

***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 October 11, 2017

Minutes of the Meeting of the Borough of Newtown Zoning Commission on Wednesday, October 11, 2017 at the Lower Meeting Room, Edmond Town Hall, 45 Main Street, Newtown, Connecticut. Mr. Nelson called the meeting to order at 7:15 p.m.

Commission Members Present: Doug Nelson, David Francis, Brid Craddock, Claudia Mitchell, Michael Guman, Margaret Hull and Palmer Chiappetta.

Commission Members Absent: None.

Staff Present: Maureen Crick Owen, Zoning Clerk.

Public Present: 5 public and Andy Gorosko, reporter from the Bee.

Mrs. Owen (a notary public) swore Palmer Chiappetta in as an alternate member of the Zoning Commission.

Mr. Francis made a motion to approve the minutes of the July 12, 2017 meeting, seconded by Mr. Guman and unanimously approved.

Ms. Craddock made a motion to approve the minutes of the July 25, 2017 meeting, seconded by Mr. Guman and unanimously approved.

Mrs. Hull made a motion to approve the minutes of the August 9, 2017 meeting, seconded by Mr. Francis and unanimously approved.

The minutes of the September 13, 2017 were tabled to the next meeting.

Continuation of Public Hearing

Applications of Teton Capital Co., LLC for site development plan, special exception and village district approvals for construction of 12 discrete buildings for an assisted living village on property located at 37 Church Hill Road.

Attorney Frank Scinto representing the applicant, Teton Capital Co., LLC spoke and stated that Jack Perry, architect, Bill Donohue, member of Teton Capital, Mike Galante, traffic engineer, Mike Lillis, licensed engineer and Bob Gawronski, VP of Development & Acquisitions of Senior Lifestyle (the company that will be operating the facility), were in attendance.

Mr. Galante spoke to the traffic study and said that the analysis was approved by the State DOT. He also said that a person was waiting too long at the light on the Boulevard. He will speak to the DOT and address this issue. Mr. Francis asked if the traffic study was updated to include Lexington Gardens when fully occupied. Mr. Galante said the report was up to date as far as future projections.

Rich Frankonis, 44 The Old Road, asked about the detectors in the pavement.

Joe Vaccaro, 18 The Boulevard, asked if signs could be added regarding the detectors. Mr. Galante said the sensors may not be working and he will speak with the designer of the traffic signal.

Attorney Scinto referenced the letter from Fred Hurley dated 09.13.17 said that they have gone as far as they can with the WSA and once there is a decision from this commission they can take it to the next step.

Mr. Lillis submitted revised set of plans on 10.4.17. He said he does not believe they need more parking but they have added six (6) additional spaces. They will remain lawn until it is demonstrated that there is a shortage of parking and then they will develop them. He said signage has been added to the plans. They have indicated the street lighting on the plan. He also said the photometric plan was submitted. He said added to the site plan were: (a) transformer location; (b) putting green; (c) bocce court; (c) standby power generator and (5) surface drainage for courtyard areas.

Mr. Lillis submitted an email dated 10.11.17 from Carlos Vicarrondo of Aquarion Water stating that each building will have its own service connection and that a meter pit may be required but is pending building demand needs for domestic.

Mr. Lillis also stated that the generator will have a fence enclosure (stockade fence) similar to the one at Lexington Gardens. Regarding signage, they did slide some of the plantings around to allow motorists to see the sign.

John Madzula, 20 The Boulevard, asked what the dimension of the generator are. Mr. Donohue said the generator has not completely been sized yet. Mr. Madzula also expressed concern about the sidewalk. Mr. Lillis said it would follow the grading. He also said the stonewall will be set as needed. Mr. Donohue said where it is not level it will be leveled out so not tilted and that it will be graded properly.

Mr. Parry said it was 35' to the top of the barn.

Mr. Parry spoke about how their buildings related to others on the street. He said it would fit in with the street frontage.

Mr. Nelson said that the village district looks at proposed development and what is already there – block face diagram.

Attorney Scinto stated that in the report from Hugh Sullivan, he made positive findings. Attorney Scinto presented to the commission a copy of Mr. Sullivan's report highlighting specific sections.

Mrs. Mitchell asked if the project could have been made smaller. Mr. Nelson said spoke about the density regulations. He said they are 55.6% total coverage and 34.8% on building coverage which is what is allowed per the regulations.

Mr. Parry stated that the farmhouse is blue, the barn is red and the buildings will be cream which will give diversity.

Mr. Gawronski introduced himself and said he works with Mr. Donohue's vision and operating standpoint. Mr. Parry said they considered two stories but did not want to do that because wanted to keep the feel as residential.

Mr. Gawronski said that they want to be in the community hub. He spoke about the profile of the resident and activities offered.

John Madzula, 20 The Boulevard, read his letter October 11, 2017 which he submitted to the commission. He requested the commission deny the application.

