



TOWN OF NEWTOWN
PLANNING & ZONING COMMISSION

MINUTES
REGULAR MEETING
Council Chambers, 3 Primrose Street
December 20, 2018, 7:30 P.M.

Present: Donald Mitchell, James Swift, Barbara Manville, Corinne Cox, Bob Mullholland, Benjamin Toby, Roy Meadows, David Rosen

Also Present: Rob Sibley, Deputy Director of Planning and Land Use and Christine O'Neill, Clerk

Mr. Mitchell opened the meeting at 7:34 p.m. He suggested that applications 18.26 and 18.27 be heard first, since they were likely to be quick. Mr. Swift made a motion to begin with said applications and Ms. Manville seconded. All were in favor.

Public Hearing

Application TA18.27 by Clare Robertson & Peter Harrison, for a Text Amendment to the Town of Newtown Zoning Regulations, Article III Section I – Farming and Residential Zones, as shown in documents submitted to the Land Use Agency dated November 14, 2018 and revised December 18, 2018, *and related* **Application SE18.26** by Clare Robertson & Peter Harrison, for a Special Exception Use Application for a property located at 26 Mt. Nebo Road, per the Town of Newtown Zoning Regulations 3.01.300, as shown in documents submitted to the Land Use Agency dated November 14, 2018.

Clare Robertson noted that since last meeting, she added the following sentence to the proposed text amendment to address the Commission's concerns: "The dyeing process may utilize only non-toxic, non-chrome, and heavy metal-free chemicals." She also brought to the attention of the Commission two other materials she submitted: (1) a letter from the manufacturer of their dyes stating that they are safe and organic, and (2) an article explaining the process of fiber dyeing in laymen's terms.

Mr. Mitchell expressed that the text amendment's limitation of 50 pounds of output per day and the special exception's limitation of 30 pounds of output per day addressed any hang-ups he may have had about the operation. No other Commission members had concerns, so Mr. Mitchell invited public comment.

Deanna Davis of 42 Orchard Hill Road in Newtown, CT commented that she has worked with Windover Farm in the past and they have been very accommodating, improving trails and moving livestock. She stated that we should preserve farms to maintain beauty in Newtown. Pete Wlasuk of 105 Hattertown Road in Newtown, CT had several concerns about the operation. He stated that he would have no problem if Ms. Robertson and Mr. Harrison were farming their own farm, but they would have other supplies and raw material brought in. He recounted speaking to a neighbor about the fiber mill, and the neighbor was surprised to hear that at the December 6th meeting, a Commissioner had spoken of bringing in school buses for field trips. Furthermore, Mr. Wlasuk pointed out that his wife is allergic to all kinds of dyes even if they are not necessarily labeled as toxic, and that she has severe breathing problems which he believed this project could impact. Mr. Wlasuk reiterated his main concern: that this operation would be farming material brought in from Vermont, Rhode Island, etc. and not just what they produce on their own. Mr. Swift responded by noting that the potential for pollution is greater from nail salons and other commercial undertakings. Mr. Mitchell reminded everyone that according to the zoning for 26 Mt. Nebo, farming is an approved activity on the property. Phil Carroll of 1Fieldstone Drive in Newtown, CT pointed

out that other farms go beyond just livestock and also have processing equipment, and said there is nothing new or unusual about kids taking field trips to farms or about farms selling things. Barbara Campbell of 2 Stony Brook Road in Newtown, CT shared that she owns a herd of alpaca and is very excited at the prospect of having her fiber processed locally, and added that the mill would be a nice thing to bring to Newtown. Mr. Swift made a motion to close the public hearing and Ms. Cox seconded. All members were in favor.

Mr. Swift made a motion to approve the text amendment as presented in application TA18.27. Ms. Cox seconded the approval. Mr. Mitchell made a motion to amend the text to add the word “accessory,” so that the passage would read, “Farms cultivating fiber crops, and/or raising fiber livestock, with accessory fiber processing facilities on lots of at least 20 acres.” Mr. Swift seconded the amendment. All members were in favor.

Mr. Swift made a motion to **approve application TA18.27 as amended**. Ms. Cox seconded. All members were in favor.

Mr. Mitchell moved that maps and site plans should be waived for special exception uses coming before the Commission which do not involve construction or modification of buildings. Ms. Cox seconded the motion. All members were in favor.

Mr. Mitchell made a motion to **approve application SE18.26**. Mr. Mullholland seconded. All members were in favor.

Application SE18.25 (Modification 16.10) by Matthew D’Amico/Sunrise Church Hill Road, LLC., for an Amendment to Special Exception Permit 16.10 including modification of building size from 12,170 sq. ft. to 12,227 sq. ft., additional 39 parking spaces and (2) two remote ATM kiosks; signage for coffee tenant and associated grading, drainage and utilities, site plan titled “Proposed Development, 73 & 75 Church Hill Road, Newtown, CT,” dated October 5, 2016 revised October 26, 2018, revised December 17, 2018.

