



**TOWN OF NEWTOWN**  
PLANNING & ZONING COMMISSION

MINUTES  
REGULAR MEETING

Council Chambers  
3 Primrose Street  
Newtown, CT 06470  
April 4, 2019 at 7:30 p.m.

**Present:** Don Mitchell, James Swift, Barbara Manville, Corinne Cox, Roy Meadows, Benjamin Toby

**Absent:** David Rosen

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

Mr. Mitchell called the meeting to order at 7:35p.m. Mr. Mitchell suggested the public hearing be moved to the first order of business.

**Public Hearing**

**Application 19.03 by Ardian Llomi, for a Special Exception Use and Site Development Plan for a property located at 56 Pole Bridge Road, as shown in a set of plans titled, "Ardian Llomi & Neviana Zhgaba, M/B/L 44-8-6, #56 Pole Bridge Road, Newtown, Connecticut" dated 2/13/19, and supporting documents dated 2/27/19 and revised 3/27/19.**

Ward Mazzucco of Chipman, Emerson, and Mazzucco with offices in Danbury presented on behalf of the applicant. Attorney Mazzucco explained that the application was to develop both a winery and the applicant's own home. He submitted the mailers list and affidavit, in addition to the following three documents: 1) a narrative about the couple from Albania applying for the winery, 2) excerpts from the Connecticut General Statutes regarding liquor licenses/alcohol policy, and 3) a Google aerial photograph with hand-drawn lines demonstrating proposed uses of the property (undated).

Attorney Mazzucco opened by referring to § 30-16 of Connecticut General Statutes, which allows for use of a full, typical winery and vineyard including the cultivation of grapes (some of the land is already in re-cultivation). Attorney Mazzucco submitted aerial photography that demonstrates the location of the cultivation as well as the proposed winery and home. This Special Exception also seeks to sell wine by the glass and bottle.

Attorney Mazzucco explained that the applicant wanted to build a home with a 2,300 sq. ft. footprint. This past fall, the applicant began to work on a driveway which continued into the winter, which caused troublesome erosion; Attorney Mazzucco apologized to town officials and neighbors for any issues this may have caused. The issues have been addressed and the driveway is back on track.

The applicants are originally from Albania and this proposed winery harkens back to their Mediterranean roots. Attorney Mazzucco distributed a narrative further detailing this.

Attorney Mazzucco explained that Special Exceptions are generally for development projects that are atypically intense; in this case, however, the usage would be much less intense than for instance a

subdivision for this 40+ acre property. This Special Exception would only be for two buildings, one which is a house and one which is roughly the size of a house, and of course the vineyards themselves.

Attorney Mazzucco referred to the requirements for a Special Exception found in 11.01.420 of the Newtown Zoning Regulations, and sought to address each point. He began by asserting that this use would be in harmony with the rest of the neighborhood. Since the rest of the area is residential, the home would certainly be in harmony, in addition to the agricultural use which is also permitted in a residential zone. This acreage would be less densely developed than the other, smaller parcels in the area. Furthermore, property values should not depreciate as a result of the winery. The overall site would be suitable for the neighborhood, relatively modest in terms of altering the natural landscape, and the cultivation of grapes is an attractive landscape feature. Attorney Mazzucco mentioned that the driveway serving the property would be adequate for potential emergency services access.

Attorney Mazzucco acknowledged that in his review, the Town Engineer Ron Bolmer questioned whether regulation 8.03.230 was met (20 foot paved and curved driveway). Attorney Mazzucco pointed out that the regulation only applies to commercial, industrial, and multifamily – whereas this is a special exception use in a residential zone.

Attorney Mazzucco went on to state that the traffic would be virtually undetectable.

Attorney Mazzucco introduced his associate Charles Spath from Stuart Somer's company, whose organization prepared the site plan, and said he would also be available to answer questions.

Miss Cox asked what the hours of operation would be. Mr. Swift pointed out that there is a statutory requirement for hours of operation, 10 a.m. - 8 p.m. Attorney Mazzucco confirmed that they would abide by those hours, even though they only apply to tastings and not sales. Miss Cox wondered if the barn would be used to process the wine. Attorney Mazzucco said the 4,000 sq. ft. building would both for tasting and for processing the wine. Mr. Mitchell inquired if the winery portion would process only grapes grown on-site. Attorney Mazzucco referred to the statute, which says that there is a limited amount of off-site grapes that could be processed. Mr. Mitchell wondered where buses for tours, weddings, corporate events, etc. would park since he saw no parking accommodations for large vehicles. Attorney Mazzucco explained that very large events wouldn't work with the property. Miss Cox asked why the applicant didn't simply purchase the former McLaughlin Winery. Attorney Mazzucco invited Ardian Llomi to speak. Mr. Llomi explained that he and his wife wanted to build something from the beginning that could be their own. This site is hilly and ideal for vine-growing. Miss Cox asked if he had done this before. He replied that he had done so with his family in Albania.

