

Borough of Newtown Zoning Commission Newtown, Connecticut

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

Minutes of the Public Hearing and Regular Meeting of August 10, 2016

Minutes of the Public Hearing and Regular Meeting of the Borough of Newtown Zoning Commission on Wednesday, August 10, 2016 at the Borough Office, Edmond Town Hall, 45 Main Street, Newtown, Connecticut. Chairman Doug Nelson called the meeting to order at 7:11 p.m.

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

Commission Members Absent: Brid Craddock, Robert Connor and Claudia Mitchell.

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

Staff Absent: Donald Mitchell, Borough Attorney.

Also Present: 4 members of the public and Hugh Sullivan.

Public Hearing:

Application by the Borough of Newtown Zoning Commission for proposed revisions/additions to the zoning regulations regarding the professional zone by adding limited business uses to the zone thereby resulting in a professional-limited business zone.

Chairman Nelson opened the public hearing and read into the record the legal notice. He also read into the record the letter from Newtown Planning and Zoning Commission dated July 21, 2016 wherein they voted to recommend the approval of the proposed amendments.

Chairman Nelson stated that what was driving the proposed changes was to broaden the use so that the owners of buildings in the professional zone could succeed. The professional zone starts on the north side of Church Hill Road where Dental Associates is located to the vacant lot on the corner of Church Hill Road and The Boulevard (before the Gastop property). Professional property owners need more uses to fill up the vacancies in their buildings. Most professional uses are daytime hours which are important because the professional zone backs up to residential properties.

Mr. Wes Thompson, 190 Walnut Tree Hill, asked how the commission will administer it (reference to light office). Chairman Nelson said that the commission and the ZEO will make the judgment. Mr. Thompson also asked why limit the professional zone. Chairman Nelson said that they want to keep the professional zone intact.

Bob Rau, 12 Lake Road, inquired about having any use be allowed. Chairman Nelson stated that only the uses described in the proposed regulations would be allowed. He continued to say that the owner can go have their building 100% professional uses but cannot go less than 50% professional use. The intent is not to allow a professional building to go 100% business. Residential units are permitted above the professional use.

There being no other comments, discussion or questions from the commission or the public, the public hearing was closed at 7:30 p.m.

Motion made Mr. Francis to approve the application by the Borough of Newtown Zoning Commission for proposed revisions/additions to the zoning regulations regarding the professional zone by adding limited business uses to the zone thereby resulting in a professional-limited business zone effective August 22, 2016. The motion was seconded by Mrs. Sullivan and unanimously approved.

Meeting:

New Business:

1. Mr. Thompson informed the commission that the Edmond Town Hall needs to generate revenue and that they are requesting help on more uses for the ETH.
2. There were no new sign applications.
3. There were no new applications.
4. There was no other new business.

Old Business:

1. Hugh Sullivan, architect, for The Village at Lexington Gardens, was present to present the proposed signs and their locations. He referenced the identification sign and the location signs for Buildings A-B, C-D and E. Per Chairman Nelson, the identification sign does not meet the regulations. And, he also stated that tenants might be able to have larger signs than what is being proposed. The sign proposal was not approved.
2. Discussion took place regarding Rochambeu project. The application submitted is not complete and therefore cannot be accepted. Mrs. St. Jean has reached out to the applicant's representative several times but has not heard back.
3. Discussion took place regarding Newtown Ambulance's former garage at 77 Main Street. Chairman Nelson said he received a copy of a letter but that it contained a lot of caveats and is "wide open". He said there are a lot of unknowns still.

4. Discussion took place regarding properties along Main Street and the Main Street Village District. Chairman Nelson said he attended the Burgesses meeting on August 9, 2016 and explained to them the concept of this district and the protection it would provide to Main Street properties that are not in the Borough Historic District. He said they were receptive to the idea. Discussion took place about the proposed language for the Main Street Village District and said it was not as restrictive as the Borough Historic District. The Borough desires to protect its Main Street asset. [See proposed regulation attached as Exhibit A.] A motion was made by Mr. Francis to refer to Newtown Planning and Zoning Commission the proposed additions to Article 12 of the Borough zoning regulations regarding The Main Street Village District including Attorney Mitchell's two comments. The motion was seconded by Mr. Nelson and unanimously approved.

5. Expanded Uses for Vacated Municipal Buildings: The Board was reminded that they will need to keep this on their radar to discuss.

6. Other: Discussion regarding affordable housing regulations.

There being no further business the meeting was adjourned at 9:50 p.m. The next regularly scheduled meeting will be held on September 14, 2016.

Respectfully submitted,

Maureen Crick Owen
Clerk

EXHIBIT A

Main Street Village District Proposal

Proposed Amendment to §12.01 to re-designate §12.01 as §12.01.A and add Section 12.01.B

Findings

Whereas the Borough's Main Street, including South Main Street, has historically been designated in its zoning regulations as a place of special importance to the Borough and Town and worthy of protection¹ and

Whereas the Borough's Main Street has been singled out for protection as a central and highly visible non-commercial area in repeated Plans of Conservation and Development² and

Whereas many of the properties in abutting Main Street and South Main Street are in the Borough of Newtown Historic District and are already subject to its design review standards and

Whereas the Borough desires to protect its Main Street asset without subjecting property owners to duplicative administrative reviews and standards and

Whereas the properties within the Main Street Village District

- are not generally subject to the rigors attendant upon commercial uses such that the requirement of granite curbing is deemed unnecessary and

- are already subject to the Borough and Town sidewalk and lighting plans and

- Whereas the observations, rationales and requirements of Title 12 are generally applicable to the properties in the Main Street Village Design District,

Now Then, be it hereby Resolved that §12.01 of the Borough of Newtown Zoning Regulations be amended to read:

12.01.A The purpose of these regulations is to protect the Village District, which is comprised of those properties that abut Church Hill Road on the northern side between Wendover Road and the railroad tracks that mark the Borough boundary, those that abut Church Hill Road on the southern side that do not abut Main Street,

¹ The first Borough of Newtown Zoning Ordinance (effective January 1, 1932) noted, in its Forward, that "Newtown, and especially its Main Street, is one of the beauty spots of New England. We who have lived here most of our lives and whose forefathers founded this town as well as those people who have been attracted here by its scenic beauty wish to keep it as nearly Colonial as possible.

² The 2014 Update notes that "...Newtown is proud of its central non-commercial Main Street and will keep it preserved."

those properties any portion of which abuts Queen Street on the easterly side between Church Hill Road to and including Newtown Middle School, and on the westerly side for a distance of 800 feet measured from Church Hill Road in accordance with the authority and intent of §8-2j of the General Statutes, as amended from time to time. In the event there is a conflict between the requirements of the Village District Regulations and the regulations applicable to the underlying zone, those in the Village District Regulation will control.

12.01.B (1) **The purpose of these regulations is also to protect the Main Street Village Design District, which is comprised of those properties that abut Main Street and South Main Street and those that abut Church Hill Road on the northerly side between Main Street and Wendover Road within the Borough of Newtown.**

12.01.B (2) **All properties lying within the Main Street Village Design District shall be subject to and shall conform to the requirements and standards contained in Article 12 of the Borough of Newtown Zoning Regulations, insofar as they are applicable, and shall be subject to Village District review thereunder except those properties that are subject to review by and approval of the Borough of Newtown Historic District, provided further that properties in the Main Street Village Design District shall not be required to comply with the curbing, sidewalk and sidewalk lighting requirements contained therein.**