



TOWN OF NEWTOWN

Zoning Board of Appeals "Special Meeting" Minutes

July 8, 2015 at 7:30PM

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 III (Chair), Alan Clavette (Vice Chair), Ross Carley, Barbara O'Connor
Alternatives Present: Roy Meadows, Jane Sharpe and Herb Rosenthal
Staff Present: Lynn Kovack

The meeting of the Zoning Board of Appeals was called to order by Chairman Annett at 7:33 PM.
Mrs. O'Connor called the roll and then read Dockets #15-2 & #15-3

Minutes from the March 18, 2015 minutes. Chairman Annett made motion to accept Minutes with the motion.
Mr. Carley seconded and all approved

Mrs. O'Connor read:

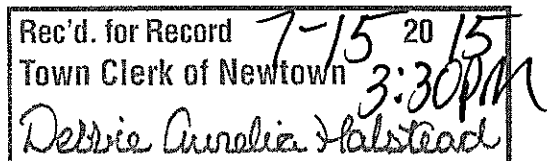
Docket #15-2 Application of Raymond Panda for a variance of Section 7.04.100 of the Zoning Regulations to construct a Single Family Residence on a lot that does not comply with the required acreage for the zone. The property is located at 8 Shady Rest Blvd, Sandy Hook, in the Town of Newtown in a R-1 Zone.

Chairman Annett explained that the Commission has up to 65 days to make a decision on each application. He stated that they try to make a decision on the evening of the meeting if possible. It will be effective 10 days after publication and if you choose to start before then you will need to sign a waiver not holding the Town of Newtown liable.

Mr. Alan Shepard Professional Engineer with Nowakowski, O'Bymachow, Kane & Associates is here to represent Dr. Raymond Panda.

Mr. Shepard handed out a packet (Exhibit A) which explained that Dr. Panda has received Health Approvals, has had an A-2 Survey of the property done and had a soil specialist do report that shows there are no wetlands on the property. Mr. Shepard also submitted the mailing receipts from the adjoining neighbors (exhibit B) The lot was part of the Shady Rest subdivision done in 1925. Most lots are 200 x 200 and this lot is only approx 10 % short of an acre. There was no zoning back in 1925. Mr. Carley asked if it was taxed as a buildable lot. Mr. Shepard explained yes it has been taxed as a buildable lot. It is a nice level lot with good sandy soil underneath it. Mr. Carley asked if the lots around it are comparable to it. Mr. Shepard explained yes they are comparable. There has been no lot line changes and was always intended to be built on. Mr. Shepard explained that all requirements have been met except for the shortage of property. So now we are here asking for your approval. All Commissioner questions were answered so floor was opened to the public's questions.

David Knight who lives at an adjoining property behind the proposed lot asked about a few concerns of his. There is a barn on his property from when he purchased in the 80's and encroaches the property by approx 2 ft. He was told he did not need to move the barn and that he owned more property past the barn. Mr. Annett



suggested looking at deed for lot lines. He explained the septic fields are close to so that was a concern. Chair Annett explained that is a separate issue than the Zoning Board.

Dan Booth of 1 Deer Trail had a few concerns: He wanted to know if the house would be lived in or sold. Mr. Shepard said he thinks they will sell it. He was concerned with when it rains that the water ponds down on the road. Commissioners told him that the Association should take care of the water issue. It has been like that for many years. Mr. Knight and Mr. Booth were concerned about right of ways and power lines also. Mr. Clavette suggested looking at the deed regarding those issues as it will be in the deed and that has status since on the map since 1925.

Michelle Mick of 5 Shepaug Road is adjacent to Mr. Knights property. She had concerns as she is planning on redoing her own home. She now has a cesspool and has to put in a septic system and does not want this to affect it. Chairman Annett explained that they can't build a system to affect yours.

Ken Ballard of 13 Shady Rest asked if he does not get approval will he still be able to build a smaller house. Commissioners stated if not approved he can't build at all.

After no further questions, the hearing was closed.

Prior to starting the next case Mr. Hayden Bates stated he did not have one of the mail things (exhibit A) that Mr. Shepard presented. Mr. Annett asked if he had contacted the neighbors and he did not. Mr. Clavette suggested continuing to our August meeting. Mr. Annett then asked Mrs. O'Connor to read the Docket.

