

***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 April 12, 2017

Minutes of the Meeting of the Borough of Newtown Zoning Commission on Wednesday, March 8, 2017 at the Borough Office, 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 and Claudia Mitchell.

Commission Members Absent: Lucy Sullivan, Michael Guman and Margaret Hull.

Staff Present: Maureen Crick Owen, Zoning Clerk, and Donald Mitchell, Borough Attorney.

Staff Absent: Jean St. Jean, Borough Zoning Enforcement Officer.

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

Chairman Nelson opened the public hearing at 7:00 p.m.

Continuation of Public Hearing:

Application of Saint Roses Church Newtown for special exception, site plan and village district approvals to construct a 1,675± square foot addition to the church, the installation of a memorial garden, repaving the main parking lot and associated site, utility and landscaping work on property located at 46 Church Hill Road, Newtown.

Chairman Nelson read the legal notice. The following letters were read into the record:

1. Conservation Official dated 04.03.17; and
2. Borough Engineer dated 03.14.17.

Katy Lynch of Langan Engineering of New Haven, representing the applicant, was present. She summarized the proposed project and stated that it is an addition to the front of the church 1,675 square feet, two small building additions towards the back of the church, new sidewalk to the door, pushing the portico forward, pulling the driveway out, redoing the sidewalk from Church Hill Road into the property, making entrance an accessible entrance from the side, bell garden, improving pedestrian safety by putting in some crosswalks and sidewalks which will break up the car traffic in the parking lot, and restriping it. No change to the parking requirement as they are not altering the seating within the church.

Ms. Craddock questioned the memorial garden. Ms. Lynch corrected herself by saying it is not a memorial garden but a bell garden and that no burials would occur in that garden. Discussion took place regarding the lighting plan and the sidewalk. Ms. Lynch said that because of the changes being done there are 12 more parking spaces.

There being no one to speak in favor or against the application, the public hearing was closed at 7:16 p.m.

Meeting:

Acceptance of Minutes of the Meetings of December 14, 2016, February 8, 2017 and March 8, 2017 of the Borough of Newtown Zoning Commission – tabled until next meeting.

Old Business:

1. *Application of Saint Roses Church Newtown for special exception, site plan and village district approvals to construct a 1,675± square foot addition to the church, the installation of a memorial garden, repaving the main parking lot and associated site, utility and landscaping work on property located at 46 Church Hill Road, Newtown.*

The commission discussed the applications. A motion was made by Mr. Francis to approve the site plan application of Saint Roses Church Newtown to construct a 1,675 square foot addition to the church, site plan and village district approvals to construct a 1,675± square foot addition to the church, the installation of a memorial garden, repaving the main parking lot and associated site, utility and landscaping work on property located at 46 Church Hill Road, as presented, subject to the following conditions:

1. The applicant submit a writing correcting the name of the applicant/owner on the site plan application; and
2. Add hydrant northeast side of the church on the front island per the Acting Fire Marshal's letter dated February 10, 2017.

The motion was seconded by Ms. Craddock and was unanimously approved.

A motion was made by Mr. Francis to approve the special exception application of Saint Roses Church Newtown to construct a 1,675 square foot addition to the church, site plan and village district approvals to construct a 1,675± square foot addition to the church, the installation of a memorial garden, repaving the main parking lot and associated site, utility and landscaping work on property located at 46 Church Hill Road, as presented, subject to the following conditions:

1. The applicant submit a writing correcting the name of the applicant/owner on the site plan application; and
2. Add hydrant northeast side of the church on the front island per the Acting Fire Marshal's letter dated February 10, 2017.

The motion was seconded by Ms. Craddock and was unanimously approved.

A motion was made by Mr. Francis to approve the village district application of Saint Roses Church Newtown to construct a 1,675 square foot addition to the church, site plan and village district approvals to construct a 1,675± square foot addition to the church, the installation of a memorial garden, repaving the main parking lot and associated site, utility and landscaping work on property located at 46 Church Hill Road, as presented, subject to the following conditions:

1. The applicant submit a writing correcting the name of the applicant/owner on the site plan application; and
2. Add hydrant northeast side of the church on the front island per the Acting Fire Marshal's letter dated February 10, 2017.

The motion was seconded by Ms. Craddock and was unanimously approved.

