

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

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

Minutes from the Meeting of December 11, 2019

Meeting of the Borough of Newtown Zoning Commission on Wednesday, December 11, 2019 held at the Newtown Middle School auditorium, 11 Queen Street, Newtown, Connecticut.

**Commission Members Present:** Doug Nelson, David Francis, Brid Craddock, Claudia Mitchell, and Doug McDonald.

**Commission Members Absent:** Margaret Hull.

**Staff Present:** Maureen Crick Owen, Clerk, Rob Sibley, Borough ZEO, Monte Frank, Attorney for the Borough.

**Also Present:** Attorney Peter Olson and his two clients, Frank Caico and Mark Forlenza, 50 members of the public and one press.

Motion was made by Mr. Francis and seconded by Mrs. Mitchell to approve the minutes of the November 13, 2019, with the one correction to change the adjournment time to 9:45 p.m. The motion passed unanimously.

Chairman's Report: none.

Borough ZEO Report: none.

**Continuation of Public Hearing:**

*Application by 19 Main Street LLC for: (1) text amendment to the Borough of Newtown Zoning Regulations, to add Sections 3.01E and 4.05.2 to add the Borough Residential Overlay District, and (2) amendment to the zoning map for said overlay district, both of which are shown in documents submitted to the Borough Zoning Enforcement Officer dated 8/21/19, 9/8/19 and revised text amendment dated 9/9/19.*

Mr. Nelson opened the public hearing at 7:02 p.m. Attorney Peter Olson, attorney for the applications stated he had nothing new to add from his presentation at the prior hearing. However, he wanted to emphasize a few points, which were:

1. He said that Mr. Forlenza and Mr. Caico, the developers for this project, do this for a living and would like to see the commission approve this application.
2. He said that the commission should understand that the Plan of Conservation and Development (POCD) is an advisory document only.

3. If the application was approved would have to go to the Borough Historic District Commission for an approval. He said that the property is not specifically listed on the National Registry of Historic Places but that the entire district is.
4. To start, the commercial use on this property would be used as the base line for a traffic study. The proposed use would be less traffic. Attorney Olson said that this is a conceptual plan. Parking in front would be eliminated and because of that there would be no backing out into traffic which is a hazard. There would be one entrance/exit. They would restore parallel parking in front of the project.
5. The CGS allow the commission to approve, deny or modify the application.
6. Attorney Olson said that he has not heard comments/questions from the commission members as of yet. Attorney Olson submitted a letter dated 10.16.2019 addressed to Donald A. Mitchell, Chairman of the Newtown Planning & Zoning Commission for the record.

Mr. Nelson opened up the hearing to comments from the public.

Lisa Goosman, 15 Meadowbrook Road – She said she has lived here all her life and Main Street is our claim to fame. She said she is dead set against it.

Jodie Enriques, 7 Hanover Road – This project would overshadow the house next to it (referring to the one between 19 Main Street and Library). She said that the property has to be saved.

Laura Lerman, 55 Main Street – concerned about the future of Main Street is this is approved. She was not in favor of the application.

Maureen Rohmer, 27 Main Street – She said if this is not passed 8-30(g) application may be sought. She recognized the need for multi-family housing but cannot lose the iconic image of Main Street.

Bill Monaco, 1 Beckett Village – He said it's a crime against humanity to put 40 apartments on the property and urged the commission to turn down the application.

Vincenza McNulty, 8 Settlers Lane – She spoke to the traffic and parking and asked the commission not to approve the application.

Mr. Nelson asked how they arrived at the parking formula. Attorney Olson said that the applicants have built several apartment complexes and they look at the regulations and what does the market require for actual operation of the complex. They average this across many of their developments and have studied it over and over again. He said they could provide more parking but then there would be more paving throughout the complex and would lose green space.

Mr. Nelson asked about the historic impact. Attorney Olson said that the issue is demolition and rebuild keeping in character with the Historic District and spoke to "reasonable". There is a standard they are trying to reach. He said beside the site plan and special exception applications, there is the village district application which is an aesthetic review. He is unsure when they would submit their application to the Borough Historic District Commission – maybe first or together. That has not been decided yet.

Mr. Nelson asked what is “reasonable”. Attorney Olson said they are going to hire a consultant to assess the building and its condition to determine if is salvageable.

Wayne Addressi, 13 Lovell’s Lane – He said he was involved in a project in Ridgefield where they took a historic building, dismantled it and rebuilt it.

Eric DaSilva, 17 Main Street – He said this project does not belong in the Historic District. He also said that the POCD is clear in protecting Main Street. He said this is not a residential undertaking but a commercial undertaking. What would stop other properties from doing this on Main Street. He said this needs to be stopped now.

Mr. Nelson stated that size is only one part of the discussion with regard to the text amendment.

Susan Hildred, 86 Main Street – She has 10 acres on Main Street. She asked why are we letting the fox write the rules for the hen house. She said progress and change should benefit everyone and said we are letting one entity making the change for their benefit. She asked what was the difference between a variance and a zone regulation change.

