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TOWN OF NEWTOWN
ZONING BOARD OF APPEALS
MINUTES

Regular Meeting
Wednesday June 7, 2017 at 7:30 pm
Municipal Center – Meeting Room 3

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

Present: Charles Annett III, Barbara O'Connor, Alan Clavette, Ross Carley, Stephen Singlak

The meeting was opened by Chairman Annett at 7:30pm. Mr. O'Connor read the call for the hearing

Docket # 17-04 Application by 636 Cooke Street, LLC., for a property located at 71 Lakeview Terrace, to apply for a Correction of Alleged Error in a decision of the Zoning Enforcement Officer who on March 6, 2017 denied a zoning permit by Robert Prior, agent for 636 Cooke Street, LLC., to build a house at 71 Lakeview Terrace, Newtown Connecticut.

Mr. Annett asked to hear from the applicant. Robert Hall, 43 Main Street, Newtown and Brian Botti, 636 Cooke Street LLC. came forward as the agent and applicant. Mr. Hall presented the mailings. Mr. Hall explained that the parcel of land known as 71 Lakeview Terrace was comprised of many smaller lots, and was purchased by Mr. Botti's father in the 60's or 70's. Brian Botti acquired the land under his LLC after the passing of his father. The configuration of the lots had not changed since the original purchase. An agent for Mr. Botti had asked Mr. Maguire if the lot was buildable in January of 2017 and Mr. Maguire had responded in email that he should proceed with a building permit. Once receiving the building application, Mr. Maguire had reviewed the lot more thoroughly and noticed that the lot was less than the required acreage for the zone excluding areas of steep slopes and wetlands. Mr. Hall explained that Mr. Maguire then denied the building permit due to his interpretation of the regulation 7.02.110. Mr. Hall said that the regulation did not apply because the lot had been created prior to September 16, 2002 therefor exclusion of steep slopes and wetlands did not need to be included in the lot size calculation.

Mr. Annett asked to hear from the ZEO, Steve Maguire. Mr. Maguire distributed a packet to the Commissioners and explained his reasoning. He stated the definition of a lot per the Newtown Zoning Regulations. Mr. Maguire's interpretation was that the parcel of 71 Lakeview Terrace was not an established building lot even though there were maps filed through the Town Clerk's office. The Commissioners were reviewing the Newtown Zoning Regulations and were having confusion regarding the verbiage. After deliberating, Mr. Clavette made a motion to enter into executive session to discuss definitions with the Legal Counsel. Mr. Singlak seconded, and the Commission entered Executive Session at 8:19 PM. Mr. Clavette made a motion to return to the meeting at 8:44 PM. Mr. Carley seconded and the meeting continued. Mr. Clavette explained that his decision was hinging on the original email from Mr. Maguire stating that the applicant should pursue a building application. However, he did not feel completely comfortable with considering the lot established, true to the zoning regulations, in a way that would protect it from including steep slopes and wetlands from useable acreage. Mr. Annett closed the hearing at 8:52 PM.

Mr. Clavette made a motion to approve the application of correction of alleged error because of the original email that had encouraged the applicant to move forward with plans to improve the lot. Mr. Singlak seconded. There was some discussion about precedence and a previous contradictory statement made by a ZEO. The Commission took a vote.

Mr. Annette..... NAY Mr. Carley.....AYE

Mr. Clavette.....AYE Mr. Singlak.....AYE

Ms. O'Connor....AYE

The appeal of Mr. Maguire's decision was approved.

Mr. Annett asked the Commission to take a vote on the Minutes of May 3, 2017.

Ms. O'Connor made a motion to approve the minutes of May 3, 2017. Mr. Annett seconded. The minutes were approved.

With no other business, Mr. Carley moved to adjourn, Mr. Clavette seconded. All members were in favor. The meeting of June 7, 2017 was adjourned at 9:01 pm.

*Respectfully Submitted,
Georgia Contois, Clerk*