

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

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

Minutes of the Meeting of April 10, 2019

Minutes of the Meeting of the Borough of Newtown Zoning Commission on Wednesday, April 10, 2019 at the Borough Office, Edmond Town Hall, 45 Main Street, Newtown, Connecticut. Mr. Nelson called the meeting to order at 7:03 p.m.

Commission Members Present: Doug Nelson, David Francis, Claudia Mitchell Hull and Brid Craddock.

Commission Members Absent: Margaret Hull and Kate Geerer Sclafani.

Staff Present: Maureen Crick Owen, Clerk.

Also Present: Rob Sibley, Deputy Director of Planning for the Town of Newtown, Jay Maher, Senior Burgess of the Board of Burgesses for the Borough, 4 members of the public and one press.

Public Hearing:

Application by the Borough of Newtown Zoning Commission for proposed additions/revisions to the zoning regulations regarding the following: (a) changes to historical buildings existing prior to zoning; (b) building information on awnings; (c) parking areas in setback areas; (d) updated list of site plan development documents required; (e) definitions for building height, lot coverage, parking area, setback and structure; (f) sign regulations; (g) table of specific requirements for buildings and plots; (h) sidewalk requirements; and (i) clerical errors as outlined in a document entitled "Draft Borough Regulation Changes".

Mr. Nelson opened the public hearing and read into the record the legal notice. Mr. Francis read into the record the letter dated March 22, 2019 from Don Mitchell, Chairman, of the Newtown Planning and Zoning Commission. Mr. Nelson explained that the letter is of different content than usual. The Borough has a zoning commission but does not have a planning commission. The Planning and Zoning Commission act as the Borough's planners. The response from Newtown Planning and Zoning Commission was as if it received a referral from another municipality. Usually they will return a letter that states issues they may have with regard to proposed changes or state that the proposed regulations are consistent with the Plan of Conservation and Development. Mr. Nelson stated that they have not received a response from the commission as planners for the Borough. They consider this a non-response and consider it an approval. Mr. Mitchell, Chairman of the Newtown Planning and Zoning Commission, was in attendance and he stated that he was not at the meeting where the commission acted on the BZC's request. He said that NP&Z took it as a zoning referral.

Mr. Nelson asked if anyone would like to speak to the pending application.

Barbara Snyder, Borough resident and member of Newtown's Economic Development Commission, wanted to know what was the thinking behind the changes. Mr. Nelson went through the proposed changes as follows:

- Building Height – needed to be defined better
- Lot Coverage – it is referred to but not defined
- Parking – referred to but not defined
- Setback – needed to be defined
- Structure – took out driveways
- 4.04C – Mr. Nelson referred to buildings that pre-existed zoning and referenced Dere Street building where they wish to make the patio a permanent structure. Currently the regulations do not provide for this.
- 6.07C and D – BZC has been approached to put signage on awnings. Mr. Nelson referred to Dr. Baum's building and the awning sign at My Place.
- 7.04A – In professional zones can have apartments on the second floor. Parking is restricted. This change provides criteria on what can be done. The intent is the parking is in the rear or that you have to look real hard to see it from the road.
- 10E – Pull things from other areas of the regulations into one area.

Mrs. Snyder then asked if there was any consideration given to signage. Mr. Nelson said that the sign regulations in the Borough is more conservative than that in the Town because the area is more dense. The Borough wants to keep the Borough look so signage is smaller.

Mr. Mitchell commented that there is shared parking within the Village District and that setbacks are still maintained where properties abut residential properties.

There was no more public participation and the board had no comments. The public hearing was closed at 7:31 p.m.

Meeting:

Ms. Craddock made a motion to approve the minutes from the March 13, 2019 meeting, seconded by Mr. Francis and unanimously approved.

Chairman's Report: Mr. Nelson commented on the cart corral at the Big Y Shopping Center. He said what was installed was not what they had identified. Mrs. Mitchell is going to speak to George Benson regarding this. Mr. Nelson said that with regard to 11 Church Hill Road, the owner has elected not to add buildings to the property, there will be no change to the parking and they will add two front doors. This proposed change will not require any applications to be submitted to the BZC. It will only require a building permit. Mr. Nelson said he is going to cancel the May 8th meeting. He said if something should arise they can hold a special meeting.

