

***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 May 16, 2012

Minutes of the Special Meeting and Public Hearing of the Borough of Newtown Zoning Commission on Wednesday, May 16, 2012 at the Borough Office, Edmond Town Hall, 45 Main Street, Newtown, Connecticut. Chairman Linda Shepard called the meeting to order at 7:20 p.m.

Commission Members Present: Linda Shepard, Doug Nelson, David Francis, Brid Craddock, Lucy Sullivan, and Alternate: Palmer Chiappetta.

Commission Members Absent: None.

Staff Present: Jean St. Jean, Borough Zoning Enforcement Officer, Donald Mitchell, Borough Attorney, Maureen Crick Owen, Zoning Clerk.

Also Present: Dr. Curtis Beck (12 Queen Street), Melanie Ancin Scott, P.W. Scott Architects & Engineers (12 Queen Street), Andy Gorosko (Newtown Bee) and 4 people from the public.

Public Hearing:

Application by the Borough of Newtown Zoning Commission for proposed amendments to the zoning regulations as follows: amending Sections 4.06, 4.08D, 4.10D and 8.04.F.3 and adding Sections 4.05.5 and 12.05C, all as contained in a certain document dated April 11, 2012.

Chairman Shepard read the legal notice. Chairman Shepard asked if there was any one present that would like to speak about the application.

Laura Lerman, 55 Main Street, asked if the open space would only be for the property owners or for all residents. Attorney Mitchell stated that the proposal does not slate the open space for public use.

Mr. Nelson read into the record the letter from Lilla P. Dean, Chairman of the Newtown Planning and Zoning Commission the letter dated April 20, 2012.

Attorney Mitchell stated that the proposed revisions to 8.04.F and 12.05.C address non-material changes to a project after approval of a special exception or village district approval wherein it would not require a public hearing or notification as required under

statute. The proposed changes would give the commission the ability to approve non-material changes without a public hearing or notification.

Attorney Mitchell then presented to the commission a map showing the very large tracts of land within the Borough that might fall under Residential Open Space Development regulation. He made reference to the property owned by the Diocese and the property that abuts Taunton Lake. He said without this regulation (cluster concept) serious slopes of the land make development difficult.

There being no further comments or questions, Chairman Shepard closed the public hearing.

Mr. Nelson made a motion to approve the application of the Borough of Newtown Zoning Commission for proposed amendments to the zoning regulations as follows: amending Sections 4.06, 4.08D, 4.10D and 8.04.F.3 and adding Sections 4.05.5 and 12.05C, all as contained in a certain document dated April 11, 2012, as presented, effective June 18, 2012. The motion was seconded by Mrs. Sullivan and unanimously approved. The vote was as follows:

Linda Shepard - Yes
Doug Nelson - Yes
David Francis - Yes
Brid Craddock - Yes
Lucy Sullivan - Yes
Palmer Chiappetta - Yes

Public Hearing:

Applications of Curtis Beck for site development plan, special exception and village district approvals for construction of a two story building on property located at 12 Queen Street, Newtown, CT.

Chairman Shepard opened the public hearing and read into the record the legal notice. Chairman Shepard stated that she and Palmer Chiappetta are located within 1,000 feet of the subject property and did he wish both of them to recuse themselves. Dr. Beck said he had no objection to Chairman Shepard and Mr. Chiappetta sitting on the application.

[Because only five members vote on the application and all five regular members were in attendance Mr. Chiappetta (as alternate) would not be sitting on the application and therefore left the meeting.]

Mr. Nelson, Mrs. Owen, Ms. Craddock, Mrs. Sullivan and Mr. Francis read into the record the following letters:

1. Letter from Chief Michael Kehoe dated May 2, 2012;

2. Letter from Ronald E. Bolmer, PE, Borough Engineer dated May 14, 2012;
3. Letter from Donna M. Culbert, MPH< PE, RS, Director of Health dated May 8, 2012;
4. Letter from Bill Halstead, Fire Marshal, dated April 26, 2012;
5. Letter from Rob Sibley, Conservation Director, dated April 17, 2012;
6. Letter from Lilla P. Dean, Chairman, Planning and Zoning Commission dated April 20, 2012; and
7. Letter from Hugh A. Sullivan, AIA, Bennett Sullivan Associates dated May 16, 2012.

