Flebotte to approve the ZBA April 10, 2007 minutes with above noted corrections. Motion approved unanimously.

VI. Public Hearing Discussion

1. 1. Mohammad Razavi

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

The Commission voted unanimously to deny a variance from Somers Code 214-54 requirement for illuminated signs concerning Mr. Razavi's Pizza restaurant located at 48 South Road, unit #13 and #14 of Southfield Plaza, Somers.

2. 2. Marie Therese Demers

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

Atty. Conti asked who does the Commission believe has the burden of proof? Is it an issue of conforming to nonconforming? These will need to be considered and will aid in the Commission being able to site whether specific past cases come into play when deciding on the case before them. He also mentioned equitable estoppel; a legal principle that prevents a person from asserting or denying something in court that contradicts what has already been established as the truth. This may be considered by the Commission. He would like time to further review the letter presented by Att. Landolina before he provides any opinion on the statute of limitations.

Commission members opened further discussion in regards to the continued review of the public hearing appeal from Ms. Demers. The Commission members had received prior to the May 10th, 2007 ZBA meeting a lengthy transcript of the prior months meeting. This transcript included additional pieces of information to further understand and research Ms. Demers appeal such as previous case files which came before the Board. Mr. Torres had hoped that this additional information would elicit questions from the Commission as well as provide a better understanding of what the ZBA Commission was being requested to do. Attorney Rick Conti was present to answer questions presented by the Commission members as well as give his legal

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analysis of further gathered information/cases and whether he felt they were pertinent to the case before them. He also was able to speak to the legal issues which were presented at the last Commission meeting where both Attorney Carl Landolina and Bruce Tyler were in attendance.

Chairman Torres asked Att. Conti if he felt that the case concerning Georgewood Road which happened about 2 years ago could be considered similar in nature to the one the Commission was dealing with now. The first Case was a cease and desist due to a neighbor complaint, while the latter was a cease and desist due to the zoning officer's visit which was not generated by an external neighbor complaint. He also inquired whether the ZBA Commission's "hands are tied" on the case.

Att. Conti explained that he would take all comments and listen to the discussion of the Commission before giving his legal opinion. At that point, he was not sure if the information gathered would help or hinder the Commission's decision making.

Commissioner Minch stated that the Demers Home was always used as a "rooming house". This had been known for many years. Regulations were adopted, rooms were for rent, and it was owner occupied within all that time.

Commissioner Young has been living in Somers since 1963 and he explained that the Demers home was always open as a boarding facility since he could remember. It was for individuals with different needs; some needing

physical assistance due to being aged to those simply needing a room to rent. Rooming house/boarding house the terms were interchangeable but the end result was the same and it was owner occupied to his knowledge as well.

Commissioner Mack explained that at one time the facility was licensed by the state and then lost its license. It was at that time that the regulations changed. Pointing out that due to these changes in regulation and status that Ms. Demers was now only to receive compensation from 3 people living on the property and she was currently receiving monies well over that limit.

Commissioner Flebotte mentioned that when there was an issue that presented itself i.e. the providing of meals to some individuals per Steve Jacobs 1992 report, Ms. Demers discontinued this upon request. Otherwise the facility had been functioning to her knowledge in the same capacity for decades.

Chairman Torres added that he understood why initially the facility was being run as a convalescent home due to the first owner's wife being a certified nurse. There were individuals on the premises that were immobile and due to that, they could house 2 individuals in one room. Adding that in 1995 when Ms. Demers was no longer state licensed and receiving individuals from state hospitals, the town was aware of this change in status and didn't act on this knowledge. Jim Taylor did try to voice that the facility could not continue as a rooming house, but the town did nothing to enforce this opinion.

Commissioner Flebotte asked Att. Conti if there was a statute of limitations for which the town has time to act. Was there a timeframe that the applicant had to appeal and was that timeframe exceeded? As well, did the town have a timeframe in which to enforce these changes in status but is now too late to do so because it has been going on for decades?

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Chairman Torres asked if the Commission has jurisdiction to make this decision (to support the cease and desist) or is it out of the Commission's realm. Att. Conti stated that he would like to review further and clarify whether it is an estoppels issue or a jurisdiction issue. As he sees it now, the case can go one of three ways; 1.) The Zoning Enforcement officer had no authority to take such action 2.) There is unlimited (no time limit) to the situation which was going on at the Demers location and the ZBA Commission must take action or 3.) While there was no time limit, there was a lengthy duration of continued practice at the above mentioned location. And with that knowledge, although the Zoning Officer maybe in her right to wish the cease and desist, the situation has gone on too long and because of that the ZBA Board can not support the decision.

Att. Conti stated that he felt the last option was where he was leaning, however he felt it was necessary to continue review of all materials presented to him and only then would he feel comfortable writing an opinion to the Commission's inquiries before their next meeting on June 12, 2007.

Motion made by Commissioner Mack, seconded by Commissioner Minch, and unanimously voted to table decision on Marie Therese Demers appeal until June 12, 2007.

VII. Old Business:

None

VIII. New Business:

None

IX. Correspondence:

None

X. Bills:

Motion made by Commissioner Mack; seconded by Commissioner Flebotte to pay all ZBA bills including the

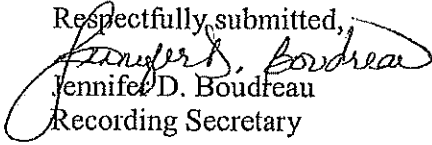
Journal Inquirer in the sum of \$472.20. Motion approved unanimously.

XI. Adjournment:

Motion made by Commissioner Mack; second by Commissioner Minch to adjourn the meeting, approved unanimously. The meeting stood adjourned at 9:02 P.M.

Motion

Respectfully submitted,


Jennifer D. Boudreau
Recording Secretary

**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