Old Business:

1. Possible revisions to zoning regulations: Mr. Nelson said that some of the proposed revisions to the original draft are more wordsmithing and does not change the

original intent of the proposed changes. Discussion took place regarding the various changes:

- a. 2.08.A – Addresses other structures like tennis courts.
- b. 2.16.A and 2.18A – typo
- c. 4.04.C – should be gross floor area and subparagraph 3 is redundant (see subparagraph #2)
- d. 6.07C and 6.07D – Mrs. Mitchell feels they should be addressed separately. It was discussed that the signage on the awning at My Place was small and discreet. Mrs. Craddock asked are we trying to control awnings or signage. It was stated that the regulations do not allow signage on patio umbrellas. Mrs. Mitchell said that she does not think awnings with signs on them is not attractive and not in favor of this proposed regulation.
- e. 10.00.E – the intent was to make a list of what needs to be provided

Mr. Nelson said many of the other proposed changes are clerical.

Discussion returned to signs on awnings. Mrs. Mitchell said that the regulations can only control size not color or design. Mr. Francis said he would like to add a definition for an awning sign. Mr. Nelson recommended that they include that on the next revision to the regulations. Mrs. Mitchell suggested that awnings can be an extra sign but limited to specific size and only the name of the business. Ms. Craddock said she was fine with the 4 square feet size allowed on the awning. Mr. Francis said he is not willing to give more signage if the regulations allowed what Mrs. Mitchell was suggesting.

Mr. Francis made a motion to approve the Borough regulation changes, as amended, with an effective date of April 22, 2019. The motion was seconded by Ms. Craddock and unanimously approved.

New Business:

1. Any new proposed signs: none.
2. Acceptance of any new applications: none.

Mr. Sibley commented as to the transition of Newtown's Land Use department handling the Borough zoning work. He said that the staff has been informed of the options. He anticipates that it will go forward over the next couple of weeks. He said that the BZC will get support and professional help from the Land Use Department. Mr. Nelson said that this is all positive.

Mr. Francis made a motion to adjourn the meeting at 8:25 p.m., seconded by Ms. Craddock and unanimously approved. The May 8, 2019 meeting is cancelled and the next regularly scheduled meeting will be held June 12, 2019.

Respectfully Submitted,

Maureen Crick Owen
Clerk

**Final Borough Regulation Changes
Approved at April 10, 2019 Meeting
Effective April 22, 2019**

2.16.E should be moved to 2.18.A

2.08.A add new paragraph "HEIGHT, BUILDING, DWELING, OR OTHER STRUCTURES - the vertical distance from the average finished ground level, measured 10 feet from the building, dwelling, or other structure footprint to the highest point of the structure.

2.12.D add new paragraph "LOT COVERAGE - the entire area of a lot covered by buildings, storage, loading, impervious surfaces, driveways, sidewalks and parking areas."

2.16.A add new paragraph "PARKING AREA - an authorized off-street area not within a building where motor vehicles are stored for the purpose of temporary, daily or overnight off-street parking."

2.18.A add new paragraph "SETBACK - the horizontal distance from any street line or lot line to any structure, measured in a straight line from and perpendicular to such street or lot line."

2.18.P replace with "STRUCTURE - shall mean anything constructed whether or not the resulting structure is raise above ground. It may be constructed of natural or artificial material. Structures shall include without limitation, swimming pools, tennis courts, garages, and parking areas."

4.04. replace with " PROVISIONS OF GENERAL APPLICATION

A. No business, commercial restaurant or professional use shall contain less than 800 square feet.

B. No discrete business, commercial, restaurant or professional building shall contain more than 6,500 square feet of gross floor area."

