

***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 Hearings of March 20, 2013

Minutes of the Special Meeting and public hearings of the Borough of Newtown Zoning Commission on Wednesday, March 20, 2013 at the Borough Office, Edmond Town Hall, 45 Main Street, Newtown, Connecticut. Chairman Doug Nelson called the meeting to order at 7:15 p.m.

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

**Commission Members Absent:** Palmer Chiappetta.

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

Chairman Nelson opened the meeting at 7:15 p.m..

Dr. Young of 25 Church Hill Road was present and said that Dr. Auerbach had rented space in his building. He would like to put signs over the windows on the front of his building but recognized that the regulations did not allow this. He also mentioned that there were not regulations addressing signs at the back of the building given that parking was behind the building. Chairman Nelson said that this subject would be addressed later in the meeting.

Matt Carano of Newtown Pharmacy, 20 Church Hill Road, stated that their current sign was 9.5' in length and he is requesting a 20' sign. He submitted an application.

**PUBLIC HEARING:**

*Applications of St. Rose Church Group for site development plan, special exception and village district approvals to (1) raze existing 3 car garage and construct a one-story addition for offices to the Rectory House structure and construct an attached 4-car garage with an attic above the garage; and (2) construct a one-story 6,500 sq. foot structure, all on property located at 38, 40, 42 and 46 Church Hill Road, Newtown, CT.*

Chairman Nelson opened the public hearing at 7:30 p.m. The clerk read into the record the legal notice. Chairman Nelson informed the applicant that he resides within 1,000 feet of the subject property and asked the applicant if they would like him to recuse himself from the application. John Madzula (architect for applicant) said he had no objection to Chariman Nelson sitting on the applicatoin.

Chairman Nelson said that unless there was an objection he was not going to read the letters into the record but would acknowledge them. The letters are as follows:

1. Donna Culbert, Director of Health, Health Department dated 03.19.13;
2. Newtown Planning & Zoning dated 03.08.13;
3. Bill Halstead, Fire Marshal dated 03.13.13;
4. Police Commission via Chief Michael Kehoe dated 03.06.13;
5. Rob Sibley, Conservation Official dated 02.25.13;
6. Ron Bolmer, Borough Engineer - letter dated 02.15.13 and 3.7.13;
7. Artel Engineering letter dated 02.28.13 in response to Ron Bolmer's letter of 02.15.13;
8. Bennett Sullivan Associates dated 03.08.13 - Chairman Nelson read the last paragraph on page 2 of the letter);
9. Bennett Sullivan Associates dated 03.05.13 - Chairman Nelson mentioned specifically the following paragraphs from the letter: pg. 3 "G", pg. 3 "H", pg. 4 "NOTE", pg. 4 "I", pg. 5 "J", Pg. 6 paragraphs at top and bottom of page.

The applicant submitted the Parking Utilization Study dated March 25, 2007 done by Langan Engineering & Environmental Services as part of this application.

John Madzula, architect, representing St. Rose, was present to present the application. He said they are proposing to add a 3,650 square foot addition to the rectory building and a 6,500 square foot building on the west side of campus behind the white frame building.

Mr. Madzula stated that the addition to the rectory building will be a one-story addition with a four-car garage attached with an attic for storage. The exterior of the building will be in keeping and in harmony with the existing rectory building.

The 6,500 square foot building will be the religious education building which will be behind the white frame building. By constructing this building it will relieve the overcrowding in the existing building. The parish will also be able to use this building as a retreat. All classrooms have egress. The building will have an asphalt shingle roof, sided with hardy plant and double hung windows. The front of the building will napa stone.

Dainius Virbickas, engineer, of Artel Engineering of Brookfield, Connecticut, then spoke about the project. With regard to the rectory there will be 4 additional parking spaces. The structure is handicapped accessible. The property will be graded as such so runoff water will go into catch basin and be routed into the underground water retention. There will be a basement in the addition.

Mr. Virbickas said that the religious education building does not take up any parking spaces and that it allows for free flow for parking and pedestrian traffic. They took away some parking that currently exists with the white building and put it in front of the proposed building. The building will be handicapped accessible.

Mr. Virbickas said that with regard to the driveway that enters the property closest to the white building they are not proposing to widen it but instead make it an "enter only" driveway. Chairman Nelson said that this will solve the problem with two-way congestion and with the busy road.

There will be an underground storm drainage system behind the building. The proposed building will connect to the existing sewer and water lines. There will be a sidewalk that interconnects to the "Lexington Gardens" property. There will be two lights along the sidewalk.