Rich Frankonis, 44 The Old Road, said he is a property owner on Church Hill Road and he heartily agrees with Mr. Madzula.

Joe Vaccaro, 18 The Boulevard, said he agrees with Mr. Frankonis and Mr. Madzula.

Mr. Nelson read into the record letters from Rob Sibley and Ron Bolmer each dated 10.05.17.

Mr. Francis made a motion to close the public hearing, seconded by Ms. Craddock and unanimously approved.

Meeting:

1. FOI Request – Mr. Nelson explained to the commission the FOI request made by James Gaston, Warden of the Borough regarding Main Street Village District. He said any future expenses have to be approved by Warden and Burgesses.

2. Nanny Pods – Mr. Nelson spoke about the nanny pods legislation. Mr. Francis made a motion to send to Newtown Planning and Zoning Commission the Commission's intent to opt out of SB 922: "An Act Concerning Temporary Health Care Structures" and to amend their regulations to reflect that. The motion was seconded by Mrs. Mitchell and unanimously approved.

3. Applications of Teton Capital Co., LLC for site development plan, special exception and village district approvals – Mr. Nelson said the five voting members on the application were: Mrs. Mitchell, Ms. Craddock, Mr. Guman, Mr. Francis and himself. Mr. Nelson spoke about the history of the assisted living regulation and that the

regulation had been drafted to have 35% coverage. He referred to Mrs. Baiad's letter about what could be built on that property. He said with 25% coverage it could be up to 80,000 square feet. With the 35% coverage that is the regulation, it is about 66,000 square feet. Mr. Nelson spoke about the number of parking spaces and that 40-46 spaces is best for the community. With 80,000 square feet of buildings 250+ parking spaces would be required. He said it was important to understand the alternative. He spoke about the traffic. If developed other than assisted living, the traffic generated from the property could significantly increase.

Mr. Francis spoke to the "massing". He said that what he saw tonight was an attempt by the applicant to show how this project fits in comparison to Vein Institute and Lexington Gardens. He said that Mr. Sullivan said in his report that he feels this project will be appropriate for this site location specifically for the assisted living use.

Mr. Nelson said that the applicant complied with the blockface drawing which showed the immediate neighborhood.

Mrs. Mitchell commented that the buildings are at the curb and the visual impact is different than Lexington Gardens. Mr. Nelson cautioned Mrs. Mitchell that the application is governed by the regulations.

Mr. Nelson spoke about the letter submitted by Mr. and Mrs. Vaccaro dated 08.24.17 and that he had not heard that it violates any regulation but that it was more feelings. He said they stated the traffic study was outdated. Mr. Nelson stated that Mr. Galante said the traffic study addresses future projections. Mr. Nelson said that if something else was built on the site it could create more traffic. Ms. Craddock said that the applicant addressed issues in Mr. Madzula's letter. Ms. Craddock spoke about the landscaping. She said they have changed the caliper on the trees at the back of the property from 2" to 3-3.5" caliper. Mr. Francis said that the applicant met with the adjacent property owner and he was in support and stated so at the first public hearing.

Mr. Nelson stated that the granite curbing was not noted on the drawings but the applicant agreed to do that as it is required.

Mr. Francis made a motion to approve the Site Development Plan application of Teton Capital Co., LLC for construction of buildings for an assisted living village on property located at 37 Church Hill Road, as presented, on the basis of its consideration of the application and the findings subject to the following conditions:

1. Granite curbing to be installed;
2. Approval letter for water service to the property;
3. Approval letter for sewer service to the property;
4. Knox boxes required per the Fire Marshal's letter dated 07.25.2017; and
5. Final sign approvals with sign applications will be submitted for review to and action by Borough Zoning Commission.

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

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

Mr. Francis made a motion to approve the Special Exception application of Teton Capital Co., LLC for construction of buildings for an assisted living village on property located at 37 Church Hill Road, as presented, on the basis of its consideration of the application and the findings subject to the following conditions:

1. Granite curbing to be installed;
2. Approval letter for water service to the property;
3. Approval letter for sewer service to the property;
4. Knox boxes required per the Fire Marshal's letter dated 07.25.2017; and
5. Final sign approvals with sign applications will be submitted for review to and action by Borough Zoning Commission.

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

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

Mr. Francis made a motion to approve the Village District application of Teton Capital Co., LLC for construction of buildings for an assisted living village on property located at 37 Church Hill Road, as presented, on the basis of its consideration of the application and the findings subject to the following conditions:

1. Granite curbing to be installed;
2. Approval letter for water service to the property;
3. Approval letter for sewer service to the property;
4. Knox boxes required per the Fire Marshal's letter dated 07.25.2017; and
5. Final sign approvals with sign applications will be submitted for review to and action by Borough Zoning Commission.

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

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

There being no here being no other business to transact the meeting was adjourned at 10:30 p.m. The next regularly scheduled meeting will be held on November 8, 2017.

Respectfully Submitted,

Maureen Crick Owen
Zoning Clerk