

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

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

Minutes from the Public Hearing/Meeting of April 17, 2024

Public Hearing/Meeting of the Borough of Newtown Zoning Commission was held on Wednesday, April 17, 2024 at 6:45 p.m. in the Lower Meeting Room, Edmond Town Hall, 45 Main Street, Newtown.

Commission Members Present: Doug Nelson, David Francis, Claudia Mitchell, Rick Davis, Mike Mandanaro, Doug McDonald, Don Mitchell

Commission Members Absent: Margaret Hull

Staff Present: Sarah Phillips, Clerk, Brian McCann, Lawyer

Public: 22 Members of the public

The public hearing was called to order at 6:45 p.m.

Public Hearing:

Mr. Francis read a letter from the Town P&Z stating that that referral meets the POCD.

Mr. Nelson spoke about the nature of the hearing, reminding the public in attendance that the hearing was about the text amendment, not the history of 11 Church Hill Road. Comments and questions were asked to be text amendment specific.

Existing text: 4.08 USES PERMITTED IN THE PROFESSIONAL-LIMITED BUSINESS ZONE (P1) Originally adopted January 8, 1932, last amended August 21, 2016.

D. Residential units are permitted within a professional building provided that the residential area does not exceed fifty (50) percent of the allowed gross floor area of each professional building. The residential dwelling shall be located above any permitted professional use and:

1. Shall be a minimum of eight hundred (800) square feet.
2. Shall allow two (2) parking spaces for each residential unit.

Proposed text change: 4.08 USES PERMITTED IN THE PROFESSIONAL-LIMITED BUSINESS ZONE (P1) Originally adopted January 8, 1932, last amended August 21, 2016.

D. Residential units are permitted within a professional building provided that the residential area does not exceed fifty (50) percent of the allowed gross floor area of each professional building. The residential dwelling shall be located above **and/or below** any permitted professional use and:

1. Shall be a minimum of eight hundred (800) square feet.

2. Shall allow two (2) parking spaces for each residential unit.

3. The floor area restrictions contained herein shall not apply to professional buildings in existence as of the date hereof provided at least one commercial (professional) unit shall remain there.

Attorney for 11 Church Hill Road presented, Mr. Daniel Patrick. The proposal is specifically directed toward the professional limited business district, Mixed use, P1. Based on the way the buildings sit on the land, 11 Church Hill has road frontage from the 2nd floor only, and the first floor has access from behind the building, which they are looking to change. Mr. Patrick spoke to allow these building to have residential space below to create diversity in the housing market in the borough. There are 9 other properties in the Borough that are zoned P-1 and that this would affect. Mr. Patrick spoke to using this change to attract more people to want to live in Newtown who cannot live in a regular single family home and to increase business in the shops among the Borough.

Mr. Mitchell, asked if they would want to introduce Commercial uses into the zone? The last line of the proposed amendment reads commercial, but should read “professional”. Mr. Nelson asked about the above or below, but also more than 50%. The proper wording would be and/or, as corrected by Mr. Patrick.

Charlie Copp, 6 Wendover Road. Mr. Copp is asking when the CO was issued it was 5 residential units on the 2nd floor, and 4 professional units on the 1st floor, he is asking why this wasn't addressd prior to the CO being issued. He has concerns that this is being done backwards by the owner. Mr. Copp asked for clarification on what flexibility would mean. Mr. Nelson read the proposal, Mr. Patrick agreed that the flexibility, Mr. Copp asked how it enhances the borough community. Mr. Patrick said that it is representative of “changing times” and that the Borough has less of a need for professional space and more of a need for residential space.

Mrs. Mitchell spoke to the 50% change. she asked if the 50% as propsed would go either way with professional and residential to meet a building needs. Mr. Patrick clarified that yes, it would be flexible to fit the building needs at any given time.

Sue Tory 31 West Street, asking if this is specific to 11 Church Hill, it is not. This text amendment would apply to 10 properties in the Borough, all zoned P-1.

Mark Damico, 7 Tory Lane, 50% language was added. When? Mr. Nelson spoke to this, August 21, 2016 there was an amendment for professional properties. The thought of the Commission to make this amendment was to create more professional space in the Borough, as well as more affordable housing in accessory apartments. Mr. Damico shared that eliminating the minimum square footage of 800 square feet could create a tricky situation, and as recommended by WCOG should infact be increased to match the Town regulations of 1000 square feet. Mr. Nelson stated that there is no minimum square footage in Building Codes, or with the Health Department. Mr. Damico makes a note that considering ability to increase the size of the building when considering the change.

Sue Torry, 31 West Street. Noting the opportunity to serve the apartment needs of young adults, is in her favor.

Mr. Mitchell asked how it worked with short term rentals? Air B&B. Mr. Nelson spoke to the lack of regulations when it comes to short term rentals.

Mr. Mitchell shared that Professional use was initially intended to buffer Residential use from Business use, and what it was trying to protect is lights shining at night.

The Public hearing is closed at 7:33PM.

Dave Ackerni 6 Cider Mill Road, asking for clarification on the best way to contact the Borough Zoning Commission. He was given the email, boroughzeo@gmail.com.

Meeting:

Minutes: A motion was made by Mrs. Mitchell to approve the minutes of March 20, 2024. The motion was seconded by Mr. Francis and unanimously approved.

A motion was made by Mr. Francis to accept the application of Castle Hill Real Estate Holdings, LLC by statute of the State it was seconded by Mr. Davis.

Chairman's Report: Mr. Nelson reported on the following:

- a. Mr. Nelson shared there was an appeal filed to Wetlands by the Newtown Forest Association. This will not impact the timeline for now.
- b. Regulations have gone to P&Z for Review, they will get back to us with a PCOD letter saying if it conforms.
- c. An application was presented to split 64 Main Street and 6 School House Hill lots into two, the Borough has no minimum acreage, and has no issues with this.
- d. 27 Church Hill Road is proposing a 24 square foot sign for sign permit. The sign exceeds signage regulations by 16 square feet. A sign permit needs to be obtained that conforms to the sign requirements in Article 6 of the Borough of Newtown Zoning Regulations.

Zoning Enforcement Officer's Report: See Chairmans Report.

Old Business:

1. (See Chairmans Report)

New Business:

1. Application for Castle Hill Real Estate Holdings, LLC was accepted, see motion above.

A motion was made to adjourn the meeting at 8:34 p.m.

A Special Meeting will be on Wednesday May 8th at 7PM in the Lower Meeting Room at Edmond Town Hall, as an extra meeting. Note: This is not a regularly scheduled meeting.

Respectfully Submitted,

Sarah Phillips, Clerk