

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

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

Minutes of the Meeting of December 10, 2014

Minutes of the Meeting of the Borough of Newtown Zoning Commission on Wednesday, December 10, 2014 at the Lower Meeting Room, Edmond Town Hall, 45 Main Street, Newtown, Connecticut.

Commission Members Present: Doug Nelson, David Francis (arrived at 7:10 p.m.) Brid Craddock, Lucy Sullivan and Michael Guman.

Commission Members Absent: Linda Shepard and Susan Filan.

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

Staff Absent: Jean St. Jean, Borough Zoning Enforcement Officer.

Also Present: George Benson, Director of Planning of Town of Newtown, Rob Sibley, Borough Conservation Officer, Andy Gorosko, The Bee, and members of the public.

Public Hearing:

Application of Borough of Newtown Zoning Commission to revise the zoning regulations as follows: (a) Article 4 regarding restaurants with outdoor service; (b) Article 6 regarding district identification signs; (c) Article 7 regarding buildings with on street parking, street trees and other revisions; and (d) Article 8.01A regarding further expanding the provisions of the section that it does not apply to full-service restaurants whose primary purpose is to prepare and serve meals for consumption on the premises with an alcoholic beverage as an accompaniment to those meals and other revisions.

Chairman Nelson opened the public hearing at 7:05 p.m. He read into the record the legal notice and the letter from Newtown Planning & Zoning. He summarized the proposed changes in Articles 4, 6, 7 and 8 as follows:

Article 4: Outside dining is currently only allowed in shopping centers. The proposed change will allow it to be anywhere in the borough through a special exception application.

Article 6: Revisions have been made to include district identification signs such as "Historic District" signs. The signs shall not exceed 5 square feet.

Article 7: The proposed changes allow for those buildings with on street parking to use such parking in their parking calculations. In the village district there is reference to

shared parking. The change to 500' rather than 300' makes it easier to do things with share parking when the parking area is within 500' of the property.

There are guidelines for street trees.

Article 8: The proposed change clarifies the proximity of restaurants within

Curbing requirements has been redefined to include properties that do not abut Main Street.

Walt Moytka, Kent Street, asked a question about the firehouse application. Chairman Nelson told him that he could address his question in that public hearing.

There being no other public to speak for or against the application the hearing was closed at 7:17 p.m.

Mrs. Sullivan made a motion to approve the application of the Borough of Newtown Zoning Commission to revise the zoning regulations as follows: (a) Article 4 regarding restaurants with outdoor service; (b) Article 6 regarding district identification signs; (c) Article 7 regarding buildings with on street parking, street trees and other revisions; and (d) Article 8.01A regarding further expanding the provisions of the section that it does not apply to full-service restaurants whose primary purpose is to prepare and serve meals for consumption on the premises with an alcoholic beverage as an accompaniment to those meals and other revisions, as presented. The motion was seconded by Ms. Craddock and unanimously approved. The vote was as follows:

Doug Nelson – yes
David Francis – yes
Brid Craddock – yes
Lucy Sullivan – yes
Michael Guman – yes

Public Hearing:

Application of Newtown Hook and Ladder Company, No. 1, Incorporated for special exception approval for construction of a fire station building on property located at the rear portion of 36 Main Street (with frontage on Church Hill Road).

Chairman Nelson opened the public hearing at 7:20 p.m. He read into the record the legal notice and the following letters:

1. Newtown Planning and Zoning letter dated
2. Borough Engineer's letter dated December 9, 2014
3. Borough Conservation Director's letter dated December 9, 2014
4. Fire letter dated December 2, 2014
5. Health Department's letter dated December 3, 2014

Chairman Nelson stated that the Commission does not have the written comments from the Traffic Authority (Police Commission) and he suspects that a traffic study will not be required based on past traffic studies.

Rob Manna of 100 Glen Road presented the application. He is the Chief Engineer of Newtown Hook & Ladder (NH&L). He stated that Chief Ray Corbo, President Rick Camejo, Phil Clark, Architect, Larry Edwards, PE and Attorney Chris Smith were present.

Mr. Manna stated that the proposed building will keep in harmony with the neighborhood and not create a health or safety hazard. He said the saltbox building and the carriage house for the apparatus will blend with the neighborhood. He said this building will serve the NH&L for many years. It will also be located centrally in their district so that they maintain their response times.

Mr. Manna submitted their certificate of mailings to all landowners within 1,000 feet and Chairman Nelson confirmed that he agreed that the mailings could be done by a "certificate of mailing".

