

MINUTES

Newtown Planning and Zoning Commission

SUBJECT TO APPROVAL

Land Use Office
Council Chamber
Primrose Street, Newtown, Connecticut

Regular Meeting
March 20, 2014

Present: Mr. Mulholland, Mr. Swift, Mr. Corigliano and Mr. Mitchell. Alternates: Mr. Taylor seated for Mr. Porco, Mr. Ruhs and Mr. Pozek.

Also present: George Benson, Land Use Director

Clerk: Ms. Wilkin

The meeting was opened at 7.32 p.m. Notice is made that the entire meeting was taped and can be heard in the Planning and Zoning Office, Municipal Building, 3 Primrose Street, Newtown, Connecticut

CHAIRMAN'S REVIEW

Mr. Mulholland advised that Ms. Lilla Dean, former Chair of the Commission, is hospitalized after a back operation.

Mr. Mulholland advised that the Commission has the opportunity to take a look at the Charter which is being revised. There are no specific references to P&Z other than 2-90. Any questions will be taken to the Revision Board.

PUBLIC HEARINGS

Application by the Town of Newtown Planning and Zoning Commission for an amendment to the Town of Newtown Zoning Regulations at Article IV, Section 4.03.317 concerning a public garage filling station as noted in a certain document entitled "Amendment to the Newtown Zoning Regulations" dated March 4, 2014

The hearing as opened at 7:35 p.m.

Mr. Mitchell read the call for the hearing.

Mr. Mulholland noted that regional planning groups expressed no objection. He asked to hear from the public.

Robert Hall, Esq., 43 Main Street, Newtown, Connecticut who represents the Mobil Station across the road from the former Shell Station on Church Hill Road initially objected to the previous application but after this format changes their confrontation changed to cooperation. He made special note of the car wash component because his client wanted to put in a car wash for years. He noted that there would be two separate businesses: gas station and food service. He is in favor of this amendment.

Mr. Mitchell noted that the car wash would use recycled water. He expressed a concern about food service, asking if food would be prepared on site.

Mr. Benson did not see this as that type of business. There would be no drive through window and they would come under the Health Code. Having food service separated from the gasoline sales makes it easier to enforce.

The hearing was closed at 7:52 p.m.

ACTION

Mr Mitchell moved the following:

BE IT RESOLVED by the Newtown Planning and Zoning Commission that the application by the town of Newtown Planning and Zoning commission for an amendment to the town of Newtown zoning Regulations at Article IV, Section 4.03.317 concerning a public garage or filling station as noted in a certain document entitled "amendment to the Newtown Zoning Regulations" dated March 4, 2014

SHALL BE APPROVED

BE IT FURTHER RESOLVED that the amendment is consistent with The town of Newtown Plan of Conservation and Development

BE IT FURTHER RESOLVED that the amendments shall become effective on March 31, 2014.

Seconded by Mr. Corigliano.

Vote:	Mr. Mulholland	Yes
	Mr. Swift	Yes
	Mr. Corigliano	Yes
	Mr. Mitchell	Yes
	Mr. Taylor	Yes

Motion approved.

Application by Consumers Petroleum of Connecticut, Inc., for a special exception for a gasoline filling station and convenience store, including a food service area for property located at 67 Church Hill Road, Newtown, Connecticut, as shown on a certain map entitled "Consumers Petroleum Proposed Gas Station Improvements, 67 Church Hill Road, Newtown., Connecticut" dated February 27, 2014, scale 1"=20', Assessor's Map 27, Block 6, Lot 8

Mr. Mitchell read the call for the hearing.

Mr. Mulholland read correspondence in the file then asked to hear from the applicant.

Diane Whitney, Esq., Pullman & Connolly, 90 State House Square, Hartford, Connecticut, representing Consumers Petroleum expressed her pleasure to see this site to productive use. They plan to demolish the existing building and replace it with a 3,500 s.f. building and three gas pump aisles servicing six vehicles at a time. The facility will be open 24 hours a day. They anticipate approximately 4-5 employees at the site at any one time. Food delivery will be limited to 4-5pm. The Fire Marshall approves the design and all the Town Engineer's comments have been addressed.

Mark Smith, Civil Engineer, 90 National Drive, Glastonbury showed how the site previously looked and how the proposed site would appear. They would be closing two of three curb-cuts and would be putting in a buffer of street trees. Rainwater runoff would be treated before going to the wetland. The design would ensure that tankers would not interfere with the flow of traffic

Mr. Benson noted five comments from the Town Engineer.

1. Curb radii taken care of by C-2 just submitted.
2. Cut and fill information is difficult to assess due to the moving of Edmond Road.
3. Storm water revision. Mr. Smith explained that the Town Engineer asked to connect the galley system
4. Setback from Edmond Road difficult to determine till it is moved.
5. Grade for the driveway currently 10% will be 8% as a result of the town's building of the new road

Mr. Benson added that final approval is dependent on the Town Engineer's approval.

Hugh Sullivan, Bennett, Sullivan, Inc., Southbury, Connecticut distributed the proposed floor plan and schematics of the building design. He considered this a good gateway to the town.

Mr. Mulholland asked about the lighting. Mr. Sullivan explained that the plans have been reviewed and approved by Rob Sibley. They are dark sky compliant and certified to meet regulations.

Mr. Taylor expressed a problem with only one access till Edmund Road is moved. Mr. Mulholland suggested marking the traffic flow. Mr. Benson noted that the State DOT had no problem with it. Mr. Smith advised that his client approved a 26ft cut on the corner to allow for a dedicated right/left turn if DOT approves.

Robert Hall, Esq., 43 Main Street, Newtown, Connecticut supports the application.

The hearing was closed at 8:32 p.m.

ACTION

Mr. Mitchell moved the following:

BE IT RESOLVED by the Newtown Planning and Zoning Commission that the application by Consumers Petroleum of Connecticut, Inc., for a special exception for a gasoline filling station and convenience store, including a food service area for property located at 67 Church Hill Road, Newtown, Connecticut, as shown on a certain set of plans entitled "Site Plan/Special Permit Application for WHEELS Consumers Petroleum, 67 Church Hill Road, Newtown, Connecticut" dated February 28, 2014, scale 1"=20', Assessor's Map 27, Block 6, Lot 8

SHAL BE APPROVED with the following conditions:

1. That the existing building shall be removed within thirty (30) days after April 11, 2014, which date is end of the appeal period.
2. That the Town Engineer approves the final revised site plans.

BE IT FURTHER RESOLVED that the Commission finds tht the application meets the standards and criteria for a special exception as set forth in Section 11, and the application to be consistent with the B-2 zone.

BE IT FURTHER RESOLVED that the application shall become effective on March 31, 2014

Seconded by Mr. Corigliano.

Vote:	Mr. Mulholland	Yes
	Mr. Swift	Yes
	Mr. Corigliano	Yes
	Mr. Mitchell	Yes
	Mr. Taylor	Yes

Motion approved.

COMMUNICATIONS AND CORRESPONDENCE

Land Use Director's Comments

Mr. Benson had no comments.

Minutes

Mr. Pozek made a motion to approve the Minutes of March 6, 2014 as submitted. Seconded by Mr. Ruhs. The motion was unanimously approved.

ADJOURNMENT

Mr. Pozek made a motion to adjourn. Seconded by Mr. Corigliano. The motion was unanimously approved.

The meeting adjourned at 8:38 p.m.