

**TOWN OF SOMERS
ZONING BOARD OF APPEALS
P.O. BOX 308
SOMERS, CT 06071**

**ZONING BOARD OF APPEALS MINUTES
REGULAR MEETING
MARCH 8, 2011
TOWN HALL – 7:30 pm**

I. CALL TO ORDER:

Vice Chair, Barbara Flebotte called the regular meeting to order at 7:31 pm.

II. MEMBERS PRESENT:

Secretary Daniel Scully took a role call. Members present included: Barbara Flebotte, Jerome Young, alternate member Daniel Marceau, Frederick Krein, and alternate member B.J.Ferro, and constituted a quorum. Absent were Robert Minch and John Torres. Also present were a number of interested citizens.

III. PUBLIC HEARING:

a. Connecticut Department of Transportation.

Vice Chair Flebotte opened the Public Hearing at 7:32 pm. Secretary Daniel Scully read the legal notice for Connecticut Department of Transportation Public Hearing which follows, into the record:

PUBLIC NOTICE TOWN OF SOMERS ZONING BOARD OF APPEALS LEGAL NOTICE Notice is hereby given that the Zoning Board of Appeals of Somers, CT will hold a Public Hearing and a regular business meeting on Tuesday, March 8, 2011 at 7:30 p.m. in the Town Hall, 600 Main Street, Somers, CT to consider the following: 1.The Connecticut Department of Transportation, 2800 Berlin Turnpike, P.O. Box 317546, Newington, CT 06131 is seeking a variance from the Somers Code Section 214-98A Front yard Setback Requirement of 50 feet and lot size requirement of 80,000 square feet to Front Yard setback of 22 feet on Ninth District Road and lot size to 31,335 square feet. This variance request is in conjunction with intersection improvements at Ninth District Road, Route 190 and Sokol Road. At this hearing, interested persons may be heard and/or written communications received. A copy of this petition is available for review during normal business hours in the Land Use Office. Dated at Somers, CT this 23rd day of February, 2011. Zoning Board of Appeals Barbara Flebotte, Vice Chairman Daniel Scully, Secretary

Appeared in: ***Journal Inquirer*** on Friday, 02/25/2011 and Friday, March 4, 2011

Ms. Flebotte invited the Applicant to make his proposal to the Board. Douglas Hummel, told members he was representing the CT DOT on this application. He informed them that the variance requested is for a Town Road project, at Main Street and Sokol & Ninth District Road. He explained project will widen Main Street to allow right on red onto Sokol and Ninth District Road. Mr. Hummel stated the

DOT will be acquiring 250 square feet of property at 3 Ninth District Road, changing the front yard setback from 25 feet to 22 feet. He added the project will also construct a new sidewalk, which will be moved farther from the street than the current sidewalk.

Mr. Hummel then introduced Jeff Bord, Director of Public Works/Town Engineer to review the engineering aspects of the project. Mr. Bord said that the traffic light will have a designated left turn signal off of Main Street. He added that while the intersection will not have painted left turn lanes, the widening will allow traffic to continue around a vehicle making a left turn. Mr. Bord said they will also be creating a 5 foot snow shelf for the new sidewalk, which is standard.

Mr. Ferro asked if the entire intersection was being re-configured. Mr. Bord said it was, with the left turn signal.

Douglas Niche, 419 Main Street, stood and asked how space would be left on his front yard. Mr. Bord explained his existing setback to be 26 feet; which will decrease to 22 feet.

Mr. Hummel said the work to be done on Main Street will be done within the right of way. Mr. Ferro asked if the property was being taken by eminent domain. Mr. Hummel said the DOT is working on acquiring the property and will meet with homeowners as required, but eminent domain would be used if necessary.

Mr. Scully asked about what was the hardship, creating the need for the variance. Mr. Bord stated the need is based on safety and traffic volume. He added that both the widening and the designated left turn, the intersection will be safer.

Mr. Niche stated that at a previous meeting someone suggested a blinking light (similar to Hall Hill & Main). He asked if this was part of the project plan. Mr. Bord said he will look into the question, he did not know the response. Ms. Flebotte also thought it was a good idea.

Ms. Flebotte asked if any other audience members would like to speak up. None came forth.

Mr. Scully made a motion to close the Public Hearing at 7:49; seconded by Mr. Krein; followed by a unanimous vote as approved.

Ms. Flebotte re-opened the Regular Meeting at 7:49.

IV. MINUTES APPROVAL – 1/11/2011:

Ms. Flebotte asked members for comments, changes on the 1/11/11 Meeting Minutes. She added that she had found an error on Page 1, IV, paragraph 2. The entire paragraph "Public Notice..." should be stricken from the Minutes. She also noted that on Page 3, XI, the last sentence should read, "Secretary Daniel Scully read the legal notice for William Salka into the record:"

A motion was made by Mr. Scully to approve the Minutes of the January 11, 2011 Regular Meeting as amended; seconded by Mr. Marceau. A unanimous vote to approve followed.

V. PUBLIC HEARING DISCUSSION/DECISION:

Ms. Flebotte opened the discussion for further review. She summarized, stating that according to what the Board has seen and heard, a small strip of land is being taken to widen the road, allow for right on red, and the sidewalk moved further from the road. Mr. Ferro asked if additional property is being taken specifically for the sidewalk. Ms. Flebotte said no.

Mr. Scully stated the request seems straight forward. He deemed the existing property non-conforming.

Ms. Flebotte asked for a motion regarding this variance request. Mr. Scully noted the even number of members present this evening, and suggested 1 member abstain. Mr. Young said he will abstain from voting.

Mr. Scully made a motion to cease discussion and hold a vote to approve the variance for the CT Department of Transportation's from: Front yard Setback Requirement of 50 feet and lot size requirement of 80,000 square feet to Front Yard setback of 22 feet on Ninth District Road and lot size to 31,335 square feet. The motion was seconded by Mr. Marceau. In the vote that followed: Ms. Flebotte, Mr. Scully, Mr. Marceau, and Mr. Krein voted aye, as approved; whereas Mr. Ferro voted against. Mr. Young abstained. The motion carries with a vote of 4 in favor to 1 against.

Ms. Flebotte stated the results will be made public on March 15, 2011, and the CT Department of Transportation is able to get their permit 15 days later.

VI. OLD BUSINESS:

None.

VII. NEW BUSINESS:

None.

VIII. CORRESPONDENCE:

None.

IX. BILLS:

Ms. Flebotte presented the following invoice for payment:

Journal Inquirer	\$377.76
(3 Legal Notices)	

A motion was made by Mr. Scully to pay the bill; seconded by Mr. Krein, then unanimously voted as approved by members.

X. ADJOURNMENT:

Ms. Flebotte asked for a motion of adjournment.

A motion to adjourn was made by Mr. Ferro; seconded by Mr. Krein, and unanimously approved to adjourn the March 8, 2011 regular meeting of the Zoning Board of Appeals at 7:59 pm.

Respectfully submitted,

Kimberly E. Dombek, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING.