

Borough of Newtown Historic District

Borough of Newtown Historic District Commission

Meeting minutes 4-21-2021

[Draft minutes]

Chairperson Gaston called the Public Hearing to order at 7:05 pm

Role Call:

Historic District:

Stephanie Gaston, Chair; Betsy Kenyon, Vice Chair; Mark Poirier,
Secretary; Chuck Fulkerson, Commissioner

Applicants: Robin and Jason Lynch

Public: Sherri Birmingham, 42 Main Street; John Fletcher and Jordana Bloom, 34
Main Street

Other: Jay Maher (Borough Warden)

Chairperson Gaston read the Application for a Certificate of Appropriateness dated April 7, 2021, The applicants were notified of the Public Hearing on April 17, 2021. The Notice for the Public Hearing was published in the April 16, 2021 issue of *The Newtown Bee*. It was also posted on the Borough of Newtown website.

Robin Lynch, property owner and applicant, presented the application for a split-rail fence, running approximately 450 feet enclosing the perimeter of the back and southern side of their property adjacent to the house. The fence has 32 feet of frontage running from the right front corner of the house to the southern property line.

Ms. Lynch advised that there was a miscommunication from Borough zoning enforcement officer Rob Sibley whereby it was her understanding from the conversation that she could install the fence, providing it was installed on her property only, without a zoning permit. Therefor, the fence was installed without timely application to the Historic District for a Certificate of Appropriateness. Borough Warden Maher acknowledged that the Lynches approached Mr. Sibley and he did indicate that a zoning permit was not needed to install the fence providing it was on the homeowner's property.

Ms Lynch noted that their rationale for installing the fence is the safety of their small child; she also explained that a disability compromises her capacity to pursue her daughter if she approached Main Street. The Lynches felt that a split-rail design was historically appropriate to a neighborhood that was initially developed for small-lot farming. She also noted that she is asking for a reasonable accommodation of her disability that would allow her full use of her property.

Jordana Bloom (34 Main Street) asked to comment, as she had to leave for another meeting. She noted that her home borders 32 Main Street and she has no concerns about or objections to the fence. She encouraged the commission to be careful about sending an unwelcoming message to young families interested in buying homes within the district.

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Ms Bloom also emphasized that she felt the Lynches did their best to follow rules and regulations.

Members of the commission expressed concern at the alleged miscommunication that has prevented them from reviewing a proposal prior to the installation of the fence. Members may have suggested a workshop prior to the applicant's installation of the fence.

Members advised that the style of fence is usually in keeping with more rural settings and homes along Main Street in general do not have fences running parallel to the sidewalks enclosing front lawns. Because of this, a more open vista exists and this is a precedent they would like to keep.

Chairperson Gaston noted that after a review of respected historic district design guidelines that this style fence is discouraged except in rural settings and best for rear portions of property.

They queried Ms Lynch about alternatives or compromises that might resolve the situation:

- Moving the fence back to extend from the rear corner of the house thereby eliminating the 32 feet running along the front of the property parallel to the sidewalk and eliminating approximately 4 sections of fence along the southern property line adjacent to 30 Main Street.
- Mitigation of the fence's appearance, noting however that plantings are considered non-permanent structures by the Historic District regulations

Ms. Lynch indicated a desire to correct the situation if it can be done in a way that meets the needs of her disability. She opposed the suggestion to move the fence rearward, noting that the house has 2 side egresses that she considers would be less child-safe without the fence. Moving the fence rearward would also break up a rose garden planted by prior owners and there is a large sugar maple that would have root damage if the fence were moved. The Lynches would be willing to explore shrubbery in front of the fence as a mitigation.

The Application for a Certificate of Appropriateness was continued to May 6, 2021 at 7:00 pm giving Commission members a chance to look at the property if they have not done so. The application and the public hearing remain open.

The hearing was adjourned at 8:16 pm.

Respectfully submitted,
Mark Poirier
Secretary

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A recording of the meeting may be found here:

[https://us02web.zoom.us/rec/share/
IYqMTEgcpnLjY1I0TdFdKvhZwU9cSHAGX2iDCo7GgkuMsebHIbYxeLmwkzAP
oEXO.44gKhYmcnzlZ8vMj](https://us02web.zoom.us/rec/share/IYqMTEgcpnLjY1I0TdFdKvhZwU9cSHAGX2iDCo7GgkuMsebHIbYxeLmwkzAPoEXO.44gKhYmcnzlZ8vMj)