

***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 April 14, 2021

Meeting of the Borough of Newtown Zoning Commission was held on Wednesday, April 14, 2021 via Zoom.

Commission Members Present: Doug Nelson, David Francis, Claudia Mitchell, Margaret Hull and Doug McDonald.

Commission Members Absent: Brid Craddock.

Staff Present: Monte Frank, Esq., Borough Counsel, George Benson, Land Use Director, Town, and Maureen Crick Owen, Clerk.

Staff Absent: Rob Sibley, Borough ZEO.

Public: 11 members of the public.

Also Present: First Selectman Dan Rosenthal and Borough Warden Jay Maher.

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

Mr. Nelson explained the process with regard to the applications being presented.

Public Hearings:

Application of Town of Newtown to add "Article 13, Borough Landmark Buildings (BLB) Floating Zone" to zoning regulations to establish a procedure for the Newtown Board of Selectmen to request that specific municipal buildings be designated as landmark buildings.

Mr. Nelson read into the record the legal notice for the public hearings. He also read into the record the letter from First Selectman Dan Rosenthal. Mr. Francis read the proposed Article 13 into the record. Mr. Nelson read into the record the letter from Newtown Planning & Zoning dated April 8, 2021 and the response from West COG dated February 16, 2021.

Mr. Benson gave background on the applications and said that this topic has been discussed for more than five years. The proposed text amendment would allow the current uses to continue and give flexibility to rent out spaces. The text amendment gives control over what happens in the building and outlines the process the applicant has to go through.

Mr. Francis suggested that a change be made to 13.05 by adding "by Borough Zoning Commission" after "at such time approved" and add that also to the conditions.

Herb Rosenthal, 70 Main Street, said he is a resident of Main Street and a member of the ETH Board of Managers said he is supportive of the applications and hopes the commission will approve it.

Sheila Torres, Operation Manager of ETH, said she echoed what Mr. Rosenthal said and appreciates the support.

Jennifer Rogers wondered if the approved uses will be broad enough for ETH and is concerned that the drive-in movie be a permitted use.

Attorney Frank said that the recommended changes from P&Z are for clarification. Changes were also discussed to subparagraphs c and d.

Jen Guman, 38 Main Street, said she is Vice Chair of ETH BOM but is speaking as an individual. She spoke in favor of the applications and said it is important to keep life in that building.

Application of Town of Newtown to apply Article 13 to Edmond Town Hall for a Landmark Building designation with proposed permitted uses.

Mrs. Mitchell read into the record the application.

Mr. Benson said that Edmond Town Hall is a historic building. He said the application will qualify everything ETH does now and will also allow profit organizations. It was always assumed non-profit, but the Hawley will and other related documents never said it had to be non-profit. Mr. Benson recommended removing "non-personal service" from uses permitted and leave "professional services" in. He suggested excluding physicians from the professional persons. He also proposed adding another use that outdoor events would be permitted through special permits from the Borough Zoning Officer.

Mrs. Mitchell asked why no physicians. Mr. Benson said "waiting in line". Mr. Nelson read definition of professional persons from zoning regulations. Mr. Benson said these are not as of right and that the BOM has to approve the prospective tenant's application. Attorney Frank said that if the BOM approved a use that is not permitted the Borough ZEO would have authority to shut it down.

Discussion took place with regard to the kitchen. Mr. Francis said that catering can be done and food taken off premises. They can already have banquets there. He had no objection to this.

Jen Rogers asked why would you want to tie the hands of the BOM.

Herb Rosenthal, 70 Main Street, said he appreciated the flexibility and leave the judgment to the BOM.

Margot Hall said that office space is limited in ETH and they are aware of the parking.

Attorney Frank agreed with Mr. Benson's suggestion to delete "non-personal service" as it creates confusion.

Sheila Torres, Operations Manager, ETH, said she agreed with keeping the flexibility and let BOM or Operations Manager make the decisions.

Mr. Francis said the Borough zoning regulations do not define non-personal service.

Jen Rogers said if you cannot define it do not include it.

