

Borough of Newtown
Zoning Commission
Newtown, Connecticut

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

Minutes from the Meeting of January 8, 2020

Meeting of the Borough of Newtown Zoning Commission on Wednesday, January 8, 2020 held at the Lower Meeting Room, Edmond Town Hall, 45 Main Street, Newtown, Connecticut.

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

Commission Members Absent: None.

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

Also Present: Attorney Peter Olson and his client, Frank Caico, 42 members of the public and one press.

The meeting was called to order at 7:00 p.m.

Mr. Nelson stated that most likely they will not be voting on the application tonight and that the vote would likely occur at the February meeting.

Motion was made by Mr. McDonald and seconded by Mr. Francis to approve the minutes of the December 10, 2019. Mrs. Mitchell asked that on Page 2 that Maureen Rohmer's statement be revised to state "We cannot lose our Main Street to the owner's greed. We must fight multi-family housing on Main Street but recognize the need for multi-family housing in more appropriate locations such as some areas of Fairfield Hills". The minutes were approved unanimously with the one revision.

Chairman's Report: none.

Borough ZEO Report: none.

Old Business:

1. 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 reminded the commission members that there were two applications pending. The first is the text amendment which impacts all of the Borough and then those regulations and applying it to 19 Main Street. He also discussed the documents that were submitted during the public hearing. He commented on the letter from the Newtown Planning and Zoning Commission which states that the proposed application was not consistent with the Plan of Conservation and Development. He also said they combined the two applications. Because of their response, it requires their commission to have a 4-1 vote.

At this point, the members went through the proposed zone text amendment. Comments/discussion were as follows (following numbering in proposed text amendment dated 09.09.2019 attached):

3.01E – Mr. Nelson said it is not necessarily a new zone. It could be looked at as a new use. There was discussion over the use of the word “district”. Mrs. Hull asked how spot zoning fit in. Mr. Nelson said that is not used anymore. He also referred to Attorney Olsen’s comment during the public hearing. Attorney Frank said, in his opinion, he does not think this is spot zoning. Attorney Frank said that this text amendment applies to all properties.

Mr. Nelson said that anyone could apply to the commission for a future amendment. Mrs. Hull asked if the proposed text was drafted by the applicant. Attorney Frank said that the applicant drafted the proposed text and submitted it. He said you are reviewing it and have discretion in approving/disapproving. He said it could be approved with changes. However, he said if the changes are substantial, he recommends not approving because it would not have been noticed that way to the public and they would not have had an ability to comment.

A. Purpose and Intent

Mr. Nelson said that if you have property undeveloped do you want to have multi-family.

B. Nature

Mr. Nelson said that this is not a new requirement. He said it was included to keep it all together.

C. Location

1. Mr. Nelson said that this regulation could impact a municipal use in a residential zone.

2. Mr. Nelson said that the Town does not have the same number but the same concept. Mr. McDonald said that this penalizes against deep/pie shape lots. Mr. Nelson said that it does eliminate certain lots, but he thought the intent was not to see a

lot of multi-family housing. Mr. Nelson said that there is another property in the Borough that this regulation could apply to which is located on Main Street.

3. Mr. Nelson said that this paragraph prevents a buyer buying three contiguous lots and having this proposed regulation apply. Because of the effective date it prevents future consolidation. Mr. McDonald said that again this penalizes/restricts use for bigger lots (reference to minimum of 3 acres and maximum of 5 acres).

4. Mr. Nelson said that this language is identical to the Town's regulation.

5. Mr. Nelson said that this is consistent with the Town's regulations.

6. Mr. Nelson said that this paragraph is redundant. Discussion continued and Mrs. Hull referenced the paragraph "Purpose and Intent" because it states "intended to allow redevelopment of existing structures". Mr. Francis said that this paragraph needs major changes and does not make sense.

D. Permitted Uses

Mr. Francis said it does not include Village District application and feels that should be included. Mr. Francis also asked why it did not include condominiums. Attorney Frank said he was not sure why the applicant did not include common interest communities. He said if it was included it might bring a whole host of other matters which most likely are not addressed in the proposed text.

E. Standards and Limitations

Mr. Nelson said the calculations for wetlands and watercourses could make the usable land denser. Mr. Francis referred to the table in the zoning regulations found on Page A5-4. Attorney Frank said that this text amendment was not creating a new lot because of the definition of lot coverage and building coverage. Mr. Sibley stated lot coverage includes building coverage.

ii. Mr. Nelson said that it increases density.

c. Mr. Nelson said the Borough has smaller lots than what the Town has. He said this should be considered and what makes sense on smaller lots. Mr. McDonald said there are not even 40 houses from the corner of Route 302 to the flagpole on Main Street. Mrs. Hull suggested that the members re-read the Village District regulations and why they wanted that regulation. Mr. Francis felt subparagraph c and d were not clear and redundant.

2. Front Setback - Mr. Nelson said that this was redundant as it is already stated in the Village District regulations.

3. Building Size Limitations

a. Mr. Nelson said you could change the number – it has to be doable. He said there is no maximum size in residential.

b. This is an attempt to control the size and mass.

- c. Mr. McDonald said subparagraphs b and c complement one another.
- d. Mr. Nelson said that you may want to connect this with usable.
- e. Mr. Nelson said this is a refinement of what is already in the regulations. Ms. Craddock said this is accommodating for grade changes.

4. Residential unit limitations – Mr. Francis said he does not think you should control the size. Mr. Nelson said this is consistent with what the Town does. Mr. Francis said he does not think we should be concerned with the number of bedrooms.

5. Parking – Mr. Nelson said the numbers are based on the recommendation of the applicant.

- a. Application Procedures and Requirements – Mr. Nelson stated that this establishes the basis for submitting. Mr. Nelson thought the process made sense.

Mr. Francis said he would not be able to vote for the proposed text because he feels there are too many changes required. Mr. Nelson reminded the members that they were presented with two applications. He said you could vote no on both, vote yes on both or vote for one and not the other.

Attorney Frank reminded the members that after they leave the meeting do not discuss the content of the application or what you are thinking. He said it must be done on the records. Ms. Craddock asked if they could ask staff questions and Attorney Frank said absolutely.

Mr. Francis made a motion to adjourn at 8:52, seconded by Mr. McDonald and unanimously approved.

The next regularly scheduled meeting will be held on Wednesday, February 12, 2020 at 7:00 p.m. at the Lower Meeting Room, Edmond Town Hall, 45 Main Street, Newtown.

Respectfully Submitted,

Maureen Crick Owen
Clerk