Melanie Scott of P.W. Scott Engineering & Architecture, P.C. of Brewster, NY and Curtis Beck were present to present the application.

Ms. Scott described the location of the site. She said that the building is a 2 story building with storage on the 3rd level. She said that you would enter the property from Queen Street and exit into the Newtown Village Shopping Center and exit through their exit back onto Queen Street.

The bottom floor has cantilevers over the sidewalks which is the reason the second floor is bigger than the first floor. The first floor has 2,750 square feet and the second floor has 3,000 square feet.

Their intent is to have a full basement. The elevator will only service the 1st and 2nd floors.

Ms. Scott said that because of the amount of records they need to keep, they need storage. The basement will be used for utilities and storage. The attic will be used for storage.

Dr. Beck said that for the calculations on parking they did not include the basement or the attic and that they used 85% based on usable space. They eliminated from the total square foot such areas as stairs. Attorney Mitchell read from the regulations the definition of gross floor area. Attorney Mitchell used the example that a common vestibule is an accessory use to a principal use.

Dr. Beck read to the Commission the letter from Mr. Kasper regarding parking in the Newtown Village Shopping Center.

Mr. Francis said that the commission needs to know the number of spaces required for Dr. Beck's property, what has been approved for Mr. Kasper's property and then if between the two the parking condition is satisfied.

Dr. Beck said he was reluctant to say or to delineate the number of spaces and that it was his idea to consolidate. Attorney Mitchell stated that there are certain minimums the commission has to find. Further discussion took place regarding parking. Attorney

Mitchell said that there may be negotiations with other adjoining property owners for parking in Newtown Village Shopping Center. Discussion took place regarding shared parking. Mrs. Sullivan stated that the commission still needs to know that there is the proper number of parking spaces even if they are promoting shared parking. Ms. Craddock stated that the commission wants to encourage shared parking which allows larger buildings on smaller lots.

Attorney Mitchell stated that the commission has to have a specific fining regarding this in the record. Mr. Nelson stated that it is incumbent on the applicant that if he is short 5 to 7 parking spaces that it is covered under an agreement with an adjacent property owner.

Dr. Beck did not understand where the incentive was to have shared parking. Chairman Shepard stated that it allows an applicant/owner to have a bigger building on a smaller lot.

Attorney Mitchell said that in the past letter of intents have been problematic.

Dr. Beck said that he was intending to use vinyl or hardy plank. Ms. Craddock informed Dr. Beck that they approved cementitious with Azek as trim previously. Dr. Beck said that the fencing would be white vinyl. The fence would be along the residential side of the property and start at the building to the back of the lot. Dr. Beck said he would eliminate the lighting from the residential side of the property. However, he said that if in the future not having lighting on that side of the building created a problem he would like to be able to address it at a future date.

Dr. Beck said the fencing would be vinyl. Mrs. St. Jean said that vinyl fencing is not approved in the village district. Ms. Craddock said that cedar fencing will require no maintenance and will last approximately 30 years.

The public hearing was continued to Wednesday, June 13, 2012 at 7:15 p.m. at the Borough Office, Edmond Town Hall, 45 Main Street, Newtown.

Meeting:

Old Business:

1. Any new proposed signs, if any - Relay for Life signs was discussed and Mrs. St. Jean will inform them how many signs will be allowed and where.
2. Acceptance of any new applications, if any - none.
3. Any old business - none.

New Business:

1. Any new business - Mrs. St. Jean discussed possible projects within the Borough.

There being no other business to transact the meeting was adjourned at 9:30 p.m. The next regularly scheduled meeting will be held on June 13, 2012.

Maureen Crick Owen
Zoning Clerk