

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

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

Minutes of the Special Meeting and Public Hearing of November 14, 2019

Minutes of the Special Meeting and Public Hearing of the Borough of Newtown Zoning Commission on Thursday, November 14, 2019 at the Alexandria Room, Edmond Town Hall, 45 Main Street, Newtown, Connecticut. Mr. Nelson called the special meeting to order at 7:00 p.m.

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

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

Also Present: Attorney Peter Olson and his two clients, 75 members of the public and one press.

Motion was made by Mr. Francis and seconded by Ms. Craddock to accept the minutes of the September 13, 2019 meeting. The motion passed unanimously.

There was no chairman's report.

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 read into the record the legal notice. He introduced the members of the Borough Zoning Commission and noted that the members sitting on this application were: Margaret Hull, Claudia Mitchell, David Francis, Brid Craddock and himself. Mr. McDonald is an alternate.

Ms. Craddock read into the record the following:

1. Land Use Application Authorization dated 08.20.19 from DWR Company III, LLC.
2. Land Use Application Authorization dated 08.20.19 from Francesco Caico.
3. Letter from Peter Olson, Esquire to Doug Nelson, Chairman, BZC dated 09.09.19.
4. Letter from Peter Olson, Esquire to Doug Nelson, Chairman, BZC dated 08.21.19.

5. Letter from Peter Olson, Esquire to Doug Nelson, Chairman, BZC dated 09.08.19.

Mr. Nelson said that the public may inspect the file which is located in the Land Use office at the Municipal Center.

Mr. Francis read into the record the following:

1. Email from Kristin Floberg, Planner, West COG to Maureen Crick Owen, Clerk, BZC dated 10.18.2019.
2. Letter from Don Mitchell, Chairman, Newtown Planning & Zoning Commission to Borough Zoning Commission dated 11.08.19.
3. Letter from Borough Historic District Commission to BZC dated 10.10.2019.
4. Letter from Cris Carvalho Fadus to Doug Nelson, Chairman, BZC dated 10.10.2019.
5. Letter from Eric DaSilva, 17 Main Street with petition to Doug Nelson, Chairman, BZC dated 11.11.2019.

Mr. Nelson stated it would take a 4-1 vote for the application to be approved because of the letter received from Newtown Planning & Zoning Commission. Mr. Nelson stated that the petition with 413 signatures was received as of Tuesday and there were about 50 communications to the Zoning Enforcement Officer. Mr. Nelson read the proposed text amendment as submitted by the applicant.

Peter Olson, of 275 Greenwood Avenue, Bethel, CT, stated he was the attorney for the applicants, Frank Caico and Mark Forlenza. He said he would like to reserve comments to the Newtown Planning and Zoning letter as tonight was the first time he had heard it. Attorney Olson said that Mr. Caico is a Newtown resident and that he along with Mr. Forlenza had been involved for the past 1.5 years working on this project. Together the two partners have about 50 years working in multi-family properties and development. He said they have partnered with PH Architects which is also a local company. Attorney Olson said they need a certain amount of density to make the economics work. Attorney Olson said the concept is valid which includes community character, visual impacts, NE architecture, etc. but needs more refinement. Attorney Olson said the application is to create the Borough Residential Overlay District (BROD) and to apply 19 Main Street to it by revising the zoning map. He said 19 Main Street consists of a little over 3 acres with steep slopes and wetlands in the rear of the property. If the application is approved, then they will be able to proceed with the site development and special exception applications. At that stage they would be able to flesh out the details such as parking, drainage, etc. They would also need village district approval and certificate of appropriateness from the Borough Historic District Commission.

Attorney Olson spoke to the proposed text amendment and said that it is another layer and supplements what exists now. He said the proposed text amendment can only be applied to land that is designated as farming and residential. He said that the BROD can only apply to property that meets certain criteria. Attorney Olson spoke to the criteria in the proposed text amendment. He spoke to the height and said that it would be 35' to the midpoint of the roof and would not exceed 42' in height. He said that the Edmond Town Hall is 47' high, Library 42' and Trinity Church 54'. He said that parking

is 1.75 cars per unit and there would be no breakdown between visitor or occupant parking. He said the idea would be to have 2-bedroom apartments.