Mrs. Connors read Docket #15-3

Application of William Hayden Bates for a variance of Section 7.02.100 of the Zoning Regulations to allow the construction of an addition of another garage bay to an existing garage too close to the property line. The property is located at 6 Key Rock Road, in the Town of Newtown in a R-2 Zone.

Mr. Bates asked if anything can be done preliminarily. Mr. Clavette stated that technically we can't have a hearing because you notify the neighbors so they have an opportunity to object against application if they wish. Mr. Bates asked for a continuance until the August meeting so he can notify his neighbors of his application for a variance. Mr. Clavette made a motion to accept, Mr. Cronin seconded the motion with all in favor.

Since there was no other business to discuss, the meeting was adjourned at 8:10PM Mr. Annett made motion to adjourn and Mr. Cronin seconded the motion and all approved.

Respectfully submitted by Lynn Kovack (recording clerk)

Town of Newtown
Zoning Board of Appeals
3 Primrose Street
Newtown, CT 06470

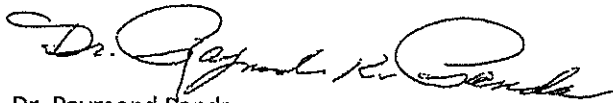
Dr. Raymond Panda
67 Jackson Drive
Trumbull, CT 06611

March 18, 2015

Dear Board Members,

I am authorizing Mr. Allen Shepard of Nowakowski, O'Bymachow, Kane & Associates to represent me at the zoning board of appeals meeting regarding my property at 8 Shady Rest Blvd, Newtown.

Sincerely,

A handwritten signature in black ink that reads "Dr. Raymond Panda". The signature is written in a cursive style with a large, prominent initial "R".

Dr. Raymond Panda

3 Primrose Street
Newtown, CT 06470

NEWTOWN HEALTH DISTRICT

phone 203.270.4291
fax 203.270.1528
email Ed.Knapik@newtown-ct.gov

Address: 8 SHADY REST BLVD

Owners Name: RAYMOND PANDA


CONDITIONS OF APPROVAL

LICENSED INSTALLER MUST SUBMIT A COMPLETED APPLICATION TO CONSTRUCT AND A FEE OF \$150

THIS IS NOT A PERMIT TO CONSTRUCT

PROPERTY OWNER MUST BRING IN HOUSE PLANS FOR REVIEW, COMPLETE AN APPLICATION FOR BUILDING PLANS AND FEE OF \$100

- 1 Engineer of record must stake septic system (including curtain drain if applicable) and set a field benchmark prior to system construction. The Health District must be contacted for a site inspection at this time.
- 2 The installer is to stake the septic system and contact the Health District for an inspection prior to construction.
- 3 Additional test holes/percs will be required in the septic area (fill package) prior to system construction. Scarification must be witnessed and approved by the Health District prior to the placement of the fill.
- 4 The design engineer must inspect the septic fill quality and depth and approve it prior to system construction.
- 5 A joint final inspection by the Engineer/Installer and Health District is required. An As-Built with separating distances and elevation of system elements must be submitted. If the system is engineered, the engineer must submit a certified As-Built and a letter of acceptance of the septic fill quality.
- 6 Stone walls will be removed within 25 feet upgradient or 50 feet down gradient of septic system.
- 7 This permit is for a **FOUR** bedroom house, requiring a **1250** gallon septic tank, and **84** linear feet of **36-INCH HIGH TEE PEE GALLERIES**
- 8 Engineer to verify depth and location of curtain drain.
- 9 Installation of a pump chamber will require an electrical permit and separate inspection from the Building Dept. The pump chamber must be the same size as the septic tank.
- 0 An A-2 Foundation plot plan must be submitted to the Health District prior to well permit approval
- 1 The Septic Application must contain the signature of the owner and the license number and signature of the installer. A minimum of 24 hours notice is required before you start installation.
- 2 The Health District recognizes that the contours on the submitted plan may have a slight margin for error therefore bottom elevations of the leaching system must be set by the design engineer in order to verify that the required separation distances to the restrictive layers are maintained.


