

**TOWN OF SOMERS
ZONING BOARD OF APPEALS
SPECIAL MEETING MINUTES
TUESDAY, NOVEMBER 18, 2008**

I. Call to Order: Chairman Torres called the meeting to order at 7:34 pm.

II. Members Present: John Torres, Barbara Flebotte, Daniel Scully, Robert Minch and Jerome Young.
Absent: B.J. Ferro III.

Public Hearing was opened at 7:35 P.M.

III. Public Hearing

1. Marion and Raymond Richard

Legal notice was read: Marion and Raymond Richard are seeking a variance for side yard setback in order to allow for location of a proposed underground 500-gallon liquid propane storage tank at their home at 372 Mountain Road, Somers

Blaine Buck introduced himself as the son-in-law of the applicant who had dug the hole for the propane tank. He used the plot plan provided by the Board to show where the hole had been dug. He explained that the house was built on a slab and the surrounding land is ledge. He had tried to dig the 5-foot hole needed for the tank closer to the house but always hit ledge or rock. The only place that he could dig the hole was about 12 feet from the property of Michelle Prior.

Superior Propane installed the tank into the hole. Jim McCarthy of Superior had previously provided Chairman Torres with the plot plan that he had received prior to installing the tank. This plan had been provided to Mr. McCarthy by a Town employee when he was applying for the permit to do the job. The plan provided was outdated and did not show the property line where the lot had been subdivided. However, Mr. McCarthy had walked the site prior to installation and did see the neighboring house but he believed that an underground tank could be placed 10 feet from a property line as is the norm. Somers is the only Town in Connecticut that requires a 25-foot setback for an underground tank. Mr. McCarthy told Mr. Buck that the location of the hole was acceptable.

The Richard's daughter, Michelle Prior who is also the abutter, spoke on their behalf. She said that Mrs. Richard had spoken with Mr. McCarthy who reassured her that everything was fine. She reported that on September 12th, Building Inspector John Collins inspected the work and gave his approval, so the tank was covered with backfill at that time. However, on September 15th Mrs. Richard received a call from Town employee Shirley Taylor informing her that the tank was in the wrong place. In a subsequent conversation with Chairman Torres, Mr. Collins said that he also believed that a 10-foot setback was acceptable. Since that time Chairman Torres walked the site and estimated the tank to be about 13 feet from the neighbor's property line.

Mr. McCarthy spoke with a State representative who informed him that the state could override the Town's jurisdiction on this and allow the 10-foot setback because the 25-foot requirement is unnecessary.

The Board acknowledged that since there was no other place to dig the hole this issue would have come before them anyway. It is possible that the homeowner would have been instructed to put the tank above ground however.

A motion was made by Commissioner Scully; seconded by Commissioner Flebotte and voted unanimously to close the Public Hearing at 7:58pm.

IV. Public Hearing Discussion/Decision

The special meeting continued at 7:59 pm.

1. Marion and Raymond Richard

A motion was made by Commissioner Minch; seconded by Commissioner Young and voted unanimously to cease discussion and vote.

The Commission voted unanimously to approve the 12-foot variance of the Somers Code requirement of a 25-foot side yard setback to allow the installation of the in ground propane tank.

VII. Old Business: There was no old business.

VIII. New Business:

Chairman Torres stated that there was still no volunteer coming forward to take over his position on the Zoning Board of Appeals.

IX. Correspondence: There was no correspondence.

X. Bills:

A motion was made by Commissioner Minch; seconded by Commissioner Scully and unanimously voted to pay any outstanding bills including the Journal Inquirer bill of \$480.07.

XI. Adjournment:

A motion was made by Commissioner Scully; seconded by Commissioner Minch and unanimously voted to adjourn the Special Meeting of the Zoning Board of Appeals at 8:15 pm.

The meeting stood adjourned at 8:15 pm.

Respectfully Submitted,

Jeanne Reed
Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING