



**TOWN OF NEWTOWN**  
**PLANNING & ZONING COMMISSION**

**MINUTES**  
**REGULAR MEETING**  
Council Chambers  
3 Primrose Street  
Newtown, CT 06470  
March 21, 2019 at 7:30 p.m.

**Present:** James Swift, Barbara Manville, Corinne Cox, Roy Meadows, David Rosen

**Absent:** Benjamin Toby, Don Mitchell

**Also Present:** Rob Sibley, Deputy Director of Planning and Land Use and Christine O'Neill, Clerk

Mr. Swift called the meeting to order at 7:35p.m. Mr. Swift seated David Rosen for Don Mitchell.

**Public Hearing**

**Application 19.04 by the Town of Newtown, for a proposed Text Amendment to the Newtown Zoning Regulations, regarding Section 8.11.140 – 8.11.148, for temporary use of trailers and containers, as shown in documents submitted to the Land Use Agency dated March 6, 2019.**

Mr. Swift requested that Mr. Sibley, who drafted the text amendment, give some background. Mr. Sibley said the amendment was created because zoning enforcement officers frequently receive complaints about unsightly storage containers remaining long-term on Newtown properties, resulting in safety concerns and impacted property values.

The Zoning Regulations currently have a definition for “temporary trailers,” which allow someone who may have lost their home to live in it for a certain amount of time. There is also an allowance for storing items. As a result, a lot of people were applying to the Building Department permits for the trailers, which are not considered structures. These current regulations did not allow for any containers, just temporary trailers. So the zoning enforcement officers were trying to make sure that people in all zones were not turning these containers into permanent storage units. There were also incidents being relayed from the Fire Marshal (reports that a storage unit was too close to the building, not knowing what was in the unit, etc.).

Mr. Sibley created the text amendment as a pastiche of what he found in other towns’ zoning regulations. He began by striking the old definition and rewriting it to apply to any standard unit that would come off a ship (and every size in between for commercial/residential moving pods).

The next part of the amendment refers to temporary permitted uses. The new entry he proposes includes the intention and scope behind the regulation, which is consistent with state statutes. It also includes: where the unit should be located, allowed zones, ability to enforce a permit, must have lockable doors, cannot contain hazardous materials, must list materials within the container on the permit, and must be neatly maintained.

There are two uses specified in the amendment: one is for a construction project and the other is for moving. For a construction project, the applicant can continue renewing the permit for as long as the project is going on. The second use is for relocation, which allows for renewal but puts a nine-month cap within a year. Along with filing the permit, the applicant is to submit a deposit which is what allows the zoning enforcement officer to

enforce the regulation. The zoning enforcement officer has the discretion to withhold the deposit or deny future permits if a violation occurs.

Miss Cox asked if this has anything to do with the Granny Pods that came to the Planning and Zoning Commission a while ago. Mr. Sibley specified that Granny Pods were temporary living spaces on wheels, whereas this amendment would apply only to units that would be used for storing belongings. This is a departure from the current definition in the Newtown Zoning Regulations.

Mr. Rosen asked if the passage saying the units should have lockable doors should be modified to more specifically say it should be locked overnight. Mr. Swift commented that this was not really enforceable.

Mr. Swift asked about construction dumpsters. Mr. Sibley said temporary trailers and containers are entirely different from dumpsters, which are units that are for the removal of refuse. Mr. Sibley said he would consider writing another text amendment for the definition of dumpster.

Mr. Meadows asked if the math for the cubic footage calculations and dimensions were consistent in the definition. They were not, so the figures in the text amendment were adjusted so that both maximum numbers referenced were consistent. Mr. Meadows also wondered what “as deemed applicable by the zoning enforcement officer” meant, to which Mr. Sibley replied the municipality he lifted the wording from had issues with people attaching decks and such to the containers.

Mr. Swift wondered if three months was enough time. Mr. Sibley specified that the nine-month cap only applies if you’re using a container for moving; you can keep renewing it if you’re doing a construction project. Mr. Swift suggested adjusting the wording to say “additional three months periods, upon the receipt of new permit applications and fees.”

Mr. Swift wondered if a person moved a container during a construction project from one parcel of land to another, they would need a new permit. Mr. Sibley explained that he would use a common sense approach on a case-by-case basis. Mr. Swift also mentioned that it seems like an applicant doing a construction project having to come up with \$350 might balk at the amount and not want to pull the permit at all. Mr. Sibley explained that this is lower than area towns’ fees and that the applicant will get the \$250 deposit back. Mr. Swift also said \$300 for a nine-month moving period was too expensive. Miss Manville commented that this was an incentive for applicants to finish the relocation more quickly. Mr. Swift was also concerned about having to come back into the Land Use Agency to renew the permit, and commented, “I’d like to make it so that it’s not onerous for the applicant.” Mr. Sibley said that when people come to renew, it creates a relationship between the zoning enforcement officer and the applicant, and keeps the former abreast of the project.

