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TOWN OF NEWTOWN

ZONING BOARD OF APPEALS

MINUTES

Regular Meeting of October 1, 2014 at 7:30 pm

Meeting Room #3, Municipal Center, 3 Primrose Street, Newtown CT

*These Minutes are Subject to Approval by the Zoning Board of Appeals*

**Members Present:** Charles E. Annett (Chair), Ross Carley, Alan Clavette (Vice-Chair), Timothy Cronin, and Barbara O'Connor (Secretary). **Alternates Present:** Roy Meadows and Jane Sharpe; **Alternate Not Present:** Herb Rosenthal; **Staff Present:** Tammy Hazen, Clerk.

The meeting of the Zoning Board of Appeals was called to order by Chairman Annett at 7:32 pm. He then asked Ms. O'Connor to call the roll. Mr. Annett asked that Docket #14-08 be moved to the end of the agenda.

**DOCKET #14-09 Application of Corinne A. McNerney dba Divine Dogs of CT, LLC, for a variance of Section 7.02.100 of the Zoning Regulations to permit a second means of egress with deck and dog friendly ramp on a pre-existing, non-conforming building. The property is located at 78 South Main Street in the Town of Newtown, CT in a B2 zone.**

Ms. O'Connor read the docket and Mr. Annett explained the hearing process. Corinne McNerney from 22 Great Ring Road submitted pictures of the existing building (Exhibits 1 & 2) and a rendering of the proposed new entrance (Exhibit 3). Mr. Carley asked about whether a ramp could be placed at the door near the parking area. Ms. McNerney said they could not place a larger door as there is plumbing in that wall. Mr. Meadows asked if the parking will remain in the same area. The answer was yes. When asked about the grade of the ramp, Kevin McNerney from 22 Great Ring Road said the slope is a little greater than 1" per foot. Mr. Carley said the area where the applicant wants to place the entrance was previously a loading dock. Mr. Annett then asked if anyone would like to speak for the application. John Klopfenstein, 41a Flat Swamp Road in Newtown, said he owns the building and feels it will be a viable location for their business. No one else spoke for or against the application. The hearing was closed. After discussion, Mr. Clavette motioned to approve the variance based on the shape of the lot, the fact that it borders two main roads, and for safety reasons. Mr. Carley seconded the motion and all were in favor.

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

**DOCKET #14-10 Application of Jay Lamanna for a variance of Section 7.02.100 of the Zoning Regulations to permit the rebuilding of a nonconforming residence too close to the property lines. The property is located at 58 Alpine Circle in the Town of Newtown, CT in an R1 zone.**

Ms. O'Connor read the docket and Mr. Annett explained the hearing process. Jay Lamanna from 53 Queen Street submitted a demolition permit (Exhibit 1), pictures of the existing property showing a foundation from a prior structure (Exhibit 2 to 4), and a letter from Aquarion stating he can tie into the water on the street (Exhibit 5). The applicant is asking to build a structure that is 22.5 feet from the sides and 30 feet

from the front property lines. The variance asked for is 2.5 feet on each side and 18 feet from the front setback with the hardship being that the property can only be used for single family residence and there is evidence that a house was previously located on the lot. The lot is also being currently taxed as a buildable lot and the previous structure was closer to the property lines than is currently being proposed. Mr. Meadows asked if he considered any other footprint to alleviate the encroachment. The possibility of a smaller footprint with two stories was discussed. Mr. Annett asked if anyone wished to speak in favor of the application. After hearing none, he asked if anyone would like to speak in opposition of the application. The following citizens came forward:

- *Stacey Raino, 52 Alpine Circle*, is adjacent on the right side and shared concerns over setbacks, potential impacts to her well, water run-off, erosion and flooding. The commissioners said that proper building permits will need to be obtained.
- *Mike Hannigan, 72 Alpine Circle*, said he is on the other side of this lot and is concerned over water run-off onto his property since it slopes in his direction.
- *Joe Washik, 80 Engleside Terrace*, said his property is diagonally behind the lot and is concerned about water run-off and effects on wells. He is concerned that removing the vegetation there will cause erosion and water issues.
- *Donald Wismann, 72 Engleside Terrace*, owns a home directly behind the lot in question and is concerned over water run-off as there is a very steep drop off to his house. He is also concerned over a two story house being constructed that will tower over his home that is set downhill and block sunlight.
- *Robert Mauborgne, 39 Alpine Circle*, shared concerns over the width of the existing road, issues with parking, proper setbacks and the esthetics of the neighborhood.

With no more comments, Mr. Annett closed the hearing. After a lengthy discussion, Mr. Clavette motioned to APPROVE a variance for the front yard setback as there was a pre-existing structure that is being replaced; but the application for the side yard setbacks was DENIED, therefore the applicant will need to meet the 25 foot side yard setback regulation. The property owner is encouraged to consider appropriate drainage for the rear of the property. Mr. Cronin seconded the motion and all were in favor.

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

**Continuation of DOCKET #14-08, Application of Daniel and Michelle Savoie for a variance of Section 3.01.332 of the Zoning Regulations to permit the use of a top floor of a detached garage as rental property. The property is located at 14 Hitfield Road in the Town of Newtown, CT in an R-2 zone.**

Daniel and Michelle Savoie were present to discuss their application. Ms. O'Connor read the docket. Mr. Annett said that after conferring with legal counsel it was determined that a variance was not necessary. The hearing was closed.

After no further discussion, Mr. Clavette motioned to adjourn the meeting. Mr. Carley seconded the motion and the meeting was adjourned at 9:00 pm.

Respectfully submitted by Tammy Hazen