Mr. Nelson said that you need a hardship for a variance. A variance is not designed to replace a regulation.

Susan Hildred, 86 Main Street - She asked who was DWL and 19 Main Street LLC. She said there are plenty of rental apartments in town and referred to 74 in Sandy Hook and 210 at Covered Bridge.

Attorney Olson stated that a variance affects your property. He said you could not ask for a variance for this property as it is not good land planning. He said DWR is the owner of the property and 19 Main Street LLC is Frank Caico and Mark Forlenza. Attorney Olson said they went through the GIS mapping system and looked at every lot. Besides 19 Main Street, there is only one other lot that could be affected by this proposal. He said the effective date of the regulation would prevent properties from merging or subdividing. Spot zoning is a dead doctrine in Connecticut. Residential use is a residential use. He said the proposal is only being applied to 19 Main Street. He said the rental rates will be full market rates. They are not proposing affordable housing. He said the tenants would not pay property taxes, plowing, landscaping. He said it is not fair to compare a mortgage amount to a rental amount.

Sherry Bermingham, 42 Main Street – She said Main Street is the heart line of Newtown.

Wayne Addressi, 13 Lovell’s Lane – He asked if the Town could buy the property or swap it for property on Fairfield Hills. He said that we should work with the developer to come up with a plan that makes sense. He said he would support condos or townhouses as there would be more tax revenue and more pride in property if individually owned.

Attorney Frank said we are not considering an 8-30(g) application. He said the commission's charge is the application in front of them.

Bill Monaco, 1 Beckett Village – He references the movie It's a Wonderful Life.

Ryan Luning, 45 High Rock Road – He said he left another town because of the building. He doesn't want to see this as it will become a slippery slope.

Miriam Pachniuk, 1 Academy Lane – The owner failed to upkeep the property. Main Street is special, cannot demolish and must protect historic Main Street. She asked the commission to vote no on the application.

Robert Hall, 5 Nettleton Avenue – He said he is the owner of the General Store building located at 43 Main Street. He said that Borough Zoning Commission has absolute discretion and asked would you approve this if you had nothing else to worry about. He said he hoped not. He said to ignore the 8-30(g) and thinks they should deny this application.

Aaron Nezvesky, 13 Phyllis Lane – He asked why 19 Main Street is not charged for blight. He said that the applicant would have their consultant walk through the building. He wanted to know if a town official would. He said so many people were opposed to this and asked that that be taken into consideration.

Attorney Peter Olson said that 19 Main Street is in the Borough Historic District. He said the Borough Historic District is listed with the National Registry of Historic Place but that 19 Main Street was not specifically listed in that registry.

Mrs. Mitchell asked why do you think this will work for the Borough. Mr. Caico said there have been no offers acceptable to the seller. He said he gets the importance of Main Street. He said the reality is that certain economics have to happen to develop otherwise it will not happen. He said they were creating something positive for the town and to improve the visual impact of the street. He said the building is crumbling. He said the use would be a positive for housing for a different lifestyle and that there are people out there that want this kind of housing. He said it will be high quality and no worry about maintenance. It would solve a problem. It is a viable option. He believes the new buildings would be in keeping with Main Street and the colonial architecture. He feels it is consistent with the POCD.

Mrs. Mitchell asked why rentals vs. home ownership. Mr. Caico said that is their business model. He said the property would be professionally maintained. Mrs. Mitchell said there would be a large injection of people on Main Street.

Ms. Craddock asked if they have built condos. They said yes but not in 20 years. Mr. Forlenza said it is harder to get financing for condos. The banks will lend on multi-family complexes. Ms. Craddock asked what would happen to the property values on Main Street. Mr. Forlenza said they have studied that post development and they do not anticipate any changes in property values.

Ms. Craddock asked why demolish the Inn. Mr. Caico said they did not think it could be easily renovated. They are now rethinking the situation and possibly saving a portion of the building. He said they heard a lot of the comments regarding the historic aspect and it was not lost on them. They are evaluating it.

Robert Hall, 5 Nettleton – there is no difference between condos and apartments from a zoning standpoint.

Jodie Enriques, 7 Hanover Road – She said there is no public transportation and you need a car to get around.

Miriam Pachniuk, 1 Academy Lane – She asked how are apartments not commercial. She said pursuant to a Bee article there are original structures behind the walls.

Laura Lerman, 55 Main Street – This is Main Street and she said that if you developed this that it will lower the value of her house.

Attorney Olson said all residential is residential. He also said they have not completed the analysis of the building as of yet.

The public hearing was closed at 9:10 p.m.

Motion was made by Mr. McDonald and seconded by Mr. Francis to approve the 2020 meeting calendar. The motion passed unanimously.

Mr. McDonald made a motion to adjourn the meeting at 9:12 p.m., seconded by Mr. Francis unanimously approved.

The next regularly scheduled meeting will be held on Wednesday, January 8, 2020 at 7:00 p.m. at the Lower Meeting Room, Edmond Town Hall, 45 Main Street, Newtown.

Respectfully Submitted,

Maureen Crick Owen  
Clerk