

BOROUGH OF NEWTOWN ZONING COMMISSION
P.O. Box 164
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THESE MINUTES ARE SUBJECT TO APPROVAL BY THE BOROUGH OF NEWTOWN ZONING COMMISSION

Minutes of the Public Hearing and Meeting of September 13, 2017

Minutes of the Public Hearing and Meeting of the Borough of Newtown Zoning Commission on Wednesday, September 13, 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, Brid Craddock, David Francis, Michael Guman, Claudia Mitchell and Margaret Hull.

Commission Members Absent: None.

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

Public Present: 16 member of the public and 1 press from Newtown Bee.

Mrs. Mitchell was sworn in as a full member. Previously she had been an alternate member.

13 Main Street – determination re: Village District application

Discussion took place whether the demolition of a one car garage and construction of a two car garage on the same footprint require a village district application. Mr. Nelson said the garage was not visible from the street. Ms. Craddock made a motion that the proposed project to occur at 13 Main Street does not meet the description of village district. The motion was seconded by Mrs. Mitchell and unanimously approved.

Jim Gaston, 18 Main Street and Borough Warden, spoke to the ordinance that the Burgesses enacted exempting properties from the Main Street Village District that are already in the Borough Historic District. He said that the commission is not honoring the ordinance and stated that if the commission continues with the process he will have to commence a permanent injunction against the commission. He said there are inconsistencies that prevent a dilemma.

Continuation of Public Hearing:

Applications of Teton Capital Co., LLC for site development plan, special exception and village district approvals for construction of 10 discrete buildings for an assisted living village on property located at 37 Church Hill Road.

Mr. Nelson acknowledged that Mr. Guman and Mrs. Mitchell listened to the recording of the public hearing of August 9, 2017 regarding this application.

Ms. Craddock read into the record the following letters:

1. Frederick Hurley, Public Works Director/Water & Sewer Administrator dated 09.13.2017.
2. Newtown Planning & Zoning Commission dated 07.21.2017.
3. Ron Bolmer, Borough Engineer, dated 08.08.2017.
4. Ron Bolmer, Borough Engineer, dated 08.24.2017.
5. Fire Marshal dated 07.25.2017.

Mr. Francis read into the record the following letters:

6. Short Form approval from Steve Maguire, Senior Land Use Enforcement Officer of Newtown Land Use Agency dated 07.17.2017.
7. Chief James Viadero, Newtown Police Department dated 07.14.2017.
8. Donna M. Culbert, Director of Health, Town of Newtown dated 07.24.2017.
9. Rob Sibley, Borough Conservation Officer, dated 07.24.2017
10. Rob Sibley, Borough Conservation Officer, dated 08.14.2017.

Mr. Nelson summarized the letter received from Hugh Sullivan, the Borough's architect. Mr. Nelson read the conclusion paragraph of Mr. Sullivan's letter. A copy of the letter was provided to the applicant.

Mr. Nelson discussed outstanding items with regard to the application which included signage on the exterior of the building and revised landscape plan.

Mrs. Crick Owen read into the record the letter from Joe and Cindy Vacaro dated August 24, 2017 wherein they state they are opposed to this project.

Mr. Nelson read into the record the letter dated August 1, 2017 from Peggy Baiad stating that she and her husband, Tony Baiad, are in support of the application.

Jack Perry, architect, summarized the application. Some of the points he touched upon were: (a) 69 units; (b) barn is two stories because of the drop in the grade of the land; (c) history of the property; (d) farmhouse is red and different colors from the other buildings. He also made other points:

- a. Dropped the stone foundation and screened it with greenery;
- b. He worked with Ms. Craddock regarding the landscaping to soften the building and left connections a little more open. There is a revised landscaping plan that needs to be submitted.

Richard Frankonis, 34 Church Hill Road, said the project is too large, not in a good location, increases traffic and not enough parking spaces.

Mr. Parry stated that very few residents will have cars.

Mr. Frankonis then stated that there is not enough parking and that he is opposed to the project.

John Madzula, Sr., 20 The Boulevard, spoke. He spoke to the Village District guidelines in the zoning regulations. He said size, scale, rhythm, proportion define the New England village character. He said the Borough is becoming more urban. He talked about the traffic on The Boulevard and that only 4 cars at a maximum can get through the traffic light and if 5 cars are stacked up on The Boulevard it will bring it to the access to the project on The Boulevard. Mr. Madzula requested the commission deny this application.

