

***Borough of Newtown
Zoning Commission
Newtown, Connecticut***

**THESE MINUTES ARE SUBJECT TO APPROVAL BY THE BOROUGH OF NEWTOWN ZONING
COMMISSION**

Minutes of the Meeting of February 8, 2017

Minutes of the Meeting of the Borough of Newtown Zoning Commission on Wednesday, February 8, 2017 at the Lower Meeting Room, Edmond Town Hall, 45 Main Street, Newtown, Connecticut. Chairman Doug Nelson called the meeting to order at 7:00 p.m.

Commission Members Present: Doug Nelson, David Francis, Brid Craddock, Lucy Sullivan and Michael Guman.

Commission Members Absent: Claudia Mitchell.

Staff Present: George Benson, Director, Land Use, and Maureen Crick Owen, Zoning Clerk.

Staff Absent: Donald Mitchell, Borough Attorney, and Jean St. Jean, Borough Zoning Enforcement Officer.

Public Present: 11 members of the public and 1 member of the press.

OLD BUSINESS:

1. Discussion and Possible Decision on application of Hunter Ridge LLC for special exception and site plan approvals to develop 29.2 acre parcel into 29 single family detached homes with 20.14 acres being preserved as open space on property located at 41, 43, 45 and 47 Mount Pleasant Road, Newtown.

Chairman Nelson stated that the members voting on this application are: Mike Guman, Brid Craddock, David Francis and Doug Nelson.

The commission went through each finding in Paragraph 5 of the Site Development Plan Findings Form and found unanimously found all to be "finds". With regard to subparagraph (h), the commission found that the Site Development Plan complied with all applicable sections of the Borough regulations and all other applicable Borough, Town or State laws, ordinances, regulations and codes but that it was subject to the following stipulations:

(i) Hydrants are required with final locations to be approved by the Fire Marshal; and

(ii) Fully executed copy of recorded Conservation Easement to be provided to the Borough Zoning Commission.

Additional comments made by the voting commission members during their discussion of the site development plan findings were:

- They reviewed the architectural design and discussed the siding of the homes.
- The Conservation Easement cannot be signed unless there is an approval of the project.
- Regarding lighting, the lighting is all dark sky compliant.
- This falls under Section 4.05.1 of the regulations and the regulation is very specific to this particular allowed use under a special exception.
- Discussed the two letters from the Borough Engineer and that the applicant had addressed the issues.

Mr. Francis made a motion that on the basis of its consideration of the application and the findings approved the Site Development Plan subject to the following conditions:

- (i) Hydrants are required with final locations to be approved by the Fire Marshal; and
- (ii) Fully executed copy of recorded Conservation Easement to be provided to the Borough Zoning Commission.

The motion was seconded by Ms. Craddock and unanimously approved. The vote was as follows:

Douglas Nelson – Yes
David Francis – Yes
Brid Craddock – Yes
Mike Guman – Yes

Chairman Nelson then started to discuss the Special Exception Approval Findings. He said a lot of what was on this form is similar to what is on the Site Plan Approval Findings form. The commission went through each finding in Paragraph 5 of the Special Exception Findings Form and found unanimously found all to be “finds”.

Additional comments made by the voting commission members during their discussion of the site development plan findings were:

- With regard to subparagraph c, a finding needs to be based on what is in the record. Chairman Nelson said comments were made as to impacting the property values in the neighborhood but no hard documents were presented at the hearing.
- With regard to subparagraph g, it was noted in the letter from the Planning and Zoning Commission dated 10.06.2016 that the application was in accordance with the Town of Newtown Plan of Conservation and Development.
- With regard to subparagraph I, the Residential Open Space Development regulations clearly preserve the natural features of the land.

Mr. Francis made a motion that on the basis of its consideration of the application and the findings approved the Special Exception Plan subject to the following conditions:

- (i) Hydrants are required with final locations to be approved by the Fire Marshal; and
- (ii) Fully executed copy of recorded Conservation Easement to be provided to the Borough Zoning Commission.

The motion was seconded by Mr. Guman and unanimously approved. The vote was as follows:

Douglas Nelson – Yes
David Francis – Yes
Brid Craddock – Yes
Mike Guman – Yes

Ms. Craddock made a motion to approve the application of Hunter Ridge LLC for special exception and site plan approvals to develop 29.2 acre parcel into 29 single family detached homes with 20.14 acres being preserved as open space on property located at 41, 43, 45 and 47 Mount Pleasant Road, Newtown, as presented, subject to the following conditions:

- (i) Hydrants are required with final locations to be approved by the Fire Marshal; and
- (ii) Fully executed copy of recorded Conservation Easement to be provided to the Borough Zoning Commission.