4.04.C add new paragraph "C. A building greater than 6,500 square feet of gross floor area and existing prior to the adoption of these regulations, shall be allowed to increase its gross floor area by no greater than ten (10) percent provided that:

1. The existing building footprint is not increased and, if the existing part of the building to be increased in gross floor area is within the required or pre-existing setback, the setback non-conformance shall not be increased, and

2. The increased gross floor area is required for an existing use in said building, and

3. There has been no previous gross floor area increase."

4.11.D. Delete entire paragraph. Outside sales, displays and storage.

Para 5.04.G TABLE OF SPECIFIC REQUIREMENTS FOR BUILDINGS AND PLOTS

Replace Percentage of lot area b. with "b. Buildings, storage, loading, impervious surfaces, driveways, sidewalks and parking areas."

Para 6.07.C.2. Replace last sentence with “The information on a wall or hanging sign, not to exceed (4) square feet, may be placed on an awning provided that a wall or hanging sign is not placed on the building. The wall sign, hanging sign, and signage on the awning shall be compatible with the distinctive character and architecture of the building.”

Para 6.07.D.1.b. Replace last sentence with “Up to (4) square feet of the wall or hanging sign allowance may be placed on an awning and will be included in the total sign allowance. The wall sign, hanging sign, and signage on the awning shall be compatible with the distinctive character and architecture of the building.”

6.07.F. replace with “For Municipal buildings and Municipal uses (in a residential zone), signage allowances of 6.07.C.1 shall apply for one free standing sign, . . .” rest of paragraph is unchanged.

Para 7.04.A. Add to existing paragraph “Parking spaces are permitted within a setback area provided that:

1. The parking spaces were in existence or approved prior to the inception of this amendment, or
2. The parking spaces are to the rear of the lot or building so as to minimize the visibility from the street, and
3. The parking spaces are no closer than 20 feet from a street line, and
4. The parking spaces are allowed only to the extent of meeting the minimum parking requirements. Parking within the setback shall be minimized to the maximum extent possible, and
5. The parking spaces abutting a residentially zoned property comply with the buffering requirements of 7.09.A.3 of these regulations unless 7.04.A.1 applies.
6. The parking spaces for Assisted Living Facilities comply with section 4.08.G of these regulations.

7.11 SIDEWALK REQUIREMENTS delete entire paragraph.

8.04.F.1 delete last sentence in **“Such conditions may include...the issuance certificate of occupancy.”**

10.00.D.14. replace with “14. The percentage of building coverage and lot coverage.”

10.00.D.19 add new paragraph “19. If filed with a Village District application, a block face drawing in accordance 12.F.5 Streetscapes.”

10.00.E. replace with “E. In addition, the Commission shall receive the following:

1. A statement from the Fire Marshall on firefighting feasibility of the proposed development, recommendations and/or approval.
2. An inland/wetlands license from the Conservation Commission, if required.
3. A statement from the Borough Engineer detailing recommendations and/or approval.

4. Approvals from the Water/Sewer Authority and Aquarion if required by the Commission and are normally obtained as a stipulation detailed in the Commission's approval of the application.

5. A statement from the Police Department detailing recommendations and/or approval.

6. A statement from the Conservation Director detailing comments, recommendations and/or approval.

7. A statement from the Health Department on the water and wastewater disposal needs of the development, recommendations and/or approval.

8. A statement from the Planning Commission that the application is in accordance with the Town of Newtown Plan of Conservation and Development.

9. A report from the Village District's consultant per 12.05A if required."

12.05.A replace with "All applications for new construction and substantial reconstruction within the District and in view from public roadways may be subject to a referral, at the discretion of the Borough of Newtown Zoning Commission, to an architect or . . ." rest of paragraph is unchanged.

12.07.3.c replace with "c. For all new construction and substantial reconstruction of buildings in the Village District, sidewalks are to be installed along the street frontage and through access ways. The Borough Sidewalk Ordinance is on file with the Borough Clerk and with the Newtown Town Clerk and sidewalk lighting is to be installed in accordance with the Village District Sidewalk Lighting Plan. Sidewalks must continue across driveways clearly designating the pedestrian's right of way. Sidewalk lighting is to be installed in accordance with the Village District Sidewalk Lighting Plan."