Mr. Nelson opened the hearing to the public.

Janice Nezvesky-Schertzer, 138 Huntington Road and 24 Clearview Drive – said the parking is not going to work and spoke to their would be more like 3 cars per unit; concerned with height; overwhelming in size; noise and light pollution; and proud of the central, non-commercial center of town.

Lisa Hintzen, 15 Main Street – opposes the application.

Alan Page, 14 Main Street – He submitted a letter dated 11/14/19 from Sara C. Bronin, Esquire, AIA, 93 Elm Street, Hartford, which said that Section 8-30g cannot apply to historic districts.

Vincenza McNulty, 8 Settlers Lane – does not think the application is good for the town and is opposed to it.

Wayne Addressi, Lovell's Lane – He referenced downtown Ridgefield and the condos there. He said he was disappointed with NP&Z's recommendation. He strongly urged collaboration. He is in support of the project at this property.

Robert Hall, 5 Nettleton Avenue – He said he is not here as an attorney but as a concerned citizen. He said that the site plan and special development applications should be presented with the text amendment application, which would give Borough Zoning Commission total control and focus on the application. He asked the Commission to not adopt these regulations. Mr. Hall submitted (a) Pages 132-136 of the Newtown Plan of Conservation and Development; (b) letter from him to Newtown Planning and Zoning Commission dated 10.03.2019; and (c) letter dated 11.14.19 from Mr. Hall.

Eric DaSilva, 17 Main Street – He submitted: (a) petition with over 400 signatures; (b) list abutters within 500' of 19 Main Street that signed the petition and (c) letter from State of Connecticut Historical Commission to Robert Casella dated 01.23.1997. He asked that the Commission not approve the text amendment or the map amendment.

Christine Pheffel, 24 The Boulevard – She said she thinks the artist's rendering fits in. She said the Town needs to progress and spoke to the millennial lifestyle.

Steve Eide, 25 Bonnie Brae Drive – He said he would hate to see Mary Hawley's home demolished. He said our Main Street is what sets ourselves apart and do you have to make a decision on a threat.

Sarah Middleleer, 7 South Main Street – She said she thought the rendering looked good. She agreed with the Addressi letter in the Bee. She said this project could be an asset to the neighborhood if the design is done well. She asked if the BZC considered the amendment to include strict review for architectural and design review and any environmental impact be mitigated.

Chris Miller, 35 Orchard Hill – Do something with the property but not this.

Howard Wolowitz, 16 Main Street – He is directly impacted by the blight condition of the Inn property. He said if this project was built the skyline would be wiped out. He is in opposition to the application.

Mike Neiman, 6 Fox Run Lane South – He said he was in favor of the application. He said that the Inn had been built on to and built on to. He said it may add tax dollars to the Town.

Betty Lincoln, Echo Valley Road – She suggested they find another location to build these apartments and that the nature of Main Street needs to be preserved.

Robert Hall, 5 Nettleton Avenue – He said there are two ways to handle this with one way being just submitting the proposed text amendment or bring in the entire package (text amendment, site plan and special exception). With what is being proposed you do not know what you are really going to get.

James Gaston, 18 Main Street – He said he was here on behalf of himself. He agreed with the letter submitted by Alan Page's attorney. Mr. Gaston submitted: (a) 2014 Plan of Conservation and Development (POCD); (b) letter from State of Connecticut Historical Commission to Robert Cascella dated 01.23.1997; (c) information from The Society of Hawley Family; and (d) Inventory of Buildings within the Proposed Historic District which listed 19-21 Main Street. Mr. Gaston reviewed portions of the POCD and then would ask does this application fit square within the plan. Mr. Gaston said what the POCD says is information and helps you ask the right questions to come up with the correct answer for Newtown.

Aaron Nezvesky, 13 Phyllis Lane – He said knocking down the historic building is not acceptable and do not let apartments be building on Main Street

Mr. Nelson said that the public hearing would be continued to Wednesday, December 11, 2019 at 7:00 p.m. at the Newtown Middle School auditorium, 11 Queen Street.

Mr. Francis made a motion to adjourn the meeting at 9:25 p.m., seconded by Ms. Craddock and unanimously approved.

Respectfully Submitted,

Maureen Crick Owen
Clerk