



TOWN OF NEWTOWN
PLANNING & ZONING COMMISSION

MINUTES
REGULAR MEETING

Thursday, February 18, 2021 at 7:00 p.m.

Zoom Virtual Meeting Participation Information

Thursday, February 18, 2021 at 7:00 P.M.

Call-In Number: +1 929-205-6099

Meeting ID: 997 9586 3531 #

Website: <https://zoom.us/j/99795863531>

Present: Don Mitchell, Corinne Cox, Barbara Manville, Dennis Bloom, Andrew Marone, David Rosen, Roy Meadows

Staff: George Benson, Director of Planning, Christine O'Neill, Clerk

Mr. Mitchell called the meeting to order at 7:08 p.m.

New Business

Mr. Mitchell announced that Jim Swift has resigned, and indicated that he would like to speak with the Commissioners later about doing something for past members. The vacant position must be filled.

Mr. Mitchell nominated alternate Roy Meadows to fill Mr. Swift's full member position. Mr. Rosen seconded. All were in favor and the nomination carried.

With no further nominations, Mr. Mitchell moved to close the nominations. Ms. Manville seconded. All were in favor and the nominations were closed.

Mr. Mitchell called for a vote on Mr. Meadow's nomination. All were in favor and Mr. Meadows was elected to a full Commissioner.

Mr. Mitchell swore Mr. Meadows into the office.

Public Hearings

Application 21.03 by the Town of Newtown Land Use Agency, for a Text Amendment to §3.01.331-333 of the Town of Newtown Zoning Regulations, so as to (1) eliminate the seven year requirement for detached accessory apartments, (2) eliminate the lot size requirement for detached accessory apartments, (3) increase the detached accessory apartment maximum square footage from 800 to 1,000, and (4) convert detached accessory apartments from Special Exception Use to Accessory Use, as demonstrated on documents submitted to the Land Use Agency 1/26/21.

Mr. Benson requested that Mr. Mitchell speak about the communication from the Borough Zoning Commission (BZC), since it relates to this hearing. Mr. Mitchell reported that the Land

Use Agency received a message from Maureen Crick-Owen, BZC Clerk, on 2/15/21, requesting the Planning and Zoning Commission's feedback on proposed text amendments regarding accessory and detached apartments. These are updates to the text amendment application that came to this Commission this fall as Referral 20.10.

These tweaks to the regulations will "just work better," and include the following according to Mr. Mitchell: (1) eliminating the limitation on the number of occupants in the Accessory Dwelling Unit (ADU) and (2) changing the minimum acreage for lots not served by public sewer and water from one acre to 1.5 acres.

Mr. Benson introduced the text amendment that is now before the Commission, noting that the purpose of the application is to sync up the Borough and Town regulations on ADUs.

The first change Mr. Benson outlined would eliminate the stipulation that the building in which an ADU resides must have been on the tax records for seven years. Mr. Benson explained that in his research, he could not find rationale for why that regulation was created. It appeared to be "arbitrary and capricious." Mr. Mitchell pointed out that all Connecticut towns should be increasing and diversifying their housing stock, so this amendment would be a step in the right direction by removing a barrier. Mr. Benson concurred.

The next change would do away with the minimum lot size, since septic systems are generally the limiting factor anyway, Mr. Benson explained.

Another change, Mr. Benson went on, would be to update the maximum allowed square footage of the ADU from 800 square feet to 1,000. Mr. Meadows pointed out that the Borough regulations limit the size of an ADU at 900 square feet, not 1,000. This was verified by comparing the two documents. Mr. Benson said it was best to keep everything consistent, so the Commission modified the text amendment to a 900 square foot maximum.

Mr. Bloom felt that more housing options should be available for Newtown residents who want to move a family member onto their property. Mr. Benson said a large percentage of people who create ADUs do so for family members. Ms. Cox pointed out that many young college-age students need housing during this transitional period in their life.

Mr. Meadows wondered if it was too restrictive to call out the specific rooms that are allowed. Mr. Mitchell and Ms. Cox thought it might be prudent to permit a second bedroom. Mr. Benson said the limit the Land Use Agency had wanted in the past was one bedroom, but changing that would be up to the Commission. Ms. Cox pointed out that it would still need to conform to the square footage. Mr. Meadows thought a second room should be allowed, even if it is not necessarily identified as a bedroom.

Mr. Rosen asked if the original intention of the one bedroom limit was to discourage high occupancy. Mr. Benson responded yes. Mr. Rosen wondered if this revision would move in a different direction. The Commission went back and forth for a while on the number of occupants. Mr. Benson brought up the definition of "family" in the regulations, which may include up to four non-related persons. The Commission decided that this aspect would need more refining, and thought it best to table the application.