Larry Edwards, Professional Engineer, 227 Stepney Road, Easton, described the proposed development. He said there are two pockets of wetlands – one along Church Hill Road and one at the rear of the property. The wetlands were taken into when designing and locating the building on the property. It will be located on the lower portion of the Trinity Church property and will contain 3.61 acres. NH&L were granted a permit from the Wetlands Commission.

The proposed development provides for 28 parking spaces with 9 in the front and 18 to the rear. The westerly part of the building will be for operations and the bays for the apparatus will be to the easterly side. Most operations (meetings, etc.) take place on weekends or nights.

There is a detailed drainage and storm water retention system. There is an agreement for this and was submitted to the Commission with other documents.

With regard to the site grade, Mr. Edwards stated that there is a significant difference between one side of the property and the other. He said they are going to add 5'-6' of fill to the lower side of the site and 3,790 yards of fill will be brought into the site. He also stated that they are well within the coverage requirements per the zoning regulations.

Philip Clark, Architect, Claris Construction, 7 Currituck Road, stated that the sidewalk has been incorporated into the plan. The building does not sit parallel with the road. All four sides of the building will be covered with baton board siding. Everything on the building is low maintenance. Interior and exterior lighting will be high efficiency. The HVAC system will be located on the rooftop. There is a four bay garage and the driveway circles around completely or they can drive the trucks into the bays from the back side of the bays. The bays are large enough that they can be worked on inside.

He said the second floor will be built out at a later time. The colors of the building are typical red and white New England colors.

Rob Manna presented the landscape design due to the landscape architect, Robert Sherwood, not being present. He said there will be a buffer along the CVS side of the property and along the Trinity side of the property. The landscape design is simplistic.

Attorney Chris Smith, attorney for NH&L, said that the landscape is simplistic and the NH&L incorporated a number of the recommendations recommended by the Borough Historic District Commission.

This concluded the applicant's presentation of their application.

Walt Moytka, Kent Road, expressed concerns of traffic congesting between the flagpole and Route 84 entrances. Mr. Manna responded that on average there are two calls a day. Chairman Nelson said in his opinion a traffic study would not address the issue at the flagpole. Mr. Manna said that they deal with that situation now. Attorney Mitchell said that there will be no difference with the fire truck going down Church Hill Road if the firehouse is in the new location.

Mr. Manna said that when going on a call navigating main roads is a dream. Town roads are narrow.

Jim Gaston, 18 Main Street, said that there is on street parking on Main Street and that it is the second busiest road in Newtown.

Rick Halyon, 11 Overlook Road, Warden of Trinity Church, said if there is a concern about gridlock going in and out of the driveway, he said it just doesn't happen. There are three options – turn left, turn right or go straight across to Wendover Road.

Chris Spiro, 32 Main Street, stated that he does not see a major problem turning right out of the property but could be an issue turning left due to a backup going up Church Hill Road to the flagpole. Mr. Manna said that they address this now going down the hill. Mr. Spiro said that going down Church Hill Road you can see from all directions but in the opposite direction you cannot.

Brian Atherton, 7 Blackwell Drive, said that it is an incredible site and it is a great site for NH&L.

Rick Camejo, 1 Patricia Drive, said he is the driver of the apparatus. Drivers of these apparatus have special licenses and have to be conscience of where they are driving.

Mr. Manna said that by law they have to drive with due regard.

Chris Spiro stated that it was a great spot for the firehouse.

Chief Corbo stated that cars, by law, are to pull over and a number of his officers come up that way (up Church Hill Road) to get to the firehouse.

Attorney Smith said that NH&L has met primarily with the State DOT. Attorney Mitchell asked if it was mandated. Mr. Benson stated that the State DOT review it locally by their Thomaston office. He also said that early on the staff (Borough staff) deemed that a traffic study was not required.

Sherry Bermingham, Main Street, asked where the sidewalk in front of the building will go to, what will happen with the cars, trailers and concrete barrier behind the existing firehouse and asked is the siren will be moved to the new building. Mr. Manna said that the sidewalk will dead end at the end of the property. Mr. Benson said that that side of the street has utilities, catch basins and guard rails. The other side of the street will have a sidewalk up to Main Street. They will look at a crosswalk in the future but will have to deal with DOT regarding that. Mr. Manna said that the cars and trailers will be removed. Mr. Manna said that the siren is on the Edmond Town Hall building and Mr. Benson said it was also for civil defense. Chief Corbo said it is a second means to notify the firemen.

