

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

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

Minutes of the Meeting of November 12, 2014

Minutes of the Meeting of the Borough of Newtown Zoning Commission on Wednesday, November 12, 2014 at the Borough Office, Edmond Town Hall, 45 Main Street, Newtown, Connecticut. Chairman Doug Nelson called the meeting to order at 7:00 p.m.

Commission Members Present: Doug Nelson, Lucy Sullivan, Brid Craddock, David Francis and Michael Guman.

Commission Members Absent: Linda Shepard and Susan Filan.

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

Staff Absent: None.

Public Present: Bill McCarthy, Dr. Curtis Beck, Jonathan Kost.

The Commission accepted the site plan application from Newtown Hook and Ladder. Mr. Nelson informed Bill McCarthy that a public hearing would be scheduled for mid-December.

Public Hearing:

Application of Jonathan Kost, Architect for an amendment to the special exception approval for approximately 16' x 16' space on the third floor of the building located at 12 Queen Street, Newtown, CT to be used as a lab and employee area.

Chairman Nelson opened the public hearing at 7:08 p.m. and read into the record the legal notice. Chairman Nelson stated that the Commission makes the determination if the proposed amendments are substantial or non-substantial changes and the Commission determined that the proposed change was substantial. Mr. Francis read letters from the following:

1. Letter dated November 5, 2014 from Chief Michael K. Kehoe, Newtown Police Services;
2. Letter dated November 7, 2014 from Robert Mulholland, Chairman, Planning and Zoning Commission;
3. Letter dated November 7, 2014 from Donna M. Culbert, Director of Health;
4. Letter dated October 22, 2014 from Bill Halstead, Fire Marshal;

5. Letter dated November 4, 2014 from Rob Sibley, Conservation Director;
and
6. Letter dated October 20, 2014 from Ronald E. Bolmer, Borough Engineer.

Jonathan Kost, the architect, stated that they are proposing to take a piece of what was approved as storage and take 16' by 16' to make a lab. The lab was originally on the second floor and is being proposed to be on the third floor. Dr. Beck stated that the lab is primarily for study models of teeth and construction of retainers. The employees will also have an area to get away for a break. The kitchen area will be within the 16' by 16' area. This proposal will not add any more employees.

Chairman Nelson said that parking is figured on square footage. He went on to say that the parking is covered by an agreement with Mr. Kasper of the Big Y shopping center. Dr. Beck stated that there is always plenty of parking. Attorney Mitchell stated that the proposal does not add more employees and that there is an over abundance of parking.

Chairman Nelson noted for the record that there was no public in attendance for the hearing. Mrs. St. Jean informed Dr. Beck that the generator situation needs to be straightened out.

The hearing was closed at 7:25 p.m.

Meeting:

1. Application of Jonathan Kost, Architect for an amendment to the special exception approval for approximately 16' x 16' space on the third floor of the building located at 12 Queen Street to be used as a lab and employee area: Mr. Francis made a motion to approve the application of Jonathan Kost, Architect for an amendment to the special exception approval for approximately 16' x 16' space on the third floor of the building located at 12 Queen Street, Newtown, CT to be used as a lab and employee area, as presented. The motion was seconded by Mrs. Sullivan and approved. The vote was as follows:

Douglas Nelson – Yes
Brid Craddock – Yes
Lucy Sullivan – Yes
David Francis – Yes
Michael Guman – Yes

2. Discussion took place regarding proposed changes to the zoning regulations. Discussion took place regarding revisions to Articles 4, 6 7 and 8. The proposed changes are reflected in the schedules attached hereto. The Commission agreed to send the proposed changes to the Planning Commission for their written comments. The public hearing will be at the next meeting in December. Proposed changes are as follows:

- a. Delete 4.10C6 and insert new paragraph 4.10G as follows:

4.10G - Restaurant with outdoor service provided that such restaurant holds a Restaurant Permit in accordance with the provisions of Section 30-22 of the General Statutes as amended from time to time, and provided further that such outdoor dining area be enclosed by a wall or fence sufficient to reasonably ensure that access thereto is accessible only through the enclosed restaurant area.

- b. Add 6.07 as follows:

6.07G - District identification signs shall meet the following requirements:

1. Not larger than five (5) square feet with the longest side not more than two (2) times the length of the shortest side.
2. The sign shall be of the hanging type, supported by a single post.

- c. Revise 7.01 as follows:

7.01 PARKING FACILITIES - Parking facilities meeting these Regulations shall be provided off the street-right-of-way for all new buildings erected, for all existing buildings which are enlarged to an extent exceeding 20 percent of the floor area existing on (effective date of these Regulations) and for all premises where the use is changed subsequent to said date. Parking facilities shall be sufficient to accommodate the motor vehicles of all occupants, employees, customers, and others normally visiting the premises at any one time. For those buildings where on street parking is provided, twenty-five (25%) percent of the designed on street parking spaces within 500 feet of the property lot may be included in the minimum required parking spaces for that building.

- d. Revise 7.02 as follows:

7.02 - Except as noted in Paragraph 7.01, parking facilities shall be on the same lot with the use used to compute the requirements for the number of off street parking spaces, except that in Professional, Business and Industrial zones the required off street parking facilities may be provided on a different lot, provided that (a) the nearest boundary of the paved portion of the parking facility is within 500 feet of the building lot on which the building use is being served, (b) that the right to use such off-site parking, whether the right is exclusive or shared, is secured to the primary site by long term agreement, and (c) off-site parking is located on the same side of the street as the principal use and is connected by sidewalks or equivalent pedestrian access.

- e. Add 7.09F as follows:

7.09F - Street Trees

Trees for the purpose of planting under power lines, adjacent to public roads, and within twenty-five (25) feet of buildings. Street trees must grow no more than thirty (30) feet at maturity, must be non-invasive and must not be on the Connecticut Banned Plant List (UCONN). Street trees that are selected must thrive in the following conditions:

a. Minimal amounts of water, road, deicing salts, restricted root zones, soil compaction, high soil alkalinity to leaching from cement, low soil fertility, poor soil structure, pollution and toxins, winds created by clusters of buildings, radiated heat and light, and people pressure.

f. Revise 8.01A as follows:

8.01A - The provisions of this section shall not apply to grocery establishments, to stores selling canned or bottled beer only, to drugstores dispensing liquor on a prescription only, or to full-service restaurants whose primary purpose is to prepare and serve meals for consumption on the premises with an alcoholic beverage as an accompaniment to those meals.

g. In addition the Commission made other revisions to Article 7 which were clarification of language and deleted 7.05D. In Article 8 the Commission proposed additional changes were which clarification to the existing language.

3. Discussion took place on the lack of response to the letter regarding the outdoor sales permit. It was agreed that a second "friendly" reminder would go out to those that had not responded.

4. Discussion took place regarding the lights that are out on the Church Hill and Queen shopping center along Church Hill Road. Mrs. St. Jean said that the Burgesses manage this and she would let them know.

5. Discussion took place regarding the landscaping at Caraluzzi's. Maintenance includes water even if there is no water source.

6. The Commission wants to add to the checklist for site plan approvals landscape maintenance and signs.

7. Mrs. Sullivan approved the minutes of the August 13, 2014 meeting, seconded by Ms. Craddock and unanimously approved.

There being no other business to transact the meeting was adjourned at 9:00 p.m. The next regularly scheduled meeting will be held on December 10, 2014.

Maureen Crick Owen
Zoning Clerk