Edward C. Knapik, RS

Date: 032715

JMM WETLAND CONSULTING SERVICES, LLC

25 Church Hill Road, Suite 203
Newtown, CT 06470

Phone: 203-364-0345
Mobile: 203-994-3428
james@jmmwetland.com
jmmwetland.com

August 29, 2012

Mr. Raymond Panda
67 Jackson Drive
Trumbull, CT 06611

RE: *Site Investigation*
8 Shady Rest Boulevard, Sandy Hook, Connecticut

JMM Job # 12-1455-NWT-6

Dear Mr. Panda:

Mr. James McManus, a Certified Professional Soil Scientist with JMM Wetland Consulting Services, LLC (JMM) conducted a site visit at the above-referenced site on August 27th, 2012. The purpose of the investigation was to verify the absence or the presence of regulated wetland areas in accordance with the State of Connecticut Statutes. The site is located on the east side of Shady Rest Boulevard in Sandy Hook, CT. This 0.90 +/- acre site consists of an undeveloped forested lot with a full tree canopy and moderately dense to dense understory.

The soils on the subject site were observed to be mainly undisturbed in nature. The undisturbed soils are derived from glacial outwash (i.e. stratified, sand and gravel) deposits. These undisturbed soils were identified as the somewhat excessively drained Merrimac (34) soil series and the moderately well drained Ninigret (21) soil series.

Merrimac fine sandy loam (34). This series consists of deep, somewhat excessively drained soils formed in a coarse-loamy mantle underlain by sandy water deposited glacial outwash materials. They are level to very steep soils on outwash plains and high stream terraces. The soils formed in loamy over stratified sandy and gravelly glacial outwash derived mainly from acid crystalline rocks. Typically these soils have a very dark grayish brown sandy loam surface layer 8 inches thick. The subsoil from 8

Mr. Raymond Panda
8 Shady Rest Boulevard, Sandy Hook, CT
August 29, 2012
Page 2

JMM

to 20 inches is dark yellowish brown and yellowish brown sandy loam. The substratum from 20 to 60 inches is light olive brown gravelly coarse sand.

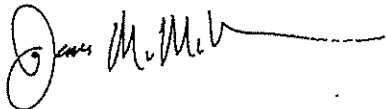
Ninigret fine sandy loam (21). This series consists of very deep moderately well drained soils formed in a coarse-loamy mantle underlain by sandy water deposited glacial outwash materials. They are nearly level to gently sloping soils on glaciofluvial landforms, typically in slight depressions and broad drainage ways. The soils formed in loamy over stratified sandy and gravelly outwash derived from a variety of acid rocks. Typically, these soils have a very dark grayish brown fine sandy loam surface layer 8 inches thick. The subsoil from 8 to 26 inches is yellowish brown fine sandy loam with mottles below 16 inches. The substratum from 26 to 60 inches is mottled, pale brown, loose, stratified loamy sand.

No poorly or very poorly drained soils (i.e. inland wetland regulated areas) or watercourses are identified on the overall property.

Please call us if you have any questions on the above or need further assistance.

Respectfully submitted,

JMM WETLAND CONSULTING SERVICES, LLC



James M. McManus, MS, CPSS
Certified Professional Soil Scientist (No. 15226)