Mr. Virbickas discussed the street lighting along the front of the property (along Church Hill Road). There was discussion as to location of lights so that they are spaced approximately 60-80 feet apart. Lighting will stop at the church because beyond that there is no sidewalk and very heavily wooded and leads to nowhere.

Mr. Nelson confirmed that the sidewalk would be concrete and roadway asphalt. Mr. Virbickas said that they were going to be planting maple trees and azaleas. Discussion took place about the plantings and that the plan does not depict what was shown on the watercolor portrayed earlier in the presentation. Ms. Craddock said that a real plant list would be advisable and to perhaps use boxwoods rather than azaleas.

Attorney Mitchell stated that this project produces zero change in vehicular trips because they are putting students from one building into another.

Mr. Virbickas said that if the lighting that is being reused is not dark sky compliant they will make them comply. Mr. Virbickas said that there is a net change of two less parking spaces but that they have 15-17 excess parking spaces.

Mr. Madzula stated that on the religious education building there would be solar panels and that it was going to be LED compliant.

Father Luke Suarez thanked the commission. There being no public to speak for or against the application, the public hearing was closed at 8:30 p.m.

### **PUBLIC HEARING:**

*Application by the Borough of Newtown Zoning Commission for proposed amendments to Article 8.04.F.1 to allow for bonding and 9.07 to provide additional fees to the cover cost of outside consultants.*

Chairman Nelson opened the public hearing at 8:35 p.m. The clerk read into the record the legal notice. Chairman Nelson read into the record the letter from Newtown Planning & Zoning Commission dated 03.08.2013. The members discussed 8.04.F.1 and Attorney Mitchell described the Planning & Zoning Commission's reason for their comments. Revised language was proposed to address the P&Z's concern.

The members discussed the revisions to 9.07 and suggested adding a fee for any application that was not listed that requires a hearing.

The public hearing was closed at 8:55 p.m.

**MEETING:**

1. Application of St. Rose: Discussion took place regarding the applications. The members went through the findings and discussed stipulations. A motion was made by Mr. Francis to approve the application, as presented, with the following stipulations:

- a. Two (2) lights being relocated to interior sidewalk must be dark sky compliant;
- b. Exterior lighting on religious education building shall be submitted and installed as approved by Zoning Enforcement Officer;
- c. Church Hill Road sidewalk lighting will conform to Borough Zoning Commission's lighting plan; and
- d. Revised landscaping schedule to be submitted to Zoning Enforcement Officer and approved by Borough Zoning Commission.

The motion was seconded by Ms. Craddock and unanimously approved. The vote was as follows:

Douglas Nelson - Yes  
David Francis - Yes  
Linda Shepard - Yes  
Brid Craddock - Yes  
Lucy Sullivan - Yes

2. Application by the Borough of Newtown Zoning Commission for proposed amendments to Article 8.04.F.1 to allow for bonding and 9.07 to provide additional fees to the cover cost of outside consultants:

a. Section 9.07 - Discussion took place. Mr. Francis made a motion to approve the amendment to Section 9.07, as revised, effective April 1, 2013. The motion was seconded by Mrs. Sullivan and unanimously approved. The vote was as follows:

Douglas Nelson - Yes  
David Francis - Yes  
Linda Shepard - Yes  
Brid Craddock - Yes  
Lucy Sullivan - Yes

b. Section 8.04.F.1 - Discussion took place. Mrs. Shepard made a motion to approve the amendment to Section 8.04.F.1, as revised, effective April 1, 2013. The motion was seconded by Mrs. Sullivan and the vote was 4-0 in favor of the motion. The vote was as follows:

Douglas Nelson - Yes  
David Francis - No  
Linda Shepard - Yes  
Brid Craddock - Yes  
Lucy Sullivan - Yes

3. Proposed Revision to 4.05 Sign regulation: Discussion took place and it was agreed that the commission would send the proposed revision to the Newtown Planning and Zoning for their comments.

4. Signs: The commission did not approve the application submitted by Newtown Pharmacy. The maximum sign that they can have is 14' per the regulations.

5. Receipt of Dr. Curtis Beck's letter dated 03.12.13 was acknowledged received. He will be asked to attend the next meeting regarding his request.

A motion was made by Mr. Francis to approve the minutes of March 20, 2013, seconded by Mrs. Shepard and unanimously approved.

There being no other business to transact the meeting was adjourned at 9:58 p.m. The next regular meeting will be held on April 10, 2013.

Respectfully submitted,

Maureen Crick Owen  
Zoning Clerk