

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

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

Minutes of the Special Meeting of January 11, 2012

Minutes of the Special Meeting of the Borough of Newtown Zoning Commission on Wednesday, January 11, 2012 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, Lucy Sullivan and Palmer Chiappetta.

Commission Members Present: None.

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

Staff Absent: None

Chairman Shepard opened the meeting at 7:15 p.m.

The matters on the agenda were addressed out of order.

Signs: The Karate school currently located in the Church Hill & Queen shopping center is relocating to the Big Y Shopping center near the liquor store location. They submitted a proposed sign. Mrs. St. Jean is going to speak to the applicant and have them submit a sign permit application.

Dr. Beck - Dr. Beck was present to apply for an emergency suspension of the zoning regulations. He owns property at 12 Queen Street. He requested that he be allowed to put a temporary modular office on his property - behind the current building. His current office space is located at 143 Mount Pleasant Road and is unusable because it was flooded as a result of the October snow storm. And, now there is a mold issue in the property. The landlord is not rectifying the problem and therefore Dr. Beck needs new temporary office space for his orthodontic business until he can build the new building. The current building at 12 Queen Street will be demolished and a new one built in its place. He is currently in the process of meeting with the various Town and Borough departments regarding his proposed building. Dr. Beck he said he has an agreement with Mr. Kasper, owner of the Big Y shopping center property which will allow his patients to park on the Big Y shopping center property and which will keep people away from the construction site. It was determined that the event (mold) occurred on December 28, 2011. Dr. Beck said that a fence will be erected around the construction site to ensure safety and that no one enters the area. Temporary signs were discussed and Dr. Beck will discuss this aspect in more detail with Mrs. St. Jean. Mr. Francis made a motion to temporarily suspend the zoning regulations according to Section 4.04

of the Borough zoning regulations regarding property located at 12 Queen Street to allow Dr. Curtis Beck to install a modular trailer on said property due to emergency health issues with his current office space with the event commencing on December 28, 2011. The motion was seconded by Mrs. Sullivan. The motion was unanimously approved and the vote was:

Linda Shepard	Yes
Doug Nelson	Yes
David Francis	Yes
Brid Craddock	Yes
Lucy Sullivan	Yes
Palmer Chiappetta	Yes

Signs: Sign regulations regarding residential zones within the Borough were discussed. An accessory use is allowed in a residential zone. Signs within a residential zone cannot change the visible character of the use. The Town's Plan of Conservation and Development that Main Street is to be kept residential. Any signs currently existing on Main Street are pre-existing. In formulating and/or revising sign regulations for Main Street, it was agreed that the Commission need to keep in mind the Plan of Conservation and Development specifically with regard to Main Street. Comments were made to Section 6.02 in that signs be on the same lot to which they relate, Section 6.05 height cannot be more than 6', 4.07 states it is clearly an accessory use and 4.07a states that it cannot change the residential character of the dwelling. It was also discussed that the regulations cannot allow things that would adversely affect the Historic District. And, it was discussed that any sign in the State's right of way has to go to the Historic District for approval. Discussion took place about the proposed changes to the zoning regulations. Mr. Francis made a motion proposing the following change to the Borough Zoning Regulations:

Add 6.07.A. Signs in Residential Zones

Subject to these sign regulations, the following signs are allowed for permitted non-residential uses in a Residential Zone with a sign permit:

- For non-residential uses other than governmental buildings, one freestanding sign not larger than,
 - 3 square feet in area per side where the sign is within 15 feet of the traveled or paved portion of the street,
 - 4 square feet in area per side where the sign is located between 15 feet and 25 feet from the traveled or paved portion of the street,
 - 5 square feet in area per side where the sign is located more than 25 feet from the traveled or paved portion of the streetprovided no portion of such sign shall be located closer than 10 feet from the front property line.

Amend 6.05.B.2. to eliminate the front yard setback (10' from the property line)

2. No part of any freestanding sign shall be located within ten (10') feet of any **side** property line.

Note re: existing regulations:

[- the proposal would effectively eliminate the 25' setback from the paved portion of the street under §6.02.A.]

[- 'principal' uses include farming, public schools, municipal parks and playgrounds, not for profit wildlife and horticultural reservations, government buildings and uses, certain non-visible ancillary uses (§4.05), places of religious worship, private schools, public utilities, non-profit hospitals, certain public utility assets, public works garages and certain cemeteries (§4.06)]

[- commercial-type accessory uses include professional offices and nursery schools (§4.07)]

[- §6.02 requires that signs be on the same lot as the use to which they relate]

[- §6.05B limits the height of signs on residential properties to 6 feet]

[- §4.07 allows accessory uses in a residential zone provided they remain clearly accessory to the principal use]

[- for professional accessory uses in a residential zone, §4.07 A

- requires that the use not change the residential character of the dwelling in any visible manner and

- prohibits "external evidence of the accessory use except a (singular) sign permitted by the[] regulations" (which would seem to preclude additional directional signs, etc)]

[- some larger existing signs along main street are either preexisting or are in business zones]

[- §6.07F provides specifically for governmental use signs]

The motion was seconded by Ms. Craddock and unanimously approved. The language will be sent to the Newtown Planning and Zoning Commission for their written comments. The public hearing will be scheduled for February 8, 2012.

Old Business:

Application of United Water Connecticut Inc.: Discussion took place about the proposed change to the regulations. Mr. Francis made a motion to deny the application of Untied 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 motion was seconded by Mrs. Sullivan. The motion was unanimously approved and the vote was:

Doug Nelson	Yes
David Francis	Yes

Brid Craddock	Yes
Lucy Sullivan	Yes

Chairman Shepard and Mr. Chiappetta had recused themselves from this application because of owning properties in near vicinity to the property that the application was the subject of.

Mr. Nelson made a motion to accept the minutes of the May 11, 2011 meeting, seconded by Ms. Craddock and unanimously approved.

Ms. Craddock made a motion to accept the minutes of the November 9, 2011 meeting, seconded by Mrs. Sullivan and unanimously approved.

Mr. Nelson made a motion to accept the 2012 meeting schedule, seconded by Mr. Chiappetta and unanimously approved.

There being no other business to transact the meeting was adjourned. The next meeting is scheduled for February 8, 2012.

Maureen Crick Owen, Clerk