

**BOROUGH OF NEWTOWN
NEWTOWN, CONNECTICUT**

Minutes of the Annual Meeting of the Borough of Newtown Board of Burgesses on Tuesday, September 8, 2020. The meeting was held remotely due to COVID-19 mandates and precautions. Warden Jay Maher called the meeting to order at 7:32 p.m.

Present:, Warden Jay Maher, Senior Burgess Chris Gardner, Second Senior Burgess Betsy Kenyon, Burgess Bill Lucas, Burgess Bill Eder, Burgess James Gaston, Treasurer Paula Brinkman, Tax Collector Jodie Enriquez, Zoning Officer Sibley, Tree Warden Rob McCulloch and Clerk Ann Scaia.

Absent: Burgess Anthony Baiad

Also Present: 3 members of the public.

Warden Maher identified the annual reports submitted by the following departments/commissions: Engineering, Conservation, Fire Marshall, Historic District, Zoning Commission, Zoning Board of Appeals and the Building Department. An annual report from the Health Department was not received by the time of the annual meeting.

Warden Maher asked that the Board look over the reports and asked if there were any questions. He thanked the Board, Commissions, and Sub-Committees for all their hard work. Highlights of the reports include the Fire Marshal's office conducted 5 school inspections, 2 Day Care inspections, 10 inspections at St. Rose, 30 inspections at the Church Hill Village, 2 inspections at Lexington Garden, 3 inspections at 11 Church Hill Road, 1 Group Home inspection, 12 Open Burn Permits and 104 inspections at business and professional buildings. The Zoning Board of Appeals noted one application for a variance to Section 5.04 of the Borough of Newtown zoning regulations at 6 Elizabeth Street. The Commission approved their request. The Historic District held one public hearing on July 9, 2020, for the repair and restoration of 19 Main Street. The application was approved. The Historic Commission also drafted and approved a letter to the Borough of Newtown Zoning Commission stating the Mary Hawley structure located at 10-21 Main Street was worthy of preservation due to its historical significance, inclusion in the National Register of Historic Place and Borough of Newtown Historic District. The Zoning Commission enacted provisions for temporary outside dining facilities to allow for those food establishments without such facilities to participate in the Governor's guidance starting May 20, 2020. The Conservation Director, who also acts as the Borough Zoning Enforcement Official outlined 16 site plan reviews, 35 site inspections and 4 violation inspections as it relates to Inland Wetlands. He also conducted 32 site plan reviews and 16 site design meetings as it relates to Borough Planning and Zoning. The Building Department processed 48 permits from July 1, 2019-June 30, 2020. The Engineering Report reviewed and inspected various development projects (Lexington Garden project, the Assisted Living Facility and The Boulevard and other sidewalk projects. The department also executed construction designs and inspections for various road/drainage projects as well as driveways and development sites.

Burgess Lucas made a motion to accept the annual reports, seconded by Burgess Gaston and unanimously approved.

There being no further business, Burgess Gaston made a motion to adjourn the Annual Meeting at 7:42 p.m., seconded by Burgess Eder and unanimously approved.

Respectfully submitted,

Ann Scaia
Borough Clerk

A recording of the meeting may be found here:

<https://us02web.zoom.us/rec/share/tzCadCzEbYSIjhRn6KQLHGxvH58uk9Hc0dIy3fn0kv-d0cme0I6FC4ITKAmwawGm.y3lcLpeIq9J0W59U?startTime=1599607979000>

3 PRIMROSE STREET
NEWTOWN, CONNECTICUT 06470
TEL. (203) 270-4260
FAX (203) 270-1528



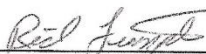
RICHARD FRAMPTON
FIRE MARSHAL

TOWN OF NEWTOWN

ANNUAL REPORT BOROUGH OF NEWTOWN JULY 1, 2019 TO JUNE 30, 2020

During the past fiscal year the following activities were conducted by the Fire Marshal's Office