Herb Rosenthal said leave the flexibility.

Mrs. Hull said to add the outdoor special events with permits through BZEO.

Jen Rogers spoke to the drive if and if it could be continued.

Kat Moran said letting profit organizations into ETH is a great idea.

Mr. Francis made a motion to close the public hearing, seconded by Mrs. Mitchell and unanimously approved.

With regard to the first application, Mr. Nelson went over the proposed changes. Mr. Francis made a motion to approve the application of Town of Newtown to add "Article 13, Borough Landmark Buildings (BLB) Floating Zone" to zoning regulations to establish a procedure for the Newtown Board of Selectmen to request that specific municipal buildings be designated as landmark buildings, as amended. The motion was seconded by Mrs. Mitchell and unanimously approved.

As to the second application, Mr. Nelson said there are two parts. The first is to designate ETH as a landmark building and the second is to approve the building uses.

Mr. Francis made a motion to approve the application of Town of Newtown to designate Edmond Town Hall as a landmark building in accordance with Article 13 of the Borough zoning regulations. The motion was seconded by Mrs. Hull and unanimously approved.

Mr. Francis made a motion to approve the application of Town of Newtown to with proposed permitted uses pursuant to Article 13, as amended. The motion was seconded by Ms. Hull and unanimously approved.

Minutes: A motion was made by Mr. Francis to approve the minutes of the meeting of March 10, 2021 of the Borough of Newtown Zoning Commission. The motion was seconded by Mrs. Hull and unanimously approved.

Chairman's Report - none.

Borough Zoning Enforcement Officer's Report – none.

Old Business:

1. Application of Town of Newtown to add “Article 13, Borough Landmark Buildings (BLB) Floating Zone” to zoning regulations to establish a procedure for the Newtown Board of Selectmen to request that specific municipal buildings be designated as landmark buildings – see above under Public Hearings.
2. Application of Town of Newtown to apply Article 13 to Edmond Town Hall for a Landmark Building designation with proposed permitted uses – see above under Public Hearings.

New Business:

1. Any new proposed signs, if any - none.
2. Acceptance of any new applications, if any - none

Mr. Francis made a motion to adjourn at 8:35 p.m., seconded by Mrs. Hull and unanimously approved.

The next regularly scheduled meeting will be held virtually on Wednesday, May 12, 2021 at 7:00 p.m.

Respectfully Submitted,

Maureen Crick Owen
Clerk

TEXT AMENDMENT APPROVED AT BOROUGH ZONING COMMISSION MEETING OF 04.14.2021

ARTICLE 13

BOROUGH LANDMARK BUILDINGS (BLB) Floating Zone

13.01 Purpose

The purpose of the BLB Floating Zone is to preserve the cultural, historical and architectural heritage of the Municipal Buildings (within the Borough of Newtown.) In so doing, it is recognized that certain structures and land areas have value as Borough Landmark Buildings, which value transcends the ordinary standards incorporated in the Zoning Regulations and, therefore, requires that each individual site be considered a special case. It is declared to be the policy of this regulation that significant municipal landmark buildings within the Borough should be preserved, insofar as doing is consistent with the sound development of the Borough of Newtown, in accordance with the policies of the Newtown Plan of Conservation and Development.

13.02 Definition

A Borough Landmark Building shall be any municipal building. The Town of Newtown, by vote of the Board of Selectmen, must first request that a Municipal Building be considered for designation as a Landmark Building. In order to approve a Borough Landmark Building, the Commission shall determine on the basis of factual data, and expert opinion, that the building possesses a degree of historic significance, architectural uniqueness and cultural value which would represent a severe cultural loss to the community, if destroyed or altered, and that the preservation of the landmark building warrants special zoning regulations for its protection and proper use. These regulations only apply to the uses of a building, the property must comply with all other applicable Zoning, Historic and Village District Regulations

13.04 General Uses in Landmark Buildings

1. Permitted Uses

The Borough Zoning Commission may permit any use or combination of uses currently allowed in the Borough. The specific list of permitted uses will be generated for each Landmark Building as outlined below in the Formal Application Requirements.

