

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 November 9, 2022

Meeting of the Borough of Newtown Zoning Commission was held on Wednesday, November 9, 2022 at 7:00 p.m. at the Old Court Room, Edmond Town Hall, 45 Main Street, Newtown.

Commission Members Present: Doug Nelson, David Francis, Claudia Mitchell, Rick Davis.

Commission Members Absent: Don Mitchell, Margaret Hull and Doug McDonald.

Staff Present: Maureen Crick Owen, Clerk.

Public: None.

The meeting was called to order at 7:03 p.m.

Minutes: A motion was made by Mr. Francis to approve the minutes of October 12, 2022 with the following amendments:

- Doug McDonald was present at the meeting.
- Mr. Frances made the motion to not opt out of the accessory apartments and seconded by Mr. McDonald.

The motion was seconded by Mrs. Mitchell and unanimously approved.

Old Business: None.

New Business:

1. Discussion, review and possible revisions to Articles 6, 7 and 8 of the zoning regulations.

The board continued their discussion of possible revisions to the zoning regulations. Personal Service and Accessory Use were discussed and will continue to be discussed. Discussion took place regarding the regulations relating to the banners on the railroad bridge. They talked about the light pole that had been used since lighting was a requirement in the professional and business zone is no longer available for purchase and finding a suitable replacement. Discussion took place as to non-conforming and abandoned use and agreed that the language needs to be updated.

2. Any new proposed signs – none.
3. Acceptance of any new applications - none.

A motion was made to adjourn the meeting at 8:55 p.m.

The next regularly scheduled meeting will be held on Wednesday, December 14, 2022 at 7:00 p.m.

Respectfully Submitted,

Maureen Crick Owen, Clerk

**INITIAL FINDINGS FOR SITE DEVELOPMENT, SPECIAL EXCEPTION
AND VILLAGE DISTRICT APPLICATIONS**

SITE DEVELOPMENT APPLICATION INITIAL FINDINGS

- a. **FINDS** that the **architectural design and renderings** of buildings, including, *among* other elements, the building material, roofline and building elevations, are of such character as to **harmonize with the neighborhood**, and to **protect the property values** in the neighborhood; (3-2 *FINDS: DOUG NELSON, DAVID FRANCIS AND DOUG McDONALD; DOES NOT FIND: CLAUDIA MITCHELL AND MARGARET HULL*).
- b. **FINDS** that all details of the Site Development Plan are designed and arranged so as not to create a **health or safety hazard** to persons or property on or off the road on which the development is planned; (5-0 *UNANIMOUS*).
- c. **FINDS** that all details of the Site Development Plan are planned to conserve as much of the **natural terrain and vegetation** as possible; (4-1 *FINDS: DOUG NELSON, DAVID FRANCES, MARGARET HULL AND CLAUDIA MITCHELL; DOES NOT FIND: DOUG McDONALD*).
- d. **FINDS** that all details of the Site Development Plan are planned to **minimize excessive light and noise**; (5-0 *UNANIMOUS*).
- e. **FINDS** that all details of the Site Development Plan are in keeping with the **general intent and spirit of the Borough Zoning Regulations**; (3-2 *FINDS: DOUG NELSON, DAVID FRANCIS AND DOUG McDONALD; DOES NOT FIND: CLAUDIA MITCHELL AND MARGARET HULL*).
- f. **FINDS** that **utilities and drainage** have been so laid out so as not to **unduly burden the capacity of such facilities**; (5-0 *UNANIMOUS*).
- g. **FINDS** that the **streets and drives are suitable and adequate** to carry anticipated traffic within the site; (4-1 *FINDS: DOUG NELSON, DAVID FRANCES, MARGARET HULL AND DOUG McDONALD; DOES NOT FIND: CLAUDIA MITCHELL*).
- h. **FINDS** that the Site Development Plan complies with **all applicable sections of these regulations and all other applicable Borough, Town or State laws, ordinances, regulations and codes**. (5-0 *UNANIMOUS*).

SPECIAL EXCEPTION INITIAL FINDINGS

- a. **FINDS** that the proposed use is in harmony with the general **character of the neighborhood**; (5-0 *UNANIMOUS*).
- b. **FINDS** that the proposed use is not inconsistent with the **intent and purpose of the Borough's Zoning Regulations**; (5-0 *UNANIMOUS*).