5	School Inspections
2	Day Care Center Inspections
9	Churches and Church Building Inspections
10	St. Rose Church – Construction Inspections- Site Plans review, Building plans review and Site Inspections
30	Church Hill Village Construction inspections-Site Plan, Building Plan Reviews, Site inspections
2	Lexington Garden- Tenant Fit outs-Plan Review- Building Inspections
3	11 Church Hill Rd.- Building plan reviews, site inspections
01	Group Home Inspection
104	Business and Professional Building Inspections
12	Open Burn Permits


Richard Frampton, Fire Marshal
August 14, 2020

***Borough of Newtown
Zoning Board of Appeals
Newtown, Connecticut 06470***

August 26, 2020

Via Email Only

Board of Burgesses
Borough of Newtown
P.O. Box 164
Newtown, CT 06470

Re: Annual Report for Borough of Newtown Zoning Board of Appeals

Dear Ladies and Gentlemen:

During the period July 1, 2019 through June 30, 202018, there was one application for a variance to Section 5.04 of the Borough of Newtown zoning regulations.

The application was for a variance for property located at 6 Elizabeth Street. After presentation by the applicant, the Commission approved their request.

Should you need anything else, please do not hesitate to contact me.

Very truly yours,

John

John Madzula
Chairman

/mco

***The Borough of Newtown
Historic District Commission***
*Newtown, Connecticut
Est. 1996*

August 30, 2020

Elizabeth Shapiro
Director of Arts & Historic Preservation &
Secretary, Historic Preservation & CT Freedom Trail Connecticut Commission on
Culture and Tourism
One Constitution Plaza, 2nd Floor
Hartford, CT 06103
Elizabeth.Shapiro@ct.gov

Re: Borough of Newtown Historic District Annual Report of Activity

Dear Ms Shapiro,

Enclosed please find the Report of Activity for the Borough of Newtown Historic District for the period July 1, 2019 to June 30, 2020. A full list of Commission members, alternates, and consultants follows.

Please contact me if you have any questions regarding this report or if you require my assistance with matters pertaining to the Borough of Newtown Historic District.

Regards,

Mark P. Poirier
Secretary
Borough of Newtown Historic District Commission
53 Main Street
Newtown, CT 06470
(203) 270-9916
markppoirier@hotmail.com

cc: Ann Scaia, Borough Clerk

Regular Business:

- The commission held one public hearing during this 12-month period:
 - July 9, 2020
 - 19 Main Street llc for 19 Main Street: repair and restoration of the existing building (formerly dba Mary Hawley Inn) to include a restaurant in the front and seven apartments in the rear wing.
 - The application was approved as presented in the application.
- The commission drafted and unanimously approved a letter to the Borough of Newtown Zoning Commission (letter attached)
 - Oct 1, 2020
 - Letter stated the commission considered the Mary Hawley structure located at 19-21 Main Street worthy of preservation due to its historical significance, inclusion in the National Register of Historic Places and Borough of Newtown Historic District.

***The Borough of Newtown
Historic District Commission***

Regular Commission Members

Chair, Stephanie A. Gaston
18 Main Street
Newtown, CT 06470
203-426-2500

Fifth Term 07/15 – 07/21
Secretary 07/96 – 07/98
Chair 07/98 – present

Vice Chair, Betsy S. Kenyon
62 Main Street
Newtown, CT 06470
203-426-5709

Fifth Term 07/16 -07/21
Vice Chair 07/96 – present

Secretary, Mark P. Poirier
53 Main Street
Newtown, CT 06470
203-270-9916

Secretary 07/07 – present
Fourth Term 07/18 – 07/23

Charles Fulkerson
8 Currituck Road
Newtown, CT 06470
203-270-8492

Fifth Term 07/17 – 07/22

Ellen Whalen
65 Main Street
Newtown, CT 06470
203-426-6425

Fourth Term 07/19– 07/24

Alternate Commission Members

Karen Boyle
53 Main Street
Newtown, CT 06470
203-270-9916
Vacancy

Third term 7/19 – 7/23

Daniel Cruson
174 Hanover Road
Newtown, CT 06470
203-426-6021

Scudder Smith
57 Elm Drive
Newtown, CT 06470
203-426-4882

James O. Gaston
18 Main Street
Newtown, CT 06470
203-426-2500

Consultants

Newtown/Borough Historian

History/Research

Legal

*Borough of Newtown
Historic District Commission*

Est. 1996

Stephanie A. Gaston, Chair
Charles Fulkerson
Betsy S. Kenyon, Vice-Chair
Ellen Whalen
Mark P. Poirier, Secretary