Chris Spiro asked if all the utilities will be buried. Mr. Manna said yes.

Ms. Craddock asked about signage. Mr. Manna said that the proposed location of the sign is on the plan but they still need to go back to the Borough Historic District for approval of the sign as well as this commission.

Chairman Nelson questioned about lighting. Mr. Manna said he anticipates putting a street light in but it does not show on the plan. Attorney Smith said that could be a condition of approval.

Chairman Nelson informed the applicant that Michael Guman is within 1,000 feet of the subject property and that his home is in his wife's name. Attorney Smith said that they had no objection to Mr. Guman sitting on the application.

Mr. Guman asked if training will be visible from the street. It will not be. He confirmed that the sidewalk will connect to the sidewalks in front of the "yellow buildings". He also asked if they will use Wendover Road as a road to access fires. Mr. Manna said it depends on the situation and that that road is not wide.

Mrs. Sullivan asked about the driveway and will it be shared with Trinity Church. The beginning portion of the driveway will be a shared driveway. Mr. Edwards said they are going to increase the width of the driveway (street opening) slightly.

Mrs. Sullivan asked about the reason the siren is not being moved to the new firehouse. Mr. Manna said that the elevation is higher at the Edmond Town Hall and cost. Mr. Manna said that it is also for civil defense and that Edmond Town Hall is a fallout shelter. Attorney Smith said that when the siren goes off it goes for only 60 seconds.

Chief Corbo said that most NH&L members live or work in the district. Rich Frampton of Pebble Road said that he can hear the siren from his house. Mike McCarthy, Alpine Drive, discussed the siren. Jim Gaston of 18 Main Street, said that he can hear the siren.

Mr. Edwards clarified the amount of fill to be brought into the site and that it is 3,790 yards.

Chairman Nelson asked about sidewalks. They will have walkways within the property and a sidewalk along the front of the property. Mr. Edwards said that the plan shows the light poles on the property. Rob Sibley confirmed that NH&L submitted the photometrics plan and that it meets the zoning regulations and no light bleeding off the site. All lighting is shielded and dark sky compliant. Mr. Sibley said it satisfies his requirement.

Walt Motyka asked what happens if the Police Commission requires a traffic study. Attorney Mitchell stated that there is no specific requirement for a traffic study. The written comments from the Police Commission are not a mandatory requirement. He said there has been enough discussion this evening about traffic for the Commission to act or not act. Attorney Smith agreed with Attorney Mitchell's comments.

Chris Spiro said that this is a tremendous asset to the community and endorses the proposed project.

Jim Gaston (speaking as an individual and not as a Selectman or any other of his various positions) said that it is a fantastic building and the NH&L is a good neighbor.

Brian Atherton said the building could be built there.

Rick Halyon on behalf of Trinity Church echoed what Mr. Gaston said.

Chairman Nelson asked about the curbing. Mr. Manna said they were planning on leaving the existing curbing. Chairman Nelson explained about granite curbing in the Village District. Mr. Manna said they are trying to stay within budget.

Chairman Nelson closed the public hearing at 8:45 p.m.

Meeting:

Discussion took place regarding the special exception application of NH&L. Chairman Nelson said that it is not a mandatory referral to the Police Commission. They are an advisory agency to the Commission. Mr. Francis said that he heard enough information about traffic to make a decision without the written comments from the Police Commission. Discussion took place about conditions such as the comments from Chief Halstead and that the lighting be consistent with the Village District plan. Discussion

took place about requesting granite curbing. It was agreed not to request granite curbing.

The Commission went through each special exception finding. Mr. Francis made a motion to approve the application of Newtown Hook and Ladder Company, No. 1, Incorporated for special exception approval for construction of a fire station building on property located at the rear portion of 36 Main Street (with frontage on Church Hill Road), as presented, with the following conditions:

1. Knox box required;
2. Pressurized hydrant located at the front of the building; and
3. Lighting shall be consistent with the Village District plan.

Mrs. Sullivan seconded the motion and it was unanimously approved. The vote was as follows:

Doug Nelson – yes
David Francis – yes
Brid Craddock – yes
Lucy Sullivan – yes
Michael Guman – yes

It was agreed that the proposed new regulations that were approved would be effective December 22, 2014.

Respectfully submitted,

Maureen Crick Owen, Clerk