2. *Application of Gager, Emerson, Rickart, Bower & Scalzo LLP for proposed amendments to the zoning regulations to allow assisted living facilities only in the Professional Zone as outlined in a document dated January 30, 2017.*

The public hearing was held at the March 8, 2017. Discussion took place regarding the proposed language with the suggested revisions. The commission agreed with the use in a professional zone. Discussion took place regarding parking. If strike out last proviso and revise to change to "at least a minimum". Therefore, more parking could be required when an application might be submitted. This would comply with all other parking provisions. By adding this language would be the "base" amount of parking.

Discussion took place regarding parking in front of the building. A proposed complex would need an entrance. It may require that the parking may be closer to the street than 20'. Village District states that parking should be to the rear of the building. For this particular use, an exception would be made to allow parking in the front. For this particular use, there would be less parking because most residents would not be driving. The commission could find it reasonably necessary to allow some parking in the front. Mr. Francis said that if parking is allowed in the front there should be some sort of screening between the parking lot and the street. Discussion took place on how to address that minimal parking be allowed but at the discretion of the commission such location is reasonably necessary in light of the specifics of a proposed special exception development in the front as a necessity only.

Discussion took place regarding that assisted living facilities may have lot coverage (buildings only) up to 35%. The amount of coverage on a property is proportionally much small to parking, building and road coverage than other professional developments might be.

Mr. Francis made a motion to approve the application of Gager, Emerson, Rickart, Bower & Scalzo LLP for proposed amendments to the zoning regulations to allow

assisted living facilities only in the Professional Zone, as amended. Ms. Craddock seconded the motion and was unanimously approved. The revised regulations are effective April 24, 2017 (see attached).

3. *Edmond Town Hall uses.*

Discussion took place about Landmark Building overlay zone concept. Greenwich and New Milford have done this. An overlay zone can be created and apply to a particular lot. Overlay zones and floating zones can avoid the harshness of spot zoning. The purpose would be to preserve landmark properties. It would allow the commission to make designations and would have the discretion to allow other uses. Discussion was in the concept stage and will be continued.

4. *Update on Lexington Gardens project.*

Pictures were shown of brick buildings in Ridgefield that Morganti built which might be options for the brick building in the Lexington Gardens project.

New Business:

1. Main Street Streetscape – tabled.
2. Borough of Newtown signage compliance – tabled.
2. Any new proposed signs, if any - none.
3. Acceptance of any new applications – none.

There being no here being no other business to transact the meeting was adjourned at 9:05 p.m. The next regularly scheduled meeting will be held on May 10, 2017.

Respectfully Submitted,

Maureen Crick Owen
Zoning Clerk

**APPROVED REVISIONS/ADDITIONS TO ZONING REGULATIONS AT 04.12.17
BOROUGH ZONING COMMISSION MEETING
APPROVED APRIL 12, 2017; EFFECTIVE APRIL 24, 2017**

2.01.D "ASSISTED LIVING FACILITY" shall mean an elderly housing facility as defined in Section 19a-490(1) of the Connecticut General Statutes that, in addition to housing, provides a variety of basic services such as nursing services and assistance with activities of daily living to a stable resident population.

4.08.E Assisted Living Facilities may be erected only after obtaining special exception subject to the standards, criteria, conditions and procedures which are set forth in 8.04 and are subject to the following:

1. Must have public water and sewer.
2. Must border a major arterial road, not a secondary road.
3. Minimum lot area: 3 acres.
4. Maximum building size as specified in the definition of a Business Building in 2.02.D.
5. Parking will be provided to accommodate at a minimum 1 space per 6 assisted living units plus 1 space per employee on the largest shift provided that there is no resident driving.
6. Due to the diminished parking requirements, Assisted Living Facilities may have lot coverage (buildings only) up to 35%.
7. In order to facilitate access to building entrances,
 - A. some of the required parking may be located to the front of the building(s) if the commission, in its discretion, finds that
 - 1) such location is reasonably necessary in light of the specifics of a proposed special exception development and
 - 2) the overall purposes served by the comprehensive zoning laws will not be significantly affected thereby.
 - B. Such front yard parking may be located, to the extent necessary, closer than 20 feet from the street line provided that it is adequately buffered.