October 10, 2019

Doug Nelson, Chair
Borough Zoning Commission
14 The Boulevard
Newtown, CT 06470

To Doug Nelson, Chair, Borough Zoning Commission,

Please be informed that at this time the Borough of Newtown Historic District Commission views the Mary Hawley structure located at 19-21 Main Street worthy of preservation due to its historical significance, inclusion in the National Register of Historic Places and Borough of Newtown Historic District. The early 19th Century house is a cornerstone of Newtown's heritage. It was home to three generations of the Booth and Hawley families, and is named for our town's most important benefactor. Further, the preservation is consistent with C.G.S. Section 22a-15 through 19b – Unreasonable Destruction of Historic Structures listed on the National Register of Historic Places. The Borough of Newtown Historic District Commission suggests that zoning changes and/or development proposals include preservation of the historic structure.

Please note, this letter is informational and not a pre determination, a Certificate of Appropriateness as to any application, or waiver of any Historic District Rules or Regulations. Thank you.

Sincerely,



Mark P. Poirier, Secretary
Borough of Newtown Historic District Commission

Cc: Rob Sibley, Borough Enforcement Officer
Monte Frank, Borough Zoning Counsel
Don Mitchell, Chair – Newtown Planning & Zoning Commission

***Borough of Newtown
Zoning Commission
Newtown, Connecticut 06470***

August 26, 2020

Jay Maher, Warden
Borough of Newtown
P.O. Box 164
Newtown, CT 06470

Re: Annual Report for Borough of Newtown Zoning Commission

Dear Warden Maher:

I submit the following information regarding the period July 1, 2019 through June 30, 2020:

- 19 Main Street LLC submitted an application 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. Public hearings were held on 11.4.2019 and 12.11.2019. The Commission discussed the application at the 01.08.2020 meeting. Shortly after that meeting, the applicant withdrew the application.
- At the 02.12.2020 meeting, the Commission accepted two applications from the Town of Newtown. The first was to amend the zoning regulations to add Borough Landmark Buildings regulations. The second application was to designate Edmond Town Hall as a Landmark Building. The public hearings were to be scheduled for the March 11, 2020 meeting. Then COVID hit and the applications were withdrawn by the Town of Newtown.
- At a special meeting on 05.13.2020, the Commission enacted provisions for temporary outside dining facilities to allow for those food establishments without such facilities to participate in the Governor's guidance starting May 20, 2020. Mr. Nelson reported that the Borough has outside dining permitted by approval through the special exception process. Because of COVID-19 and the Governor's orders to allow restaurants to reopen with outside dining only, the Commission needed to suspend the regulation 4.10g. The Governor's order does not override zoning regulations which requires the Commission to suspend 4.10g regulation. The Commission approved to suspend zoning regulation 4.10g.

Jay Maher, Warden
Borough of Newtown
Page 2
August 26, 2020

If you should have any questions, please do not hesitate to contact me.

Very truly yours,

Doug Nelson

Douglas Nelson
Chairman

/mco

c: Rob Sibley, Borough ZEO

Final Borough Regulation Changes

Approved at April 10, 2019 Meeting

Effective April 22, 2019

2.16.E should be moved to 2.18.A

2.08.A add new paragraph "HEIGHT, BUILDING, DWELING, OR OTHER STRUCTURES - the vertical distance from the average finished ground level, measured 10 feet from the building, dwelling, or other structure footprint to the highest point of the structure.

2.12.D add new paragraph "LOT COVERAGE - the entire area of a lot covered by buildings, storage, loading, impervious surfaces, driveways, sidewalks and parking areas."

2.16.A add new paragraph "PARKING AREA - an authorized off-street area not within a building where motor vehicles are stored for the purpose of temporary, daily or overnight off-street parking."