The motion was seconded by Mr. Guman and was unanimously approved. The vote was as follows:

Douglas Nelson – Yes
David Francis – Yes
Brid Craddock – Yes
Mike Guman – Yes

2. There was no other old business to discuss.

NEW BUSINESS:

1. 77 Main Street: Joseph and Angie DeSimone were present on behalf of Danbury Ambulance Service. They submitted a letter to Borough Zoning Commission dated January 24, 2017. The letter is a request for a Zoning Permit (Certificate of Zoning

Compliance) for Danbury Ambulance to use the property located at 77 Main Street as an ambulance garage. Chairman Nelson referenced Section 4.06(j) of the zoning regulations as to what Danbury Ambulance's request is under a permitted use in a residential zone. Mr. DeSimone stated that they are a commercial ambulance service and provides back up ambulance service to the Town. If they were to occupy 77 Main Street, it would reduce their response time. He said their intent is not to take over Newtown Ambulance but to enhance the system. He said they need approval so they can move forward. He said that they provide on a weekly basis they provide a back up paramedic to Newtown Ambulance 5-7 times per week. He said they also provide paramedic service to Trumbull and that they are currently negotiating with Southbury to provide them with ambulance service. Mr. DeSimone said that they will only service Newtown from the 77 Main Street location. He said they would probably have 1 to 2 ambulances and 1 paramedic at the site. Chairman Nelson asked him if he got a call from Southbury where would he respond from. Mr. DeSimone said he would respond from their Danbury location. Chairman Nelson asked the same question about Trumbull. Mr. DeSimone said he has two paramedics on staff at Trumbull EMS. Mr. DeSimone said per his letter the only use for the property would be within Newtown. Chairman Nelson asked how he could justify this business decision if only serving Newtown. Mr. DeSimone said they want to make this investment in Newtown. He said he was not going to abuse the privilege of being in Newtown. Chairman Nelson said that they have had complaints about the sirens in the past. George Benson said that the only use of the land is commercial because of the environmental issues. Mr. Benson said that there are no records of a special exception or non-conforming use and that the ambulance service had been there for over 30 years. He said if it was a non-conforming substitute for another non-conforming use. He said if you do not allow the use there is no use for this building. Mrs. DeSimone said that they would have on average 2 people on overnight at the building. Mr. Benson said that more and more towns are relying on private back up commercial services and that you would treat them as you would a town ambulance agency. Chairman Nelson said that they would like to discuss this with counsel.

2. Proposed Zoning Amendments for Assisted Living Facilities: Preliminary discussion took place on the application presented. Mr. Francis made a motion to move the application submitted by Attorney Peter Scalzo for an amendment to the Borough zoning regulations to allow assisted living facilities dated January 30, 2017 to Newtown Planning and Zoning Commission for their comments. The motion was seconded by Mrs. Sullivan and unanimously approved. The vote was as follows:

Douglas Nelson – Yes
David Francis – Yes
Brid Craddock – Yes
Lucy Sullivan – Yes
Mike Guman – Yes

3. Discussion of Proposed Uses at Edmond Town Hall: Robert Hall, Margot Hall and Mary Fellows were present to discuss this matter. Discussion took place regarding proposed uses for the ETH so that they can rent out office space at marketable rates. They have 6,340 square feet of office space. ETH has financial issues and has to come up with ways to increase their revenue. They want to make it a more vital building. Chairman Nelson said that they would like to avoid uses that are in direct competition of professional and commercial zones. Mr. Benson said that this proposed use fits in with the current definition of the regulations.

4. Update/new discussion on possible new projects: No discussion.

5. Any new proposed signs: None.

6/7. Acceptance of St. Rose applications re: food pantry and expansion of church: The applications were received. Ms. Craddock made a motion to move the applications to the Newtown Planning and Zoning Commission for their comments. Mrs. Sullivan seconded the motion and was unanimously approved. The vote was as follows:

Douglas Nelson – Yes
David Francis – Yes
Brid Craddock – Yes
Lucy Sullivan – Yes
Mike Guman – Yes

8. Acceptance of any other applications: The commission accepted the application submitted by Attorney Peter Scalzo for dated January 30, 2017 for an amendment to the regulations to allow assisted living facilities. Mr. Francis made a motion to move the application to the Newtown Planning and Zoning Commission for their comments. Mrs. Sullivan seconded the motion and was unanimously approved. The vote was as follows:

Douglas Nelson – Yes
David Francis – Yes
Brid Craddock – Yes
Lucy Sullivan – Yes
Mike Guman – Yes

There will be a public hearing on this application at the March 8, 2017 meeting.

9. Any other new business: Chairman Nelson updated the commission on the Lexington Gardens projects specifically with regards to signage.

Zoning Enforcement Officer's Report: Because of the absence of the ZEO, there was no report.

There being no here being no other business to transact the meeting was adjourned at 9:25 p.m. The next regularly scheduled meeting will be held on March 8, 2017.

Respectfully Submitted,

Maureen Crick Owen
Zoning Clerk