



**TOWN OF NEWTOWN
DESIGN ADVISORY BOARD**

**MINUTES
SPECIAL MEETING**

Thursday, June 18, 2020 at 8:30 a.m.

Zoom Virtual Meeting Participation Information

Call-In Number: +1 646 558 8656

Meeting ID: 833 0127 0608 #

Website: <https://us02web.zoom.us/j/83301270608>

Board members: Peter Cloudas, Frank Caico

Absent: Agni Kyprianou, Phil Clark

Staff: George Benson, Director of Planning; Rob Sibley, Deputy Director of Planning; Don Mitchell, Planning and Zoning Commission Chairman; Christine O'Neill, Clerk

Mr. Cloudas called the meeting to order at 8:49 a.m.

Process Discussion

Mr. Cloudas explained that over the past year, applicants coming before the Design Advisory Board (DAB) did not have consistency in what they were presenting nor did the Board have consistency in their internal process. Furthermore, applicants are coming to the Board somewhat late in the process. With such a small Board and frequent absences, different Board members might be reviewing a single application over multiple meetings. Finally, some Design Districts do have specific guidelines in the Zoning Regulations, while the Regs are silent on other Districts.

Mr. Cloudas asked the Clerk to change "Peter's Process Document" on any future agendas to "Initial Draft of Process Document." The document was the result of numerous brainstorming sessions among the Board, which Mr. Cloudas crafted into a draft. He stated that the ultimate goal was to create a written, unified process for the Design Advisory Board. Mr. Cloudas said that he would like the document to accomplish the following, and read from an outline he had prepared (provided to the Clerk post-meeting):

- To assist applicants on how to efficiently proceed
 - when to submit applications, documents, etc.
 - when to present to the DAB
 - what to submit and present (at each phase)
 - understand the DAB mission and goals
- To assure a fair review for applicants
 - continuity from applicant to applicant
 - continuity throughout an applicants progress through their review
- To assure fairness to the community
 - consistency in our reviews
 - when and what so they could participate if they desire

- To assure continuity among members of the DAB
 - onboarding new members
 - alternates filling in for voting - members
 - helping members who were absent (catching up)
 - common understanding between all members
- To assure the DAB is following
 - the zoning regulations
 - DAB mission

Suggested phases of the DAB process

- Pre-application - option
- Application acceptance
- Preliminary review - option
- Formal review
- Final (second) review - option/ if necessary
- Construction review - if necessary

Each phase should address

- Purpose of the phase
 - (administrative or meeting before the DAB)
- When the phase begins/ends (aka timing)
- Items (if any) to be submitted or presented related to the phase
- Expected outcome of the phase

Mr. Caico added that most Commissions and Boards have a written process and set of expectations. The bigger picture issue, for Mr. Caico, was understanding where the Board fits in with the overall Land Use schema and how applicants are being directed to come to the Board in the first place. He noted that there had been conversations on the Board wondering why only applications within the Design Districts came before them; Mr. Caico thought there would be value in making design and visual recommendations on every application. He felt there had been a consensus among Board members that most, if not all, Planning and Zoning Commission (P&Z) applications should also present to DAB. He reiterated Mr. Cloudas's assertion that applicants were coming to the Board too late in the process to add meaningful recommendations to the overall review process. During the pre-application meetings, Mr. Caico suggested, it would be in everyone's interest if a DAB member were present.

Mr. Benson shared that this is the first time that the Design Advisory Board has had a full, functioning membership since he began working here. For a long time it was only one or two people. Mr. Benson clarified that recommendations go directly to P&Z, not to the staff. He also pointed out that during a pre-application meeting, it is too early for most applicants to have made any sort of design decisions, let alone have a drawing to present.

Mr. Benson thought that the process draft was a bit too extensive. He also said that if DAB wanted to see every application, they would need to amend the Ordinance, which could take up to a year. Mr. Benson explained that the Design Districts currently encompass most of the

significant portions of the town, and wondered from a cost-benefit point of view if expanding the capabilities of the DAB would be worthwhile.

Mr. Caico wondered if there could be a text amendment that would allow P&Z to choose to send projects to DAB. Mr. Benson was concerned about the legality of doing so without amending the Ordinance correspondingly.

Mr. Cloudas wished to refocus the meeting, stating it is about the review process, not about bringing all applications before DAB. Mr. Benson said he would prefer if they stayed on the topic Mr. Caico brought up and invited Mr. Mitchell to share his thoughts.

Mr. Mitchell said the current setup is that DAB makes recommendations as opposed to rulings/decisions, which means that they are not appealable. With that in mind, Mr. Mitchell said, DAB should provide guidelines for the Board members and a checklist for applicants, as opposed to hardening the overall process. Mr. Mitchell pointed out that P&Z does currently have the authority to consult anyone for advice on an application - without requiring amendments. However, he cannot find any regulatory authority for DAB to make recommendations on projects outside of the Design Districts. He continued that DAB suffers from the same legal issues of blight ordinances, in that aesthetics are often a matter of opinion.

He thought it might be good for everyone if there were a one- or two-page checklist of what the DAB is looking for and what their process is. Giving that sheet out along with the P&Z application might be an appropriate step to take, especially since that is the earliest stage possible. Mr. Benson was in agreement.

Mr. Caico supported Mr. Mitchell's idea. He noted that as a developer, he is often an applicant all over the region and preferred working with municipalities who have a representative from an architectural review board providing feedback. He restated Mr. Mitchell's point that P&Z can consult anyone for feedback on applications.

Mr. Benson stated that an applicant has no obligation to go before DAB, and the Land Use staff cannot force anyone to do so. That's why, Mr. Benson explained, if the process becomes too cumbersome or onerous, applicants may choose to "take their chances" with P&Z and bypass DAB. Furthermore, it is up to the applicant when they would like to go to DAB. Mr. Mitchell shared that there might be more weight behind the recommendation that applicants go to DAB if there were a document handed to them at the beginning of the P&Z process.

Mr. Caico said that if there were a steady stream of applicants, coupled with a consistent process, the Board would be less at risk of falling back into the "dysfunctional" state that it was in before.

Adjournment

Mr. Caico exited the meeting at 9:23 a.m. With no further quorum, the official meeting was adjourned. A "workshop" discussion about process continued with Mr. Cloudas, Mr. Mitchell, Mr. Benson, and Mr. Sibley.

*Respectfully submitted,
Christine O'Neill, Clerk*

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<https://drive.google.com/drive/folders/1koAin5eQls8rYt95mHbYNpBjmHQaQEx->