2.18.A add new paragraph "SETBACK - the horizontal distance from any street line or lot line to any structure, measured in a straight line from and perpendicular to such street or lot line."

2.18.P replace with "STRUCTURE - shall mean anything constructed whether or not the resulting structure is raise above ground. It may be constructed of natural or artificial material. Structures shall include without limitation, swimming pools, tennis courts, garages, and parking areas."

4.04. replace with "PROVISIONS OF GENERAL APPLICATION

A. No business, commercial restaurant or professional use shall contain less than 800 square feet.

B. No discrete business, commercial, restaurant or professional building shall contain more than 6,500 square feet of gross floor area."

4.04.C add new paragraph "C. A building greater than 6,500 square feet of gross floor area and existing prior to the adoption of these regulations, shall be allowed to increase its gross floor area by no greater than ten (10) percent provided that:

1. The existing building footprint is not increased and, if the existing part of the building to be increased in gross floor area is within the required or pre-existing setback, the setback non-conformance shall not be increased, and

2. The increased gross floor area is required for an existing use in said building, and

3. There has been no previous gross floor area increase."

4.11.D. Delete entire paragraph. Outside sales, displays and storage.

Para 5.04.G **TABLE OF SPECIFIC REQUIREMENTS FOR BUILDINGS AND PLOTS**
Replace Percentage of lot area b. with “b. Buildings, storage, loading, impervious surfaces, driveways, sidewalks and parking areas.”

Para 6.07.C.2. Replace last sentence with “The information on a wall or hanging sign, not to exceed (4) square feet, may be placed on an awning provided that a wall or hanging sign is not placed on the building. The wall sign, hanging sign, and signage on the awning shall be compatible with the distinctive character and architecture of the building.”

Para 6.07.D.1.b. Replace last sentence with “Up to (4) square feet of the wall or hanging sign allowance may be placed on an awning and will be included in the total sign allowance. The wall sign, hanging sign, and signage on the awning shall be compatible with the distinctive character and architecture of the building.”

6.07.F. replace with “For Municipal buildings and Municipal uses (in a residential zone), signage allowances of 6.07.C.1 shall apply for one free standing sign, . . .” rest of paragraph is unchanged.

Para 7.04.A. Add to existing paragraph “Parking spaces are permitted within a setback area provided that:

1. The parking spaces were in existence or approved prior to the inception of this amendment, or
2. The parking spaces are to the rear of the lot or building so as to minimize the visibility from the street, and
3. The parking spaces are no closer than 20 feet from a street line, and
4. The parking spaces are allowed only to the extent of meeting the minimum parking requirements. Parking within the setback shall be minimized to the maximum extent possible, and
5. The parking spaces abutting a residentially zoned property comply with the buffering requirements of 7.09.A.3 of these regulations unless 7.04.A.1 applies.
6. The parking spaces for Assisted Living Facilities comply with section 4.08.G of these regulations.

7.11 SIDEWALK REQUIREMENTS delete entire paragraph.

8.04.F.1 delete last sentence in bold “**Such conditions may include...the issuance certificate of occupancy.**”

10.00.D.14. replace with “14. The percentage of building coverage and lot coverage.”

10.00.D.19 add new paragraph “19. If filed with a Village District application, a block face drawing in accordance 12.F.5 Streetscapes.”

10.00.E. replace with “E. In addition, the Commission shall receive the following:

1. A statement from the Fire Marshall on firefighting feasibility of the proposed development, recommendations and/or approval.
2. An inland/wetlands license from the Conservation Commission, if required.

3. A statement from the Borough Engineer detailing recommendations and/or approval.

4. Approvals from the Water/Sewer Authority and Aquarion if required by the Commission and are normally obtained as a stipulation detailed in the Commission's approval of the application.

5. A statement from the Police Department detailing recommendations and/or approval.

6. A statement from the Conservation Director detailing comments, recommendations and/or approval.

7. A statement from the Health Department on the water and wastewater disposal needs of the development, recommendations and/or approval.

8. A statement from the Planning Commission that the application is in accordance with the Town of Newtown Plan of Conservation and Development.

