TOWN OF NEWTOWN
ZONING BOARD OF APPEALS

<u>MINUTES</u>
SPECIAL MEETING
August 14, 2019 at 7:30 p.m.
Meeting Room 3, 3 Primrose Street, Newtown, CT 06470

Present: Barbara O'Connor, Joseph Bojnowski, Jane Sharpe, Christina Paradis, Robin Buchanan, and Ross Carley
Absent: Alan Clavette and Prerna Rao
Also Present: Christine O'Neill, Clerk

In Mr. Clavette's absence, Ms. O'Connor acted as Chair and Ms. Sharpe acted as Secretary. Ms. O'Connor called the meeting to order at 7:30 p.m.

<u>Discussion and Action Items</u>
(Continuation) Application 19.04 by Andrew and Jacqueline Garthwait, for a property located at 3 Brassie Road, Newtown, CT for a variance of Chart VII-I of the Zoning Regulations of the Town of Newtown, so as to permit the expansion of an existing garage into the setback area, as shown on a set of plans entitled "Zoning Location Survey, Prepared for Andrew T. Garthwait, 3 Brassie Road, Newtown Connecticut" dated 6/19/19 and documents submitted to the Land Use Agency 7/2/19, 8/8/19, and 8/14/19.

Ms. O'Connor reminded the Board that last week's public hearing left off with the placement of the leach fields precluding the construction of the garage in the backyard. Mr. Garthwait submitted a letter from his neighbor in support of the application as well as a number of photographs. Mr. Carley asked where the leach fields were in relation to the position of the house. Mr. Garthwait used the photographs and the site plan to demonstrate the location (the flat spots beneath the "drops" in the backyard). Mr. Garthwait estimates a 15-18 foot difference between the highest elevation in the backyard and the drops. He pointed out that there is a retaining wall with a significant drop behind it on one side of the property.

Mr. Garthwait explained that the hardship is based on the presence of the leach fields, which cannot support heavy machinery to construct a garage without doing damage to the septic system. Mr. Bojnowski had further questions about the location of the leach fields, and Mr. Garthwait demonstrated on the site plan.

Mr. Garthwait stated that "there is no perfect way to position this garage," citing the topography, leach fields, retaining wall, and setbacks.

Ms. Sharpe read the note from neighbor Linda Markin into the record: "To Whom It May Concern: My name is Linda Markin and I reside next door to the Garthwaits at 5 Brassie Rd. I would like to inform you that I have seen the building plans and approve of the Variance that Mr. Garthwait has applied for. Sincerely, Linda Markin."

Ms. Paradis moved to close the public hearing. Mr. Bojnowski seconded. All were in favor and the public hearing was closed at 7:40 p.m.

These minutes are subject to the approval of the Board.
Copies of Applications and Documents are on file at the Land Use Agency.

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Mr. Carley said that after looking at the photos, he feels that the topography and terracing would be adequate grounds for a hardship. Ms. O'Connor added the location of the leach field also constitutes a hardship. Ms. Paradis pointed out that these points were not clear at the last meeting, but the Board now felt that the photographs have demonstrated the hardship.

Mr. Carley made the following motion to approve Application 19.04: The sloping topography of the property and the location of the leach fields in the backyard preclude the construction of a two-car garage outside of the setbacks. I make a motion to grant a setback Variance for this property based on this hardship as demonstrated by an A-2 survey, photographs, and documentation from the Health District. Ms. O'Connor seconded. The Board voted as follows:

Barbara O'Connor - AYE
Jane Sharpe - AYE
Christina Paradis - AYE
Robin Buchanan - AYE
Ross Carley - AYE

The motion to approve Application 19.04 passed unanimously.

Acceptance of Minutes
Mr. Bojnowski moved to approve the minutes from the meeting of August 7, 2019. Mr. Carley seconded. All were in favor and the minutes from last meeting were approved.

Adjournment
Mr. Bojnowski moved to adjourn the meeting. Mr. Carley seconded. All were in favor and the meeting was adjourned at 7:50 p.m.

Respectfully submitted,
Christine O'Neill, clerk