Mr. Swift said he did not feel this was "a residential use in an R-2 zone." It's an agricultural/commercial use that is allowed in an R-2 zone, which leads him to agree with the Town Engineer's requirements for the driveway. Mr. Swift wondered if anything in our regulations prohibited public consumption of alcohol in a residential zone. Mr. Sibley said he would need to research before providing an answer. Mr. Mitchell explained that this zone allows agriculture and that he considers this a farm (albeit a slightly more commercial use for the farm).

Mr. Sibley invited the engineer to go over the site plan before the Commission asked further questions.

Mr. Spath distributed the same site plans that have been on file since 3/27/19 at the Land Use Agency. The site was previously approved for a driveway in order to start house construction, but could not due to erosion. The driveway was designed to be 12 feet wide and has 21 parking spaces. There are no large parties being proposed. The driveway will be paved and has associated drainage. Once it is stabilized with pavement, and given a year, erosion should no longer be a problem. The driveway is 800 feet long. Mr. Spath stressed that the footprints of the buildings would be small. The property has two septic systems, one for the house and one for the winery equipment (approved by both the local health department and the State). Mr. Spath continued to explain the specific features of the site.

Mr. Mitchell asked for estimates on traffic generation. Mr. Spath stated that it had not been a consideration due to having only 21 parking spaces. Attorney Mazzucco added that the Institute of Traffic Engineers does not really have data for such a particular use.

Miss Cox asked where the farm water tank would be, and Mr. Spath explained that it would be buried. Miss Cox asked about lighting; Mr. Spath stated that there was none proposed up the driveway, and just three around the building. Mr. Mitchell explained that no lighting or signage plan had been submitted, which means the applicant would need to return for another approval if they wanted a sign.

Mr. Swift wondered if there would be an outside patio with music. Mr. Llomi answered in the affirmative for the patio, but that they were unlikely to have music. Mr. Swift asked if the whole parking area and driveway would be paved, and Mr. Spath responded yes.

Mr. Meadows asked to be shown the outline of where the property exists on the aerial photograph. Mr. Spath had never seen the photograph, as it was generated by Attorney Mazzucco, but demonstrated to the best of his ability. Mr. Sibley proposed that the applicant submit an aerial photograph with a property line overlay, rather than spend time at the hearing trying to figure it out.

Mr. Toby asked what the regulations allow relative to the proof of the alcohol on-site. Attorney Mazzucco was unsure how to answer the question. Mr. Mitchell clarified that there would be no fortified wine, and Attorney Mazzucco confirmed this. The Attorney had highlighted certain passages in the Connecticut General Statutes document mentioned above to underscore the scope of what the State Statutes would allow. Mr. Swift wondered if the Planning & Zoning approval would then limit what was detailed in the State Statute. Mr. Mitchell clarified that the State Statute came later, and expands upon the alcohol-related Newtown Zoning Regulations which had been adopted previously. Mr. Sibley reminded the Commission that he wrote a paragraph on this in his review of the application, saying that the adoption of the State regulation did carry over to the Newtown regulation. Mr. Toby circled back to his question: are you planning on making anything stronger than wine on this property? Mr. Llomi responded no.

Mr. Sibley stated that a liquor license granted by the State of CT needs to be signed by every Town agency, and he was struggling with identifying an actual prohibition on the sale of alcohol for consumption in a residential zone, since the Newtown regulations allow for that use.

If there was any doubt as to whether a winery could actually sell liquor, Attorney Mazzucco requested that an amendment be made to the Zoning Regulations to clearly allow that, as it would otherwise be crippling to the business.

Miss Cox asked if they would deliver wine to stores. Mr. Llomi replied that if production was larger than consumption, it was a possibility, but there were no current plans to do so. Mr. Swift wondered if there were other wineries in the area. The Commission members referred to a few which had very similar uses to what was being proposed. Mr. Mitchell explained that other farming had on-site consumption, for instance a dairy farm selling ice cream, but the issue comes in with alcohol. Miss Manville asked how McLaughlin operated. Mr. Sibley explained that the text amendment in the Zoning Regulations allowing for wineries in Newtown was as a direct result of the McLaughlin application.