9. A report from the Village District's consultant per 12.05A if required."

12.05.A replace with "All applications for new construction and substantial reconstruction within the District and in view from public roadways may be subject to a referral, at the discretion of the Borough of Newtown Zoning Commission, to an architect or . . ." rest of paragraph is unchanged.

12.07.3.c replace with "c. For all new construction and substantial reconstruction of buildings in the Village District, sidewalks are to be installed along the street frontage and through access ways. The Borough Sidewalk Ordinance is on file with the Borough Clerk and with the Newtown Town Clerk and sidewalk lighting is to be installed in accordance with the Village District Sidewalk Lighting Plan. Sidewalks must continue across driveways clearly designating the pedestrian's right of way. Sidewalk lighting is to be installed in accordance with the Village District Sidewalk Lighting Plan."

Conservation Director / Zoning Enforcement Official Annual Report for the Borough of Newtown 2019 - 2020

The Conservation Director/ZEO for the Borough of Newtown acts as the agent for the Inland Wetlands Agency, Aquifer Protection Agency, Zoning and Forest Practices Agency. The Director also staffs the Planning & Zoning, Zoning Board of Appeals and Conservation Commission and serves the Borough Zoning as the staff environmental planner. The Conservation Director is also responsible for federal reporting and local regulations for flood plain management.

A summary of the actions of the Agent and the commissions in the Borough of Newtown during this past year:

I. Inland Wetlands –

- Agent

- 16 Site Plan Reviews
- 35 Site Inspections
- 4 Violation Inspections

- Commission

- 1 permit approvals
- 0 permit denials
- Amount of wetlands for alteration – 0.0 Acres
- Amount of linear stream for alteration – 0F
- Amount of created wetlands for mitigation – 0.0 Acres

II. Borough Planning/Zoning –

- Agent

- 32 Site Plan Reviews
- 16 Site Design Meetings

III. Borough Zoning Board of Appeals–

- Agent

- 2 Site Plan Reviews
- 1 permit approvals
- 0 permit denials

IV. Flood Plain –

- Agent

- 10 Site Plan Reviews
- 13 FEMA Reviews
- 12 Meetings with DEEP/FEMA on municipal responsibilities

Respectfully Submitted,

ROBERT SIBLEY

Robert Sibley

Conservation Director / ZEO, Borough of Newtown

August 27, 2020

BOROUGH OF NEWTOWN
NEWTOWN, CT 06470

August 10, 2020

Ann Scaia
Borough Clerk
Borough of Newtown
P.O. Box 164
Newtown, CT 06470

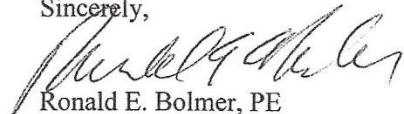
RE: Annual Report

Dear Ms. Scaia:

In the past year I have been involved with the following:

1. Continuing construction designs and inspections for various projects. These designs and inspections include road/drainage projects as well as driveways and development sites.
2. Assist various agencies and property owners with determining road right of ways and property lines.
3. Assist property owners in determining where sewer lines and laterals are located as well as other public utilities. Issue permits to homeowners and public utility companies in order to tie into or install utilities in the Town right of way.
4. Continue to investigate road and drainage complaints from homeowners. Work with the Public Works Department in resolving these issues.
5. Engineering reviews and inspections for various development projects. These include the Lexington Garden project, the Assisted Living Facility on Church Hill Road and The Boulevard and the sidewalk project.

Sincerely,



Ronald E. Bolmer, PE
Borough Engineer

Borough Building Permits July 1, 2019 to June 30, 2020		
PERMIT TYPE	NUMBER OF PERMITS	TOTAL RENEVUE FOR PERMITS
Solar	11	\$432,680.00
Re-roof	9	\$108,219.00
Renovations	13	\$420,550.00
Tents	2	\$8,000.00
Signs	1	\$1,000.00
Pools	4	\$74,675.00
Basement	1	\$15,000.00
Deck	3	\$29,500.00
Tenant Fit Out	3	\$660,776.00
Shed	1	\$8,500.00