Bob Hall of 43 Main Street, Newtown, CT - representing his client Nick Barzetti - explained that Mr. Barzetti built an apartment over a three-bay garage that is greater than the allowed 800 square feet. Mr. Hall recalled attending the hearings for the original ADU regulations, and said that the intent of the 7-year-rule was to discourage rental apartments. The thought was that if someone wanted to build rental units for profit, they would not do so if they would have to wait so long to get a return on investment. Mr. Hall also brought up the definition of gross floor area (GFA) in the regulations, which is measured from exterior walls. That is different from how the Building Department calculates GFA, because they exclude any area that is not "livable" given that a sloping roof could lead to a large percentage of the space being inaccessible. Finally, Mr. Hall said one of the most important portions of this text amendment was that detached accessory apartments would no longer need to go before the Commission in a public hearing; instead, this amendment would allow them to be approved administratively. He concluded that these proposed regulation changes would be a huge help from Mr. Barzetti's point of view, as long as the GFA calculation is also addressed.

Mr. Benson thought the GFA discrepancy could be solved by referring to "livable" square footage, which would discount the area that is not accessible due to sloped roofs, or area over a garage. Mr. Benson asked Mr. Hall what exact definition the Building Department uses, but Mr. Hall was unsure. Mr. Meadows chimed in that he would support such a modification. It was decided that Mr. Benson would consult the Building Department to nail down their definition of GFA.

Mr. Mitchell moved to continue the public hearing for Application 21.03 to the next regular meeting of Thursday, March 4, 2021 at 7 p.m. via Zoom. Ms. Cox seconded. All were in favor and the hearing was continued.

Referrals

Referral from the Town of New Fairfield, "Text Amendment to Section 3.1.3K"

Mr. Meadows had a few issues with the wording of the text amendment regarding chicken coops. It was decided that Mr. Benson would telephone the staff at the New Fairfield Land Use Agency to inform them of the errors, since there was no reason to write a letter when the amendment would not impact Newtown.

Referrals from the Town of Monroe, "RAA-2021-02 #1016E" & "RAA-2021-03 #1017E"

Mr. Mitchell summarized that a design district was being proposed, as well as changing a parking requirement. Mr. Benson and Mr. Mitchell agreed that neither were near Newtown or would impact Newtown.

Referral from the Town of Redding, "Application 21-01Z"

Mr. Mitchell said that this text amendment referral is in reference to ADUs. Mr. Benson thought this might be a reaction to the recent legal action against the Town of Woodbridge for their restrictive zoning. Mr. Hall pointed out that there are several bills in Hartford proposing to make changes to Connecticut zoning laws, including the requirement that all residential zones allow certain multifamily housing.

Update on Borough Referral 20.10 regarding Accessory and Detached Apartments

Mr. Mitchell reminded the Commission that they needed to respond to the BZC on whether the proposed changes were consistent with the Plan of Conservation and Development. Mr. Mitchell felt that it was consistent. The Commissioners did not disagree, so Mr. Mitchell said a letter would be sent to the BZC to that effect.

New Business

Mr. Mitchell stated that since Mr. Swift had been the Vice Chair, that role needed to be filled. Therefore, Mr. Mitchell moved to nominate Mr. Meadows as the new Vice Chair. Ms. Manville seconded. All were in favor and the nomination carried.

With no further nominations, Mr. Mitchell moved to close the nominations. Mr. Bloom seconded. All were in favor and the nominations were closed.

Mr. Mitchell called for a vote on Mr. Meadow's nomination. All were in favor and Mr. Meadows was elected Vice Chair.

Minutes

Mr. Mitchell moved to approve the minutes from the meeting of February 4, 2021. Ms. Manville seconded. All were in favor and the minutes from the meeting of February 4, 2021 were approved.

Executive Session

Mr. Mitchell moved to enter Executive Session to discuss pending litigation regarding the 13 Hawleyville Road case. Ms. Cox seconded. Mr. Mitchell moved to invite Mr. Benson and Ms. O'Neill into the Executive Session. Ms. Cox seconded. All were in favor and the Commissioners entered executive session at 8:00 p.m. The recording was paused.

The recording resumed and the Commissioners exited Executive Session at 9:08 p.m.

Adjournment

Mr. Rosen made a motion to adjourn. Mr. Marone seconded. All members were in favor and the meeting was adjourned at 9:11 p.m.

*Respectfully submitted,
Christine O'Neill, Clerk*

A recording of the meeting can be found here:

<https://drive.google.com/drive/folders/1XinYJcrXrpD-vkvDRicE9c-EQv24CFJM>