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TOWN OF NEWTOWN

ZONING BOARD OF APPEALS

MINUTES

Regular Meeting

Wednesday July 5, 2017 at 7:30 pm

Municipal Center – Meeting Room 3

These minutes are subject to approval by the Zoning Board of Appeals.

Present: Barbara O'Connor, Ross Carley, Joe Bojnowski, Jane Sharpe, Stephen Singlak

Absent: Charles Annett III, Alan Clavette

The meeting was opened by Barbara O'Connor at 7:30 pm. Steve Singlak read the call for the hearing

Docket # 17-07 Application by Walter Kilcourse for a property located at 149 Mount Pleasant Road, Newtown, CT to apply for a variance of sections 8.03.320, 8.01.211, 8.10.295, and 4.04.120 of the Newtown Zoning Regulations so as to permit parking spaces and driveway within the front yard setback, to permit a sign to be located closer than 25' to the street line, to permit the proposed dumpster enclosure to be located within the side and front setbacks; as shown on a map titled "Zoning Location Survey, prepared for Walter Kilcourse and Jean Kilcourse Depicting Property Situated At 149 Mount Pleasant Road- U.S. Route 6, Newtown, Connecticut, Tax Assessor Map 2, Block 4, Lot 25" dated June 6, 2017.

Ms. O'Conner asked to hear from the applicant.

Michelle Micoli of Artel Engineering Group LLC came forward as the agent and expressed that this was her first time presenting to the Zoning Board of Appeals. Ms. O'Conner explained the process. Ms. Micoli presented the mailings.

Ms. Micoli displayed maps of the property and informed the Board members that the application is for a commercial property of 4,400 square feet. The request is for a zoning variance for parking, a sign and a dumpster enclosure. The Wetlands Commission has already reviewed and approved the plan. She further explained that the Pogond Brook is limiting where parking can be located. Mr. Carley asked if a smaller building had been considered. Ms. Micoli explained that a smaller building was considered, but would not fit in with adjacent buildings. Mr. Carley then asked if cars will be able to back out of the spaces without backing onto Route 6. Ms. Micoli explained that the cars would be able to back up within the property line. Mr. Singlak asked if these changes have support from the neighbors. Ms. Micoli replied that all neighbors were notified of the proposed layout, but they had not heard from anyone to date. Ms. O'Connor asked if the building was connected to city water and sewer. Ms. Micoli referred to the maps showing where the water, sewer and gas come off of Mt. Pleasant Rd. Mr. Bojnowski asked about the hardship and why wasn't the brook taken into consideration when the property was initially purchased. Ms. Micoli explained that at the time of purchase the Pogond Brook ran through a pipe, but since has diverted to flowing over the pipe, which the Wetlands Commission prefers to be free flowing. Ms. O'Connor then read to the group zoning section 8.10.295 which referred to open dumping and asked why this section was added to the variance request. The Board members further discussed concerns with open dumping, but later found that this section was included at the recommendation of George Benson, Director of Planning, specifically regarding the portion speaking to "behind set-backs". Mr. Carley expressed concerns with the sign blocking sight lines for cars pulling out of the parking lot. In addition, Mr. Singlak asked if Artel had received DOT approval. Ms. Micoli informed them that the sign would be located within the property to allow for vehicles to see the road clearly when pulling out, and that the necessary paperwork had been submitted to the DOT but they had not yet received approval.

Ms. O'Connor noted that there are beautiful, healthy nut trees on the property and asked if they could be saved. Ms. Micoli expressed that it would be difficult because every bit of the area is needed for the planned parking and dumpster enclosure but she will note this on the plan to see if any can be saved.

Mr. Carley made a motion to approve the application for the variance on the grounds of topography as their hardship, with the exception of no open dumping other than the container for dumping. Ms. Sharpe seconded. All members were in favor and the variance was granted with the exception of open dumping.

Mr. Singlak asked the Commission to take a vote on the Minutes of June 7, 2017.

Mr. Carley made a motion to approve the minutes of June 7, 2017. Ms. Sharpe seconded. The minutes were approved.

With no other business, Ms. O'Connor moved to adjourn. Ms. Sharpe seconded. All members were in favor. The meeting of July 5, 2017 was adjourned at 7:58 pm.

*Respectfully Submitted,
Kimberly Chiappetta, Clerk*