- c. **FINDS** that the proposed use does not substantially impair **property values** in the neighborhood; (5-0 UNANIMOUS).
- d. **FINDS** that the proposed use will not create a **traffic** hazard on existing streets; (5-0 UNANIMOUS).
- e. **FINDS** that the proposed use does not create a **health** hazard to persons on or off the lot on which the use is proposed; (5-0 UNANIMOUS).
- f. **FINDS** that the proposed use is in compliance with all applicable sections of the Borough Zoning Regulations and all other applicable Town and State laws, ordinances, regulations and codes; (5-0 UNANIMOUS).
- g. **FINDS** that the proposed use is in keeping with the Plan of Conservation and Development; (5-0 UNANIMOUS).
- h. **DOES NOT FINDS** that the **architectural design** of the proposed building is in harmony with the design of other buildings on the lot and within 1,000 feet of the perimeter of the lot for which the special exception is sought; (3-2 FINDING FAILED; DOES NOT FIND: CLAUDIA MITCHELL, MARGARET HULL and DOUG McDONALD; FINDS: DOUG NELSON, DAVID FRANCES)
- i. **FINDS** that construction proposed on the site will be carried out so as to utilize the site in a manner which results in the least defacement of the natural features thereon, such as trees, rock outcroppings, etc. (5-0 UNANIMOUS).

VILLAGE DISTRICT INITIAL FINDINGS

- a. **FINDS** that the proposed buildings and modifications to existing buildings are constructed with appropriate materials and of appropriate design; (3-2 FINDS: DOUG NELSON, DAVID FRANCIS AND DOUG McDONALD; DOES NOT FIND: CLAUDIA MITCHELL AND MARGARET HULL).
- b. **FINDS** that the proposed buildings and modifications to existing buildings are reasonably harmoniously related, to the extent of such improvements, to their surroundings, the terrain in the district and the use, scale and architecture of existing buildings that have a functional or visual relationship to the proposed building or modifications to existing buildings; (3-2 FINDS: DOUG NELSON, DAVID FRANCIS AND DOUG McDONALD; DOES NOT FIND: CLAUDIA MITCHELL AND MARGARET HULL).
- c. **FINDS** that proposed spaces, structures and related site improvements visible from public roadways are designed to be reasonably compatible, to the extent of such improvements, with the elements of the area of the village district in their vicinity; (4-1 FINDS: DOUG NELSON, DAVID FRANCIS, MARGARET HULL AND DOUG McDONALD; DOES NOT FIND: CLAUDIA MITCHELL).

- d. **FINDS** that the removal or disruption of historic, traditional or significant structures or architectural elements has been minimized; (5-0 UNANIMOUS).
- e. **FINDS** that the proposed improvements are designed to achieve the compatibility objectives set forth in the regulation; (3-2 *FINDS: DOUG NELSON, DAVID FRANCIS AND DOUG McDONALD; DOES NOT FIND: CLAUDIA MITCHELL AND MARGARET HULL*).
- f. **DOES NOT FIND** that the proposed design and placement of buildings are 1) appropriate for a scenic rural New England village, 2) recognize architectural scale, rhythm and proportion and, 3) avoid large monolithic building forms; (3-2 *FINDING FAILED; DOES NOT FIND: CLAUDIA MITCHELL, MARGARET HULL and DOUG McDONALD; FINDS: DOUG NELSON, DAVID FRANCES*).
- g. **FINDS** / that proposed parking is to the rear of the building(s) and away from street lines; (5-0 UNANIMOUS).
- h. **FINDS** that the placement of proposed buildings does not interfere with vehicular or pedestrian traffic; (5-0 UNANIMOUS).
- i. **FINDS** that proposed loading and unloading areas are located at the rear or side of the building(s) and are reasonably screened from view from adjacent properties, streets and parking areas; (5-0 UNANIMOUS).
- j. **FINDS** that proposed utility equipment is located to the rear of side of the building(s) and is appropriately screened, both visually and otherwise; (5-0 UNANIMOUS).
- k. **FINDS** that the proposed building(s) is designed and placed so as not to unreasonably obstruct public views; (5-0 UNANIMOUS).
- l. **FINDS** that proposed road and driveway improvements conform to regulatory requirements and that properly designed sidewalks are included in the plans; (5-0 UNANIMOUS).
- m. **NOT APPLICABLE - FINDS/DOES NOT FIND** that a waiver of setback requirements set forth in Sections 5.03 and 5.04 of the Zoning Regulations is reasonably necessary in order that the proposed improvements comply with Village Design District Regulations. Such setback requirements are hereby waived to the extent shown on the latest revised plan submitted to the Commission.