13.05 Application Requirements for Landmark Building Designation

Formal Application Requirements

Any application for approval of a Borough Landmark Building and Zone Change shall be submitted to the Borough Zoning Commission, by the Board of Selectmen, and shall be accompanied by the following:

- a. Statement. A written statement specifying in detail the proposed Zoning Regulations to be applied to the specific Landmark Building, setting forth any proposed regulations concerning the permitted uses, building, and other structures.
- b. Required Documentation. Sufficient document that establishes the historic significance, architectural uniqueness and cultural value of proposed Borough Landmark Building. Documentation that details the historical registration as an historic property. Any additional documentation that would assist the Borough Zoning Commission in determining a BLB designation.
- c. Procedure. The Borough Zoning Commission shall forward the application to the Planning Commission to determine that the proposed Borough Landmark Building is consistent with the Plan of Conservation and Development for the area encompassing the proposed building.
- d. At such time as the application is approved by the Borough Zoning Commission, the Borough Landmark Building shall be considered established and these regulations and the Zoning Map shall be modified to permit establishment of the BLB Zone as approved.
- e. Conditions. The Borough Zoning Commission may attach any condition or conditions to its approval as it considers necessary in order to protect the public health, safety, convenience and property values in order to assume continuing conformance to the approved application.
- f. Amendments. Application for changes in approved plans shall be made and acted upon in the same manner and procedure as required for the initial application.

13.06 Enforcement Procedures

The Zoning Enforcement Officer shall be charged with the enforcement of the zoning regulations for permitted uses established for each designated Landmark Building. The Zoning Enforcement Officer may consult with the Borough Zoning Commission when determining questions of enforcement arising out of interpretations of the guidelines set forth in Section 4.08.2d of these regulations.

13.07 List of Approved Individual Landmark Buildings and Uses

APPLICATION APPROVED BY BOROUGH ZONING COMMISSION AT MEETING OF APRIL 14, 2021

Edmond Town Hall Application for a Landmark Building Designation

“Edmond Town Hall, dedicated in 1930 and listed on the National register of Historic Places, was a gift from Newtown benefactor Mary Elizabeth Hawley, who named the building after her great grandfather, Judge William Edmond.

Since its inception, Edmond Town Hall has served as the heart and center of the community by providing residents with space for governmental services, family entertainment through its theater, sports opportunities in its gymnasium, and elegant space rentals to help residents and neighbors gather for civic, social or celebratory life events and milestones.” Quote from: Edmondtownhall.org.

The Georgian style Edmond town Hall is listed on the National Register of Historic Places, which documents the historic significance of the building. To be listed on the register, the State Historic Preservation Office uses a standard format and applicants must demonstrate that, “the particular resource has integrity of location, design, materials, setting, workmanship, feeling, and association. In addition, the nominated property or resource must meet one or more of the specific National Register criteria at the local, state, or national level.”

Edmond Town Hall is located in a residential zone and the uses allowed have been limited to municipal and non-profit community uses. From the Edmond Town Hall dedication in 1930 to 2009 the Town of Newtown municipal offices were located in the building. The Town rent paid to the Board of Managers was a substantial portion of the Hall income. Since 2009 the Board of Managers has had issues finding tenants that comply with the allowed uses. The purpose of this application is to allow additional uses than are currently allowed at Edmond Town Hall.

13.05 Individual Landmark Buildings and Uses.

A. Edmond Town Hall Landmark Building Uses:

Permitted Uses

1. Offices, including municipal, clerical, administrative, and professional persons.
2. Profit and non-profit events including but not limited to movies, plays, concerts, banquets, sports activities, thrift shops, craft and antique fairs.
3. Rental of Alexandria Room kitchen for onsite food preparation to be consumed off premises.
4. Dance and Art Studios.
5. Alcohol, food and retail sales during events.
6. Child Day Care.
7. Outdoor events through special permits from the Borough Zoning Office.