



TOWN OF NEWTOWN  
ZONING BOARD OF APPEALS

MINUTES

June 12, 2103

5:00 P.M.

The meeting of the Zoning Board of Appeals was called to order by Chairman Charles E. Annett.

**Members present:** Charles E. Annett, Alan Clavette, Vice Chairman, Barbara O'Connor, Secretary, Timothy Cronin and Ross Carley; **Alternates Present:** None; **Others Present:** Atty. Paul Pollock

Mr. Annett asked the secretary to call the roll. After the roll, he asked her to read the legal notice for June 12, 2013 Special Meeting, application of Sugar Hill LLC for the correction of alleged error by a Zoning Enforcement Officer for property located at 153 Sugar Street in the Town of Newtown in an R-1 Zone.

The Board members reviewed all materials pertaining to the application, included testimony, exhibits and photographs submitted at the May 1, 2013 Public Hearing. The board then discussed the Town of Newtown Zoning Regulations, particularly the following:

**9.03.100 Purpose and Intent.** It is the intent of these regulations that any building, structure or use of land, either principal or accessory, lawfully existing at the time of adoption of these regulations, or any amendments thereto, may be continued although such building, structure or use does not conform with the provisions of these regulations. Once a non-conforming use, building, or lot has been abandoned, however, neither it nor any other non-conforming use, building or lot, respectively, shall thereafter be re-established; and **9.03.210** Any non-conforming use shall not be expanded above the level at which such activity existed on the date on which it became non-conforming by virtue of these regulations.

After a lengthy discussion Alan Clavette made a motion to uphold the decision of the Zoning Enforcement Officer and deny the alleged error for the following reasons:

- (1) Under Newtown Zoning Regulations 9.03.100 and 9.03.210 the regulations address an expansion of a non-conforming use to include the use of land and an accessory use of the land. We interpret the use of land and an accessory use to include a parking lot.
- (2) It is clear that the proposed non-conforming use will expand the existing non-conforming use greatly and we did not find the applicant's testimony credible as to the existence of this use prior to the adoption of the regulations in 1958.
- (3) The property is in a residential one acre zone and the proposed use is a non-conforming use prohibited by our regulations.
- (4) The proposed use of the property for a commercial parking lot would greatly increase the level of non-conformity.

Mr. Annett asked for a second. Mr. Cronin seconded the motion. The board voted as follows:

Charles E. Annett....."Yes"  
 Ross Carley....."Yes"  
 Barbara O'Connor ..... "Yes"  
 Alan Clavette....."Yes"  
 Timothy Cronin ..... "Yes"

Rec'd. for Record 6-18 2013  
 Town Clerk of Newtown 10:31  
 Debbie A. Aurelio 9 AM

Therefore, the decision of the Zoning Enforcement Officer has been upheld.

Mr. Carley made a motion to adjourn at 6:00 pm which was seconded by Mr. Clavette. The motion was carried.

Respectfully submitted by Tammy Hazen