

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 Special Meeting of September 21, 2016

Minutes of the Public Hearing and Special Meeting of the Borough of Newtown Zoning Commission on Wednesday, September 21, 2016 at the Lower Meeting Room, Edmond Town Hall, 45 Main Street, Newtown, Connecticut. Chairman Doug Nelson called the meeting to order at 7:10 p.m.

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

Commission Members Absent: Robert Connor.

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

Staff Absent: None.

Also Present: 2 members of the public and 1 press.

Public Hearing:

Application by the Borough of Newtown Zoning Commission for proposed additions to the zoning regulations regarding the Main Street Village District Proposal as outlined in a document entitled "Main Street Village District Proposal - Draft Dated 08.10.16".

Chairman Nelson opened the public hearing and read into the record the legal notice. He explained that the proposal is to add to Article 12 of the zoning regulations two new paragraphs which define the Main Street Village District. Chairman Nelson read paragraphs 12.01.B(1) and 12.01.B(2) into the record. Mr. Francis read the letter from Newtown Planning and Zoning Commission into the record which stated that they voted to approval the referral.

Chairman Nelson explained that the proposed regulations have been an ongoing discussion with the commission for some time. The reason is that there several properties on Main Street that are not in the Borough Historic District. There are about 60-61 properties in the Borough Historic District and about 20-21 are not. Some of those properties that are not are business zoned. For example, 3 Main Street (Police Station) is not in the Borough Historic District. For any property not in the Borough Historic District there is no control over the design.

Attorney Mitchell explained that both the Borough Historic District ("BHD") and the proposed Main Street Village District ("MSVD") do the following: (a) preserve historic value and ambience of history, and (b) concern with visual from the street view. The focus of the HD is preservation of what is. The MSVD looks to maintain the rural New England village. The HD is more specific with detail such as shingles, windows, etc.

MSVD does not get involved with that degree of oversight. The MSVD will have focus on design - greater oversight and review of the style. Also BHD is not subject to be contiguous. There was thought about exempting out those properties in the BHD but MSVD must be a contiguous zone.

Attorney Mitchell also went on to explain that with the MSVD the Commission can require drawings, visuals and some level of architectural details.

Chairman Nelson explained that new construction, substantial construction or substantial rehabilitation triggers a MSVD application.

He also went on to explain that the MSVD is designed to protect values and get control over disrupters who might come in (i.e. spite buildings).

Other comparisons between BHD and MSVD were stated by Chairman Nelson:

- MSVD is concerned with location of parking. BHD is not.
- MSVD is concerned with landscaping. BHD is not.
- MSVD is concerned with public views. BHD requires a permit to demolish.

Attorney Mitchell explained if there was a conflict between the regulations of BHD and MSVD, MSVD trumps. Ms. Craddock said while the two districts are similar they do fill each other's gaps. Mr. Francis said it is a homeowner's right to opt in or out of the BHD. So if an owner opts out of the BHD, they would like to retain some review to ensure that the New England rural character is maintained.

Chairman Nelson stated that when the Borough zoning regulations were originally adopted in 1932 they took great note to state that Main Street is an asset.

Jack Marino, 23 Main Street, stated that he thought the proposed regulation was fine and that he was not in the BHD.

Attorney Mitchell reminded the Commission that the BHD cannot enforce a maintenance/landscaping plan but that the MSVD regulations provide for that.

Ms. Craddock stated that all the residents she talked with said it was a good thing. Mr. Francis stated that the proposed regulation conforms to the Plan of Conservation and Development. He said this regulation will go a long way in order to keep Main Street a treasure and the New England rural character.

There being no other comments from the public or the Commission, the public hearing was closed at 7:50 p.m.

Special Meeting:

There was discussion regarding changes to the proposed regulation. Motion made Mrs. Sullivan to amend the proposed Main Street Village District proposal dated 08.10.16 by making the following revisions:

- a. Delete the third and four “whereas” clauses under the findings;
- b. In 12.01.B.(1) add the language “extending to Johnny Cake Lane” after the following language: “which is comprised of those properties that abut Main Street”;
- c. In 12.01.B(2) delete the following language: “except those properties that are subject to review by and approval of the Borough of Newtown Historic District”.

The motion was seconded by Mr. Guman and unanimously approved.

Motion made by Ms. Craddock to approve the application by the Borough of Newtown Zoning Commission for proposed additions to the zoning regulations regarding the Main Street Village District Proposal as outlined in a document entitled “Main Street Village District Proposal - Draft Dated 08.10.16”, as amended. The motion was seconded by Mrs. Sullivan and unanimously approved. See attached Exhibit A for approved revised zoning regulations.

Mr. Guman made a motion to approve the September 14, 2016 minutes, seconded by Mr. Francis and unanimously approved.

There was a short discussion regarding Edmond Town Hall and its uses and possible uses.

There being no further business the meeting was adjourned at 8:13 p.m. The next regularly scheduled meeting will be held on October 12, 2016.

Respectfully submitted,

Maureen Crick Owen
Clerk

EXHIBIT A

Main Street Village District Proposal

FINAL APPROVED REGULATION EFFECTIVE DATE OCTOBER 3, 2016

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 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, and

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, 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

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."

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 extending to Johnny Cake Lane 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, 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.