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## TOWN OF NEWTOWN

### ZONING BOARD OF APPEALS

#### MINUTES

#### REGULAR MEETING

Wednesday, January 3<sup>rd</sup> 2024 – 7:30 PM  
Meeting Room 3, Newtown Municipal Center  
3 Primrose Street, Newtown CT 06470

**Present:** Alan Clavette, Rachel Rowan, Prerna Rao, Joe Bojnowski, Tiffany Hawley, Don Mitchell, James O'Connor, Peter Wlasuk

**Also Present:** Steve Maguire, Deputy Director of Land Use, Amy Coyle, Clerk

Mr. Clavette called the meeting to order at 7:30 p.m.

#### **1. Election of Officers**

##### **Chairperson**

Mr. Mitchell nominated Mr. Clavette for the Zoning Board of Appeals Chairperson. Ms. Rao seconded. The motion carried unanimously 5-0. Mr. Clavette was elected as the Chairperson of Zoning Board of Appeals.

##### **Secretary**

Mr. Clavette nominated Ms. Rowan for the Zoning Board of Appeals Secretary. Ms. Hawley seconded. The motion carried unanimously 5-0. Ms. Rowan was elected as the Secretary of Zoning Board of Appeals.

#### **2. Public Hearings**

**Application #24-01 by Wayne and Eileen Marchese**, for a property located at 171 Walnut Tree Hill Road, for a Variance of the Zoning Regulations of the Town of Newtown §8.08.231, so as to allow excavation of up to 1,500 cubic yards in order to grade a 50-foot backyard, as shown on a set of plans titled "Site Plan Prepared for Wayne & Eileen Marchese, 171 Walnut Tree Hill Road, Sandy Hook, Connecticut", dated July 14, 2023 and all supporting documents submitted to the Land Use Agency November 14, 2023.

Mr. Alan Shepard, Engineer, 415 Howe Ave, Shelton spoke regarding Mr. Marchese's house that was built on a hillside with minimal space siting a topography hardship. Mr. Shepard would like to make the lot functional that would not be seen from the front of the home from the road.

Mr. Wayne Marchese, 171 Walnut Tree Hill Road, Sandy Hook. Mr. Marchese addressed the Commission regarding his backyard lot size that is 20 feet by 50 feet and is not flat, the side yard that is a 60-foot triangle where the septic is placed and there is a 12-foot patio in the backyard. There is no usable backyard space and is looking for a safer living space.

Mr. Clavette asked when the home was built?

Mr. Marchese stated the home was built in 1971 and that he bought the home in 2015.

Mr. Wlasuk asked if the fill will be taken off-site?

Mr. Marchese stated yes 1500 cubic yards.

Mr. Mitchell stated there are lots of slopes in the area, what material will be used? Is it sand and gravel?

Mr. Shepard stated the additional sand has been used at other Sandy Hook properties with a good outcome. Mr. Marchese's slope is substantial and will use the same boulder slope that was used for Mr. Levy. The construction is 12 feet down by 50 feet wide making the retaining wall less vertical.

Mr. Clavette asked if any fencing will be placed when completed?

Mrs. Eileen Marchese, 171 Walnut Tree Hill Road, Sandy Hook stated "yes" additional fencing will be placed.

Ms. Rowen stated she approves and feels it will fit with the character of the neighborhood.

Mr. Mitchell has concerns regarding gravel and mining but stated it may be a matter of right.

Ms. Rao states it's a topography hardship and she approves.

Ms. Hawley stated boulders will be used will there be a drainage issue? Will there be any landscaping?

Mr. Clavette stated that drainage is not an issue.

Mr. Shepard stated there will be no drainage issue.

Mr. Shepard stated grading is easier leaving a good reserve for septic using materials from a local source and there are no wetlands on the property.

With no further questions from the Commission, Mr. Clavette invited public comment.

### **Public Comments**

Mr. Jordon Levy, 171 Walnut Tree Road, Sandy Hook stated he has 3 kids and needed emergency construction to move his driveway to make his backyard functional and it was successful.

Mr. Scott Ostrosky, 86 High Rock Road, Newtown stated he worked on Mr. Levy's property to fix the driveway slope and would look to have the application approved to make the property more functional.

Mr. Clavette moved to close the public hearing on Application #24-01. Ms. Rao seconded. All were in favor and the public hearing was closed at 8:01 p.m.

All in favor 5-0. The Commission voted unanimously 5-0

### **Discussion and Action**

Mr. Mitchell stated he has concerns regarding gravel and mining but it could be a matter of right.

Ms. Hawley stated the neighbors are on board. She approves.

Mr. Clavette stated the neighbors are not at meeting so she needs to take the information at face value.

Ms. Rowan stated Mr. Shepard will be using boulders for a more natural landscape.

Mr. Clavette stated there will be a steep slope with a mound when the construction is finished.

Ms. Rao stated it is a hardship based on topography and has no objection.

Mr. Maguire spoke regarding the construction permit for the applicant's driveway reconstruction in addition to a land lot revision.

Mr. Clavette stated it's an extreme hardship.

Mr. Mitchell stated his vote is based on the grade of the homeowner's topography hardship and it will not be not for all neighboring properties in the Town of Newtown.

Mr. Clavette stated yes.

Mr. Clavette moved to APPROVE Application #24-01. Ms. Rao seconded. Application #24-01 carried unanimously 5-0.

### **3. 2024 Zoning Board of Appeals Meeting Dates**

Mr. Maguire moved to have the 2024 ZBA meetings moved to 7:00 p.m.

Mr. Clavette requested a motion to approve the 2024 Zoning Board of Appeals Calendar. Ms. Rao seconded. The motion carried unanimously 5-0. The 2024 Zoning Board of Calendar was approved.

### **4. Adjournment**

Mr. Clavette moved to adjourn the meeting. Mr. Mitchell seconded. All were in favor and the meeting was adjourned at 8:04 p.m.

Mr. Bojnowski asked about additional training hours.

Mr. Maguire welcomed the new Commissioners and stated he will forward and distribute any new training when it becomes available to the Commissioners.

*Respectfully submitted,  
Amy Coyle, clerk*