Miss Cox wondered how people will know about these regulations. Mr. Sibley said he usually leaves a grace period of six months to a year with new regulations, and that he would first “invite the individual to comply with the regulation” rather than immediately serving a notice of violation.

Mr. Meadows wondered if the regulation was being too restrictive saying the container be at the rear or side of the lot. Mr. Sibley said he probably wouldn’t deny someone a permit for that, if there are no other viable options, allowing for discretion of the zoning enforcement officer. The Commission agreed that they should add “if possible, the units should be located...” to make the regulation less restrictive.

Mr. Swift opened the discussion to members of the public

Charles Zukowski of 4 Cornfield Ridge asked if he could see a copy of the proposed text amendment and asked if it had been available at the Land Use Agency. Mr. Sibley confirmed that it was.

Before the vote, Mr. Sibley summarized the changes that had been discussed: the mathematical error in the definition; replacing “shall” with “if possible” in 8.11.141; pluralizing “three month period” and “permit application and fee” in 8.11.145; one typographical error in 8.11.147; and strike the word “storage container” and replace it with “unit” (so it applies to trailers as well) in 8.11.147.

Miss Cox made a motion to close the public hearing. Miss Manville seconded. All in favor.

Miss Manville read the resolution into the record:

*BE IT RESOLVED that Application 19.04 by the Town of Newtown, for a proposed Text Amendment to the Newtown Zoning Regulations, regarding Section 8.11.140 – 8.11.148, for temporary use of trailers and containers, as shown in documents submitted to the Land Use Agency dated March 6, 2019 and revised March 21, 2019 SHALL BE APPROVED. BE IT FURTHER RESOLVED that the application shall become effective April 13, 2019.*

Note that the resolution contains the revisions that were decided upon during the course of the meeting.

Mr. Swift made a motion to approve Application 19.04. Mr. Meadows seconded. The Commissioners voted as follows:

James Swift – AYE  
Barbara Manville – AYE  
Corinne Cox – AYE  
Roy Meadows – AYE  
David Rosen – AYE

The motion to approve 19.04 passed.

## **Referrals**

**a. Referral from the Board of Selectmen for approval of appropriation under G. S. § 8-24, for the following projects: (1) Hawley Elem. – Boiler and Lighting Replacement, (2) High School – Main Boiler Replacement / LED Light, (3) Library Renovations / Replacements / Upgrades, (4) Fairfield Hills Pickleball Courts, (5) Capital Road Program, and (6) Sandy Hook Memorial.**

Mr. Sibley explained that significant/high impact Capital Improvements Projects can be referred to the Planning and Zoning Commission via General Statute 8-24, and that what was before them tonight were a very literal interpretation of what is grounds for a referral. The Commission’s approval tonight is only for the referral, it does not mean the Planning and Zoning Commission has actually approved the project itself - those will come before the Commission with a set of plans and supporting documents as a proper application. Mr. Sibley pointed out that the main job of the Commission was to ensure the CIPs were consistent with the Plan of Conservation and Development.

The Commission did not feel any further deliberation was needed.

Miss Manville read the following resolution into the record:

*Referral from the Board of Selectmen for approval of appropriation under G. S. § 8-24, for the following projects: (1) Hawley Elem. – Boiler and Lighting Replacement, (2) High School – Main Boiler Replacement / LED Light, (3) Library Renovations / Replacements / Upgrades, (4) Fairfield Hills Pickleball Courts, (5) Capital Road Program, and (6) Sandy Hook Memorial.*

James Swift – AYE  
Barbara Manville – AYE  
Corinne Cox – AYE  
Roy Meadows – AYE  
David Rosen – AYE

**b. Referrals from abutting municipalities: Brookfield Zoning Regulation Change (Application #Z-19-43, dated 3/6/19), Monroe Subdivision (Application SUB-2019-02, dated 3/7/19), and Monroe Zoning Text Amendment (Application RAA-2019-04, dated 3/11/19).**

These referrals are routine notices from neighboring municipalities making adjustments to their zoning regulations or sharing information about zoning projects. Mr. Sibley gave very brief descriptions of each referral.

**c. Borough Zoning Regulations proposed amendments, as shown in a document titled “Draft Borough Regulation Changes,” received at the Land Use Agency 3/15/19.**

Mr. Meadows asked how he should submit his comments. Mr. Sibley said he can attend the Borough Zoning Commission meeting as a member of the public. The Commission determined that the changes proposed are of minimal significance to the Town of Newtown.

#### **Acceptance of Minutes**

Mr. Meadows made a motion to approve the minutes from March 7, 2019. Miss Manville seconded. All members were in favor and the minutes were approved.

#### **Adjournment**

Mr. Rosen made a motion to adjourn. Mr. Swift seconded. All members were in favor and the meeting was adjourned at 8:44 p.m.

*Respectfully submitted,  
Christine O’Neill, clerk*