

***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 and Public Hearings of February 6, 2013

Minutes of the Special Meeting and public hearings of the Borough of Newtown Zoning Commission on Wednesday, February 6, 2013 at the Borough Office, Edmond Town Hall, 45 Main Street, Newtown, Connecticut. Chairman Doug Nelson called the meeting to order at 7:15 p.m.

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

Commission Members Absent: Palmer Chiappetta and Donald Mitchell, Borough Attorney.

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

The Commission accepted the village district, site plan and special exception applications from John Madzula on behalf of St. Rose Church Group. The Commission agreed that the public hearings would be scheduled for Wednesday, March 20, 2013.

Jeff Pressman of Koko Fit Club was present to present his proposed sign at property located at 34 Church Hill Road. Chairman Nelson said he would review the proposed sign to assure that it was in compliance with the regulations and then Mrs. St. Jean would be in touch with the applicant.

A representative from the Knights of Columbus (at St. Rose Church) was present to request permission to put up a temporary sign for the Fish Fry. He said the sign was the same as last year.

PUBLIC HEARINGS:

Application of Eton Centers, Inc. for proposed amendments to Article 8.01 of the Borough zoning regulations regarding the sale of liquor-alcoholic beverage outlets.

Chairman Nelson opened the public hearing at 7:29 p.m. He read into the record the letter from Lilla Dean, Chairman of Newtown Planning & Zoning Commission, dated January 18, 2013.

Attorney Robert Hall of 43 Main Street, representing Eton Centers Inc., was present to present the application. He said that with the current regulation there is no other space available in the Borough for a liquor store.

He said he is proposing to change the regulation to 300 feet from 1,500 feet. He said the language as proposed calculates the 300' to the front door of the establishment. Chairman Nelson asked Attorney Hall if he knew any of the background on why the regulation was 1,500 feet. Attorney Hall did not know the background. There being no public to speak in favor of against the application, the public hearing was closed at 7:43 p.m.

Application of Dr. Curtis Beck for proposed amendments to Article 4.04.1 of the Borough zoning regulations regarding Emergency Suspension of Regulations.

Chairman Nelson opened the public hearing at 7:45 p.m. He read into the record the letter from Lilla Dean, Chairman of Newtown Planning & Zoning Commission, dated January 18, 2013. Chairman Nelson stated that the Newtown Planning and Zoning Commission voted not to recommend the proposed regulation because it was too open ended. Attorney Ken Slater of Halloran and Sage was present to represent his client, Dr. Curtis Beck. Attorney Slater said that the premise of the regulation is that there is an emergency. He said with the language he proposed the Commission would have the discretion to not grant a request. He stated that the language as he proposed would not be opened ended. He said an applicant would need to justify the request. He said there is no downside to the Commission as they would have the discretion to say no. Chairman Nelson said that when this regulation was created it was created for a particular reason (fire at Smoke Shop). He said that Dr. Beck has a different set of circumstances. Chairman Nelson felt that the "open-ended" aspect of the proposed regulation needed to be addressed. Discussion took place regarding the Commission's proposed revision to Dr. Beck's application which put a time limit in the regulation. Attorney Slater said that the one year period works well especially with financing. Chairman Nelson reminded Dr. Beck that the time frame in the proposed revised regulation does not apply to time limits with regard to his site development plan approval.

There being no public in attendance the public hearing was closed at 8:05 p.m.

MEETING:

1. Application of Dr. Curtis Beck: Discussion took place regarding the revised proposed language. Mr. Francis made a motion to approve the application of Dr. Curtis Beck for proposed amendments to Article 4.04.1 of the Borough zoning regulations regarding Emergency Suspension of Regulations, as amended, with an effective date of February 22, 2013. The motion was seconded by Mrs. Sullivan and unanimously approved. The vote was as follows:

Douglas Nelson - Yes
David Francis - Yes
Linda Shepard - Yes
Brid Craddock - Yes
Lucy Sullivan - Yes

Mr. Francis made a motion to deny the application of Dr. Curtis Beck for proposed amendments to Article 4.04.1 of the Borough zoning regulations regarding Emergency Suspension of Regulations as originally presented. The motion was seconded by Mrs. Sullivan and unanimously approved. The vote was as follows:

Douglas Nelson - Yes
David Francis - Yes
Linda Shepard - Yes
Brid Craddock - Yes
Lucy Sullivan - Yes

2. Application of Eton Centers, Inc.: Discussion took place regarding the application. Mr. Francis made a motion to approve the application of Eton Centers, Inc. for proposed amendments to Article 8.01 of the Borough zoning regulations regarding the sale of liquor-alcoholic beverage outlets, as presented, with an effective date of February 22, 2013. Ms. Craddock seconded the motion and unanimously approved. The vote was as follows:

Douglas Nelson - Yes
David Francis - Yes
Linda Shepard - Yes
Brid Craddock - Yes
Lucy Sullivan - Yes

3. Discussion took place regarding amending Section 8.04.F.1 to include posting of bonds. Discussion took place regarding amending Section 9.07 regarding fees. It was agreed to forward both proposed revised regulations to the Newtown Planning and Zoning Commission for their written comments.

A motion was made by Mr. Francis to approve the January 9, 2013 minutes, as presented, seconded by Ms. Craddock and unanimously approved.

Chairman Nelson further reviewed the Knights of Columbus temporary sign and it was approved.

Chairman Nelson further reviewed the Koko Fit Club sign and instructed Mrs. St. Jean to inform the applicant that his proposed sign could be no bigger than those already on the sign post (excluding Starbucks' sign).

There being no other business to transact the meeting was adjourned at 9:45 p.m. There will be a special meeting held on March 20, 2013 in lieu of the regular meeting of March 20, 2013.

Respectfully submitted,

Maureen Crick Owen
Zoning Clerk