

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

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

Minutes of the Meeting and Public Hearing of October 12, 2011

Minutes of the Meeting of the Borough of Newtown Zoning Commission on Wednesday, October 12, 2011 at the Borough Office, Edmond Town Hall, 45 Main Street, Newtown, Connecticut. Chairman Linda Shepard called the meeting to order at 7:15 p.m.

Commission Members Present: Linda Shepard, Douglas Nelson, David Francis, Brid Craddock and Lucy Sullivan.

Commission Members Present: Palmer Chiappetta.

Staff Present: Jean St. Jean, Borough Zoning Enforcement Officer, and Maureen Crick Owen, Clerk.

Staff Absent: Donald Mitchell, Borough Attorney.

Chairman Shepard opened the meeting at 7:15 p.m. Denise Granier, on behalf of Ann's Place in Danbury, asked permission of the Commission to allow 18" x 24" signs to be posted in the Borough starting November 10 or 11 until after the event is over, which is on November 21. The event is Festival of Trees and said a lot of Newtowners use their facility. She asked that 4 signs be allowed and that their signs would be picked up within 12 hours after the event is over with. The Commission agreed to allow the 4 temporary signs to be placed in the Borough and Ms. Granier will provide the locations of the signs to Mrs. St. Jean.

Public Hearing:

Application of United Water Connecticut Inc. to add Section 4.10F to the Borough Zoning Regulations allowing for the use by special exception of certain electrical equipment enclosures serving water company facilities on the same or adjacent properties.

The public hearing was opened at 7:26 p.m. Chairman Shepard recused herself from this application because of the proximity to the property this possible change would affect. While Mr. Chiappetta was not present, Chairman Shepard said that he would have recused himself as well because of his proximity to the location of the property.

Vice Chairman Nelson took over the meeting and read into the record the legal notice. Mr. Nelson read into the record the letter from Lilla Dean, Chairman of the Newtown Planning & Zoning Commission dated September 16, 2011. Vice Chairman Nelson stated that the concept of dual use within the Borough is very limited due to the regulations.

Attorneys Ted Backer and Dan Casagrande, both of Cramer and Anderson, were present to represent the applicant. Attorney Backer said they did try to address the issue of dual use and that there is a general prohibition of dual use. Attorney Casagrande said that the proposed change were adopted then the applicant would have to come before the Commission with their proposal as a special exception. The proposed regulation is that the use is subordinate to the main use of the property and that the electrical enclosure could be on the same property or on adjacent property. The intent for it to be a special exception was so that the Commission could have discretion.

Attorney Casagrande explained that the proposed regulation states that the enclosure cannot be higher than 8' or 10' wide.

A commission member asked if they were to approve the regulation what would stop a company such as Verizon to do this. Vice Chairman Nelson said that if we do this are we opening the door to other utility companies to allow this, it is not accessory use and proposed as special exception. Vice Chairman Nelson asked if the Commission was setting a precedent.

Mrs. Sullivan asked what "subordinate" meant. Attorney Casagrande said in this matter is meant "being less in size".

Vice chairman Nelson discussed possible wording change. Attorney Casagrande said that they might be agreeable to some changes.

It was agreed that the public hearing would be kept open. The public hearing will be continued to the next meeting which is November 9, 2011 at 7:15 p.m.

Motion was made by Mr. Francis to accept the minutes of June 8, 2011 and September 20, 2011, seconded by Mrs. Sullivan and unanimously approved.

There being no other business to transact the meeting was adjourned. The next meeting is scheduled for November 9, 2011.

Maureen Crick Owen, Clerk