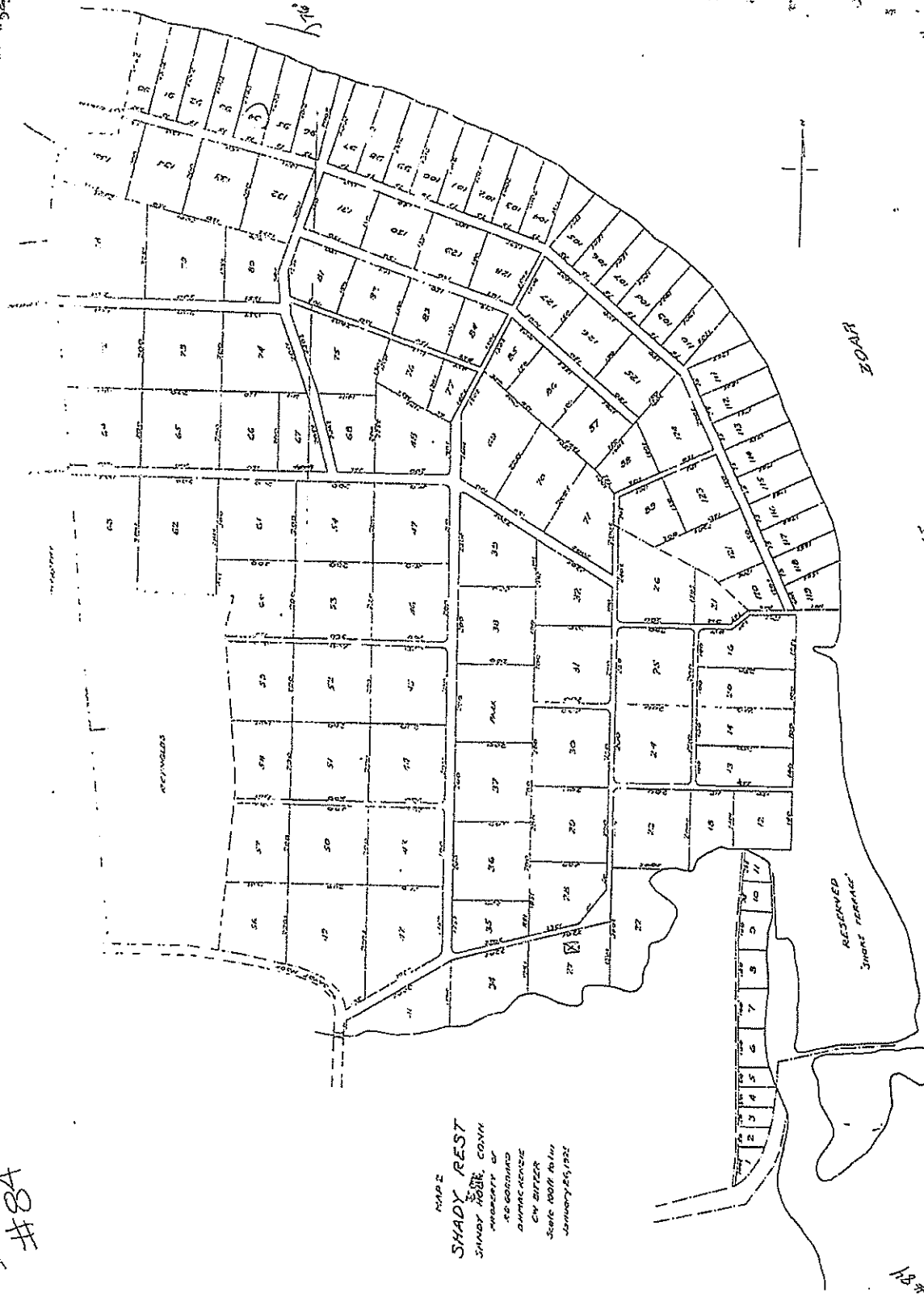
Attachments: Figure 1, USDA-NRCS Web Soil Survey

#34
#84

Dist. # 134

11/5/87

HB #



MAP 2
 SHADY REST
 SHADY SIDE, CONN.
 PROPERTY OF
 REBECCA
 DIMICK
 CIV. ENGINEER
 SCALE 1/8" = 1'-0"
 JANUARY 1987

HB #

1. ALL LOTS ARE TO BE DEVELOPED WITHIN THE PERMITTED TIME FRAME.
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 3. ALL LOTS ARE TO BE DEVELOPED WITHIN THE PERMITTED TIME FRAME.

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2.	DELL KENNETH A & MARJORIE D 2 SHEPAUG ROAD SANDY HOOK CT 06482											
3.	EBERLIN ROGER S JR & HEATHER L 16 SHADY REST BLVD SANDY HOOK CT 06482											
4.	MULLEN BARBARA J P.O. BOX 613 SANDY HOOK CT 06482											
5.	WHEWAY JOHN T 34 UNDERHILL ROAD SANDY HOOK CT 06482											
6.	CODY MARY E 6 SHEPAUG ROAD SANDY HOOK CT 06482											
7.	SCHIERLOH EDWIN C & CAREY A 6 SHADY REST BLVD SANDY HOOK CT 06482											
8.												

