

From: Lois Laczko June 27, 2011 11:32:43 AM  
Subject: Zoning Board of Appeals Minutes 04/27/2011 ADOPTED  
To: SimsburyCT\_ZBAMin  
Cc:

ADOPTED

ZONING BOARD OF APPEALS  
REGULAR MEETING  
April 27, 2011

I. CALL TO ORDER

Chairman Peter Stempien called the regular meeting of the Zoning Board of Appeals to order at 7:05 P. M. in the Main Meeting Room at Simsbury Town Hall. The following members were also present: Carol Bingham, Tegan Blackburn, Thomas Horan, Craig MacCormac, and Katie Martin. Also present were Hiram Peck, Director of Planning; Howard Beach and Lynn Charest, Zoning Compliance Officers; Attorney Mark Branse; Lisa Gray, Commission Clerk; and other interested parties.

II. APPOINTMENT OF ALTERNATES

Chairman Stempien appointed Tegan Blackburn to serve for John McCann, and Craig MacCormac to serve for Nancy Haase.

III. PUBLIC HEARING

A. 11-03 Appeal of Thomas E. Brown of 30 Sand Hill Road regarding a decision by the Zoning Enforcement Officer not to issue a Cease and Desist Order regarding activity on property at 16 Sand Hill Road. (Map F-15, Block 114, Lot 13 and 13A).

Chairman Stempien read the rules for conducting an appeal hearing and asked the members of the Board if they were biased in any way in their hearing of this case. All replied that they were not.

Attorney Mark Branse introduced himself as the attorney representing the Board and stated that he has become aware of a grievance that has been filed against him. He invited Mark Brown, the individual who reportedly filed the grievance, to make a statement.

Mr. Brown explained the background to this case and stated that Mr.

Mulshine had contacted Attorney Branse in June 2010 regarding possible representation in this case and that he (Mr. Brown) filed the grievance after learning that Attorney Branse would be representing the ZBA. Mr. Brown felt this was a conflict of interest and asked that Attorney Branse withdraw from the matter.

Attorney Branse replied that he did extensive research in an attempt to recall the contact with Mr. Mulshine, but could find no record of it whatsoever. He also noted that Mr. Brown can, legally, only speak for himself and cannot speak for Mr. Mulshine and, since Mr. Brown filed the grievance, he cannot claim that Attorney Branse's contact with Mr. Mulshine, if it occurred, was a conflict of interest.

Mr. Brown, once again, objected to Attorney Branse's participation and Chairman Stempien granted his request to have Attorney Branse withdraw from the case. Chairman Stempien then continued the hearing to the next regularly scheduled meeting, May 25, 2011, at 7:00 PM.

Glenn Knierem, Jr., representing Sandhill Simsbury LLC, asked that material distributed to the Board by Mr. Brown be returned to him until such time as it may be properly received by the Board. Mr. Brown objected, but did accept return of the materials.

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#### IV. APPROVAL OF MINUTES

##### A. March 23, 2011 Regular Meeting

A motion was made by Ms. Martin to approve the minutes of the March 23, 2011 regular meeting, as presented.

Ms. Bingham asked that line 123 be corrected to read SHANFIELD, not CHANFIELD.

The motion was seconded, as corrected, by Mr. Horan, and unanimously carried.

#### V. ADJOURNMENT

A motion was made by Ms. Martin to adjourn the meeting at 7:25 P.

M.

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Thomas Horan, Secretary