Richard Frankonis, 34 Church Hill Road, supported Mr. Madzula's statements and said the project is too aggressive and too large.

Mrs. Mitchell asked if they have done similar projects in the local area. Mr. Donahue responded that most of their projects have been done in PA and NJ.

Ms. Craddock asked if they were using veneer for the foundation and could they bring a sample of it.

James Gaston, 18 Main Street, stated that this property is not located in the Historic District and that there seems to be a real disconnect with this project from the Village District guidelines.

Mrs. Hull asked at what point will the commission see a scale model. Mr. Parry said they can do that and will have it at the next meeting.

Mr. Francis asked if the timing on the traffic light will be adjusted. It was said that the DOT would have to weigh in on that.

Mr. Parry said that the employees, delivery trucks, garbage trucks, and the like would use the Church Hill Road entrance and that most likely The Boulevard entrance would be for visitors.

Robert Hall, 43 Main Street, spoke about the status of the review with DOT. Mr. Lillis said that the plans have been submitted but do not have the status of the review.

John Madzula, 20 The Boulevard, stated that the parking requirements need to be revamped.

Mr. Donohue spoke to that point and stated what the regulations allowed. He said at the peak shift there would be 28 employees.

Mr. Nelson said he looked at town's standards and what other municipalities do for parking for assisted living projects and the Borough's regulations are in line with others.

Richard Frankonis, 34 Church Hill Road, said old people visit old people. It is just common sense.

James Gaston, 18 Main Street, asked the question what happens if employees stay beyond their shift. Mr. Donohue said they will come up with a contingency plan.

Mr. Nelson stated there is more space available and will look at it.

Mrs. Hull asked based on your experience is that what you have at other projects. Mr. Parry said yes. Mr. Donohue said that virtually a handful of residents will have cars.

Mr. Nelson spoke about the sidewalk lighting plan and was told that the revisions are not complete and in process. The applicant will provide a revised lighting plan. Mr. Donohue stated that a couple of utility poles have lights on them.

Mr. Nelson asked if the planting plan was being updated. The landscape architect revised the landscaping plan and took about 80% of the suggestions made by Ms. Craddock. Regarding a maintenance plan for the landscaping, they will come up with a program to maintain it. He also said irrigation will be provided for landscaped areas and a design will be provided.

Ms. Craddock commented on the percentage of evergreens on Church Hill Road. She suggested there be a balance between evergreens and deciduous plantings. The landscape architect said the intent was to soften the façade. Ms. Craddock asked about the back of the property that abuts to the residential property and suggested the number and size of trees. She said there should be screening year-round at the rear of the property where it abuts the residential home.

Mr. Nelson asked if there is any grading. Mr. Lillis said there has been some grading up.

Mr. Parry said he would bring all materials.

Mrs. Mitchell asked if they would be leaving any existing trees on the property. While Mr. Parry said it is hard for him to have to cut trees the approach will be to earmark what can be saved. He said he would try but cannot guaranty because of the work that will be done on the property.

Ms. Craddock confirmed that the siding will be white.

Mr. Nelson asked about the three buildings in the middle and the roof material. Mr. Parry said that those buildings will have gray metal roofs. The rest of the buildings will have fiberglass shingles. Mr. Parry said he would come up with colors on the site model.

John Madzula, 20 The Boulevard, spoke to staffing. He still does not understand the parking and feels it is an issue. Mr. Parry said he would be willing to find more parking spaces.

The traffic engineering will work with the state on signaling.

Richard Frankonis, 34 Church Hill Road, asked for a contingency plan for the parking.

Mrs. Mitchell stated, in her opinion, feels the project is very dense – a lot of building – for the parcel.

After discussion, it was agreed the hearing should be kept open so the applicant can submit the additional items. Mr. Francis made a motion to continue the public hearing to Wednesday, October 11, 2017 at 7:00 p.m. at the Lower Meeting Room, Edmond Town Hall, 45 Main Street, Newtown. The motion was seconded by Ms. Craddock and unanimously approved.

Mr. Nelson spoke about a state statute that was recently passed (Senate #922) and said he will share it with the commission.

All other matters on the agenda were not discussed.

There being no other business to transact the meeting was adjourned at 8:50 p.m. The next regularly scheduled meeting will be held on October 11, 2017.

Respectfully submitted,

Maureen Crick Owen
Clerk