Kevin Solli of Solli Engineering in Monroe, CT, apologized for not being able to make the previous meeting and presented the new materials that had been produced in response to the Commission’s requests: (1) an updated traffic study as part of modifying access, and (2) an updated site plan with signage detail. The traffic study, Mr. Solli said, confirms that even with the proposed changes, “everything maintains accept levels of service, even with a variety of uses.” Mr. Solli further explained that all aspects of the site have been updated to remain in harmony with the increased parking, including the utility plan, lighting plan, tenant requirements, and drainage design.

A question arose among the Commission as to whether or not the intersection with Church Hill Road was an entrance only, as it was both entrance and exit on the SE16.10 application. Mr. Sibley confirmed that the intersection with Church Hill Road is an entrance only, while the intersection with Edmond Road is both an entrance and an exit. Mr. Solli explained that after the approval of SE16.10, but before the submission of SE18.25, the Connecticut Department of Transportation required this change and all the plans that were submitted in regards to application SE18.25 reflected this. Since the Commission was unsure how the Church Hill Road intersection became an entrance only without their approval, Mr. Sibley looked at previous site plans and found that the Land Use Agency had *administratively approved on 4/5/18* this change and confirmed that the Commission was not required to have any involvement with that approval.

Ms. Cox pointed out that last meeting she had called for a traffic study within the parking lot, and said she was still worried about the internal circulation. Mr. Solli assured her that the parking lot maintains a 24-foot wide lane in accordance with the industry standard for two-way traffic. Mr. Swift wondered why parking was increasing by nearly 50% but trip generation increased by considerably less. Mr. Solli explained that the number of parking

spots are dictated by the Town of Newtown Zoning Regulations whereas trip generation is calculated based on national and regional data. Mr. Swift and Mr. Meadows suggested that adding stop signs would be helpful. Mr. Mullholland and Mr. Rosen both stated that a big problem was that everyone would need to exit onto Edmond Road while anyone who wanted to use the ATM would be entering and heading straight across. Mr. Solli was very willing to add a stop sign before the left turn onto the exit ramp on Edmond Road. It was also discussed that a “no exit” sign be added near the Church Hill Road entrance to avoid confusion. A few Commission members including Mr. Swift expressed at several points throughout the night that they were concerned the signage would be overwhelming. As the discussion turned to pedestrian safety, with Mr. Mitchell pointing out that the Exit 10 regulations call for the minimization of pedestrians in vehicular space, Mr. Sibley made the suggestion of extending the sidewalk across the ATM entrance, so that pedestrians would not need to cross the four-way intersection. Ms. Cox asserted that there were too many spaces, to which Mr. Solli replied that this enables more uses for the building, but Mr. Swift followed up that perhaps then this was too intensive of a usage for this site.

A recess was held from 9:02 – 9:07 p.m.

The following proposals were laid out by both Mr. Solli and the Commission as additions that would make the parking lot safer:

1. “No exit” signage closer to the building before the Church Hill Road intersection.
2. Designated area for cars to turn around in case they have gone too far without realizing Church Hill Road is in an entrance-only.
3. Stop sign for vehicles exiting the parking lot onto the ramp leading to Edmond Road.
4. Extension of the sidewalk so it continues on the other side of the ATM entrance to avoid people traversing a four-way intersection.
5. Stamped asphalt pedestrian crossings:
 - a. Across the main drive aisle to the building
 - b. At both the entrance and exit to the drive through ATMs
 - c. From the sidewalk to the building

Mr. Mitchell, speaking on behalf of the Commission, made it clear that he was not confident these changes would necessarily lead to the approval of the application, stating, “I would need to see another new plan.”

Ms. Manville departed at 9:16 p.m.

Most Commission members voiced their concerns that several of the changes from SE16.10 to SE18.25 exhibited in the site development plan/special exception maps were not explicitly mentioned in the legal notice nor verbally expressed to the Commission (particularly the Church Hill Road intersection becoming an entrance only, but also things like outdoor seating for the restaurant). Consequently, the public would not be aware that these changes were being discussed at the meeting and as such could not offer input. For that reason, and due to the Commission’s sentiment that they had not yet done due diligence in mitigating potential safety issues within the parking lot, the Commission did not feel able to vote on the application at the time.

A recess was held from 10:24 – 10:33 p.m.

Mr. Solli **granted an extension** to application SE18.25, to be continued at the next meeting, January 3, 2019.

Director’s Report and Communications

Mr. Sibley confirmed that there were no new communications to share at this time.

Minutes

Clerk Christine O'Neill apologized and noted that in the previous meeting's minutes, Mr. Russ Cyr's name was incorrectly transcribed as Mr. Russ Solli. The minutes kept on file in the Land Use Agency will reflect this correction.

Mr. Mitchell made a motion to approve the amended minutes from the meeting dated December 6, 2018. Mr. Mullholland seconded. All members were in favor and the minutes were approved as amended.

Other Business

Mr. Mullholland announced that his meeting would be his last and that Mr. Meadows would take his place. The Commission thanked Mr. Mullholland for his years of service to the Town of Newtown.

Adjournment

Mr. Meadows made a motion to adjourn. Mr. Swift seconded. All members were in favor and the meeting was adjourned at 10:45 p.m.

*Respectfully submitted,
Christine O'Neill, clerk*

Please note that the next meeting will take place on January 3, 2019.