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2.	MACKENZIE MALCOM L & STROPLE 12 SHEPAUG ROAD NEWTOWN CT 06470										
3.	HENSEL JOHN P & SITRANIE 1 SHADY REST BLVD SANDY HOOK CT 06482										
4.	HYATT ERIC J & SMITH SHERIDAN D 8 MACKENZIE CIRCLE SANDY HOOK CT 06482										
5.	ZUCKERMAN ADAM W & SUZANNE 2 DEER TRAIL SANDY HOOK CT 06482										
6.	MICK MICHILLE 5 SHEPAUG ROAD SANDY HOOK CT 06482										
7.	VISINSKI ANDREW 18 SHEPAUG ROAD SANDY HOOK CT 06482										
8.	WAHLBERG DOUGLAS J & CINDY C 11 SHADY REST BLVD SANDY HOOK CT 06482										
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2.	MELLO DALE TR 175 WALNUT TREE HILL ROAD SANDY HOOK CT 06482											
3.	ZUKLIE ENTERPRISE LLC & 26 ANDERSON RD SHERMAN CT 06784											
4.	DOHERTY THOMAS P & VICTORIA B 169 WALNUT TREE HILL ROAD SANDY HOOK CT 06482											
5.	DUFFY JOSEPH & DUFFY NANCY R 5 THOMAS CIRCLE SANDY HOOK CT 06482											
6.	SIDELEAU THOMAS J 3 DEER TRAIL SANDY HOOK CT 06482											
7.	MCCOMBE JAMES P & COLLINS CAROL T 2 SHADY REST BLVD SANDY HOOK CT 06482											
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2.	NEWTOWN TOWN OF 3 PRIMROSE STREET NEWTOWN CT 06470											
3.	RETAINED REALTY INC 5 EAST 42ND STREET NEW YORK NY 10017											
4.	SEREDAY MICHAEL S & MARINO CINDY 5 DEER TRAIL SANDY HOOK CT 06482											
5.	VENDEL LARRY W & MARY JANE R 14 SHADY REST BLVD SANDY HOOK CT 06482											
6.	GALLIC LYNN B 14 MAC KENZIE CIRCLE SANDY HOOK CT 06482											
7.	SHADY REST ASSN P O BOX 0 SANDY HOOK CT 06482											
8.	VILLAFANA DIANNA 8 SHEPAUG ROAD SANDY HOOK CT 06482											
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2.	CHOI LOIS S TR 8 ANTHES AVENUE SANDY HOOK CT 06482											
3.	BALLARD KENNETH H JR & BALLARD 13 SHADY REST BLVD SANDY HOOK CT 06482											
4.	REPPUCCI JUDY & JAMES F 12 SHADY REST BLVD SANDY HOOK CT 06482											
5.	GINTY THOMAS B & TONIA 6 THOMAS CIRCLE SANDY HOOK CT 06482											
6.	HEWITT PAUL DAVID 12 MACKENZIE CIRCLE SANDY HOOK CT 06482											
7.	TRUDEAU JOSEPH A + SHARON K 3 SHEPAUG ROAD SANDY HOOK CT 06482											
8.	LEWIS JOHN E & KAREN M 4 SHEPAUG ROAD SANDY HOOK CT 06482											
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2.	EIBSEN JANICE A 6 MACKENIE CIRCLE SANDY HOOK CT 06482											
3.	MCINTYRE EUGENE A 10 SHEPAUG ROAD SANDY HOOK CT 06482											
4.	STROPLE PETER B 156 COMPO ROAD NORTH WESTPORT CT 06880											
5.	DOS SANTOS LIVIO M & JO ANN PO BOX 250 SANDY HOOK CT 06482											
6.	SODERQUIST ALEXANDRA M 14 HOUATONIC DR SANDY HOOK CT 06482											
7.	MORRIS ROBERT E & ELIZABETH C P O BOX 844 SANDY HOOK CT 06482											
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