



TOWN OF NEWTOWN
PLANNING & ZONING COMMISSION

MINUTES
REGULAR MEETING

Council Chambers
3 Primrose Street, Newtown, CT 06470
November 21, 2019 at 7:30 p.m.

Present: Don Mitchell, James Swift, Roy Meadows, Corinne Cox, Barbara Manville, David Rosen, Benjamin Toby

Absent: David Ruhs

Also Present: Rob Sibley, Deputy Director of Planning, Christine O’Neill, Clerk

Mr. Mitchell called the meeting to order at 7:35 p.m.

Public Hearings

(Continuation) Application 19.26 by Joseph Whelan, for the Subdivision of a property located at 121 Boggs Hill Road into two single-family residential lots, as detailed on a set of plans entitled “Subdivision Plan, Prepared for Whelan Homes LLC, 121 Boggs Hill Road, Newtown, Connecticut” dated 9/20/19, and supporting documents submitted to the Land Use Agency 9/23/19 and 10/15/19.

Mr. Mitchell summarized that the last meeting left off with the question of whether the Commission should accept the Open Space as proposed, reconfigure the Open Space, or ask for the fee-in-lieu-of (FILO). He stated that he had looked into the legislation in regards to the FILO, and confirmed that the Commission cannot require it; rather, it is an alternative to Open Space that the applicant may choose to take advantage of. Mr. Mitchell said that since they had not figured out a better solution than the current configuration of the Open Space, they would need to accept it.

Mr. Whelan, the applicant, said he did not have anything to add. Mr. Mitchell opened the floor to public comment and no one came forward.

Mr. Mitchell made a motion to close the public hearing. Mr. Swift seconded. All were in favor and the public hearing was closed at 7:38 p.m.

Mr. Meadows commented that he had walked the property again today and found the Open Space to be quite nice.

Ms. Manville read the following into the record:

BE IT RESOLVED that Application 19.26 by Joseph Whelan, for the Subdivision of a property located at 121 Boggs Hill Road into two single-family residential lots, as detailed on a set of plans entitled “Subdivision Plan, Prepared for Whelan Homes LLC, 121 Boggs Hill Road, Newtown, Connecticut” dated 9/20/19, and supporting documents submitted to the Land Use Agency 9/23/19 and 10/15/19 IS HEREBY FOUND CONSISTENT WITH THE PLAN OF CONSERVATION AND DEVELOPMENT AND

SHALL BE APPROVED. BE IT FURTHER RESOLVED that the approval shall become effective December 14, 2019.

Mr. Meadows made a motion to accept. Mr. Swift seconded.

The Commission voted as follows:

Donald Mitchell - AYE
James Swift - AYE
Corinne Cox - AYE
Roy Meadows - AYE
Barbara Manville – AYE

The motion to approve Application 19.26 carried unanimously.

Application 19.28 by Grace Family Church, for a Text Amendment to the Town of Newtown Zoning Regulations, § 8.01.611 (sign regulations), regarding signs marking civic, charitable, religious, patriotic, fraternal, or similar organizations, as detailed on documents submitted to the Land Use Agency 10/23/19.

Application 19.29 by Grace Family Church, for an Amendment to a Special Exception, originally granted under Application 15.09, for a property located at 13 Covered Bridge Road, so as to permit signage described and depicted in documents submitted to the Land Use Agency 10/23/19.

Tom Rickart, Attorney with Chipman Mazzucco Emerson, LLC, spoke on behalf of the two above-mentioned applications (Text Amendment and Special Exception). He explained that the original Special Exception was granted back in 2007, with a subsequent amendment in 2015, neither of which made provisions for signage. In February of this year, Grace Family Church put forth an application for signage, but they found that the zoning regulations did not provide sufficient discretion for the application to be approved as it stood; it was advised that they withdraw the application and come back to the Commission with a Text Amendment and Special Exception.

Mr. Rickart asked the Commission if they were amenable to hearing both applications presented together, to which Mr. Mitchell responded in the affirmative. Mr. Rickart began by explaining that he had conferred with Rob Sibley and George Benson of the Land Use Agency to craft the wording of the Text Amendment. The amendment discusses three types of signage for civic, charitable, religious, patriotic, fraternal, or similar organizations: directional signs, wall signs, and wall signs abutting Interstate-84 corridor.

Under this Text Amendment, directional signage for the above-mentioned organizations could not exceed 25 square feet in aggregate, with no sign to exceed 10 feet in height. Mr. Rickart explained that directional signage was necessary for Grace Family Church because there have been issues with individuals seeking the church accidentally turning in to the apartment complex and so forth.

The applicant is requesting three signs with this application: the first is a 14 square foot directional sign that will be placed at the end of the driveway. He directed the Commissioners to look at the rendering submitted with the application.

Mr. Rosen asked why the Text Amendment allows for signs 10 feet tall when the proposed sign appears to be only four feet tall. He also asked if the aggregate 25 square feet could potentially be for a single sign. Mr. Rickart responded that they could adjust the language to specify that the 25 square feet must be distributed between at least two signs, as it was not the applicant's intention to allow a single sign of that size. Mr. Swift questioned if the 10 feet was from ground level, and Mr. Rickart replied yes. Mr. Meadows said that the point of elevating a sign up to ten feet would allow drivers to look under the sign (between the posts) to see oncoming traffic, and he felt it was reasonable safety provision. Mr. Swift wondered about the aesthetics. Mr. Rosen proposed that signage that tall should require a Special Exception, and he reiterated that no single sign should be 25 square feet. Mr. Rickart agreed and stressed that they were not proposing a sign that large, nor did they intend for the Text Amendment to allow that.

Ms. Cox asked Mr. Rickart if he was aware that there was a sign on the back of the Church that was not allowed to be there, and Mr. Rickart was a bit confused as to what she was referring to. She could not recall the exact wording of the sign, but stated it was very large and behind the church.

Adam Fredericks, an agent from Grace Family Church, supplied that the sign she is referring to says "Future Home of Grace Family Church" and he is aware that it needs to come down.

Mr. Mitchell shared that he has two hang-ups about the proposed cross to be put on the building: 1) it is considered a sign under the regulations and larger than what is allowed, and 2) it would be on the roof of the building which is not allowed. Mr. Mitchell was also concerned that the corridor between the building and I-84 does not seem to have a tree buffer, which it did in the past. Mr. Mitchell reminded him that the Commission recently told Starbucks, which also has a large wall facing I-84, that they could not use it for advertising. He pointed back to the Plan of Conservation and Development (POCD) which urges Newtown to preserve its green, pastoral spaces. Mr. Meadows commented that a large sign on the side of a building facing the highway is essentially a billboard.

Mr. Rickart explained that the sign would be built into the side of the building and is tasteful. Ms. Manville replied that a sign would break up the view of the greenway along I-84. Mr. Rickart countered that the building itself is what breaks up the greenery, and the building is already there. Mr. Swift commented that he did not want to see the equivalent of an "Eat at Joe's" sign while driving along an otherwise green highway. While Mr. Rickart agreed with the sentiment expressed earlier that there is an advertising component to the sign, he did not feel the analogy was accurate because this is a church. Mr. Mitchell pointed out that if they make a distinction between churches and other establishments, they are making a ruling on the content of a sign, which is not within their purview.

Mr. Toby explained that he was disappointed when the trees along the I-84 corridor were cleared for the construction of this building, and he felt that allowing a sign would further discourage the reforestation of that area.

Mr. Mitchell acknowledged that the church does need its signage, but the Text Amendment needs work and he is not sure that I-84 is the appropriate place. Passing this amendment would indicate that this sort of signage along I-84 is in keeping with Newtown's character and he does not feel that is the case.

Mr. Rickart returned to the issue Mr. Mitchell brought up regarding the cross. Mr. Mitchell said it is not allowed even with the proposed amendment because it is a third sign and because it is on the roof. Mr. Sibley said he thought the best course of action would be to get a written legal opinion from Town

counsel whether a cross constitutes a sign, or a religious symbol/work of art. Mr. Swift and Mr. Mitchell agreed that this was a very good idea.

Mr. Meadows wondered what the justification was for making the sign facing I-84 as large as it is. Mr. Rickart explained that the point is to identify the church from a distance, and that when looking at it from the highway it does not appear quite as large.

Mr. Sibley read from the regulations under “Permitted Industrial Uses in Buildings,” which is where the language allowing signs to be as large as 10% of the building’s size was lifted from for this Text Amendment. Mr. Sibley explained that right now, there are a number of commercial buildings able to put up signs along I-84 that the Commission is saying would be against the POCD. A few members of the Commission pointed out that those buildings have tree buffers.

Mr. Mitchell invited public comment.

Charles Zukowski of 4 Cornfield Ridge Road, Newtown, CT stated that he is against the Text Amendment. The POCD promotes open, picturesque spaces, which seems to be in direct contradiction to putting up a large sign visible from I-84. He also did not see the need for this Text Amendment since other charitable, religious, etc. organizations have thrived in Newtown for many years without these signs. As for the directional signs, Mr. Zukowski commented that most people use GPS applications on their phones to navigate today and do not depend on signs as much as they used to for direction. Mr. Zukowski pointed out that in Danbury people expect to see signage along I-84, but not in Newtown. He felt it would be distracting to drivers. Furthermore, with this Text Amendment the property owners who wish to put up signs would be encouraged to clear or not replant trees in order to render the signs visible from I-84, resulting in a negative environmental impact.

Mr. Swift felt that traveling on I-84 is how some people get their first impression of Newtown. Mr. Mitchell explained that the applicant and the Commission would have to find a way to compromise between the need for Grace Family Church to advertise and direct patrons, while respecting the vision of the POCD.

Mr. Mitchell made a motion to continue the public hearing to next regular meeting of December 5th, 2019 at 7:30 p.m. in the Council Chambers of the Municipal Center. Ms. Cox seconded. All were in favor and the public hearing was continued to the next regular meeting.

Minutes

Mr. Meadows made a motion to approve the minutes from November 7, 2019. Mr. Mitchell seconded. All members were in favor and the minutes from November 7, 2019 were approved.

Farewell to Commissioners Benjamin Toby, Roy Meadows, and David Ruhs

Mr. Toby thanked the Commission for the opportunity to serve and expressed that he would be happy to return to the Commission in the future. Mr. Meadows thanked the Land Use Agency and the Commissioners. He strongly encouraged the Commissioners to view the files and walk the properties before hearing the applications. The rest of the Commissioners thanked the gentlemen for their service and their insightful questions.

Adjournment

Mr. Meadows made a motion to adjourn. Ms. Cox seconded. All members were in favor and the meeting was adjourned at 8:33 p.m.

*Respectfully submitted,
Christine O'Neill, clerk*