Mr. Sibley has a couple of outstanding concerns from the Engineer and Fire Marshal that he wanted addressed. Mr. Sibley requested the following:

1. A full mockup of the barn's architectural scheme.  
→ Attorney Mazzucco had a partial one on hand, and submitted it to Mr. Sibley.
2. The dimensions, material, and content of any signage that would be used.  
→ Attorney Mazzucco did not have it at the time, but agreed to get it for the Commission. Mr. Sibley said he could also submit a statement saying the lighting plan would be residential, to obviate submitting a full photometric plan.
3. A tie-in at the bottom of the driveway for high overflow as shown by the Town Engineer.
4. A maintenance plan for the drainage structures (one or two pages).
5. Mr. Sibley reiterated the Fire Marshal's suggestion the fire-tank be moved to the side of the building where the pullout area is for the fire apparatus, for easier access.
6. At the proposed emergency access paver area, there is a change in elevation; update the plans to show the change in elevation or the retaining wall necessary.

Mr. Mitchell asked the applicant if they would be amenable to continuing the hearing in two weeks. The applicant agreed. Mr. Mitchell then invited the public to comment.

Richard Bolland of 55 Pole Bridge Road, Newtown, CT asked if the Town's drainage system would be able to accept the overflow drainage, and who was responsible for maintaining that? Mr. Sibley responded that the only area that would be entering would be at the bottom of the hill. The Engineer felt the Town's system would be plenty capable of it. Mr. Spath explained that he had submitted a second drainage report that added additional detention at Mr. Bolmer's request.

Charles Zukowski of 4 Cornfield Ridge Road, Newtown, CT suggested that the Town has GIS maps that could answer the question before about property lines over aerial photography. Mr. Zukowski wondered how the development on this property would interact with the Pole Bridge Preserve trails. Mr. Sibley stated that there are no trails near this site. The development proposed here is hundreds of feet away from the closest trail that is currently placed.

William Orvetch of 28 Pole Bridge Road asked if an independent financial cost/benefit analysis was being done by the Town, for an unbiased take on what the financial impact of this application will be. Mr. Mitchell asked for clarification. Mr. Orvetch replied that a comprehensive evaluation was what he had in mind. Mr. Mitchell responded that he highly doubted such a study would be done, because he had never seen the Town take on something like that (perhaps by a business). Mr. Sibley explained that a financial cost/benefit analysis was beyond the scope of what the Planning and Zoning Commission could ask for under their regulations. Mr. Swift pointed out that this public hearing was giving the residents an

opportunity to raise such concerns and have questions answered. Mr. Orvetch asserted that such a study would be in the interest of everybody, and that this study should be fact-based. Mr. Sibley restated that the regulations clearly state what Mr. Orvetch was requesting was outside the purview of the Planning and Zoning Commission, and further suggested that the Tax Assessor might provide more insight.

Suzanne Davenport of 26 Pole Bridge Road, Newtown, CT stated that she did not want to live near a winery due to the potential for more traffic accidents, especially with the kids living on the road. She explained that she has had ample hardships because of the dangerous condition of the road and excessive speeding, which will be exacerbated by the winery. The 10 a.m. to 8 p.m. hours that were mentioned as allowed by the State Statute are of great concern to Miss Davenport. She asked that the Commission take all her comments into account.

Cindy Carlson of 6 Ironwood Drive, Newtown, CT asked the Commission if they agreed with Attorney Mazzucco's assumption that a subdivision of the magnitude he mentioned (12-15 lots) could be executed, and if such a subdivision could ever happen in the future if the property were sold to a developer. Mr. Mitchell clearly stated that any approval here would not limit what could potentially be applied for by a developer in the future.

Mark DeWolf of 53 Pole Bridge Road, Newtown, CT questioned if there would be large events, specifically with caterers, tents, and on-road parking. He pointed out that the condition of the road is poor. He would like to see the dark-sky lighting plan firmed up and drainage measures be taken, as the condition of the road was unacceptable during the construction of the driveway this winter. He also asked about potential music, to which Mr. Mitchell responded that only acoustic would be allowed.

Aloise Mulvihill of 28 Pole Bridge Road, Newtown, CT stated that she is very concerned about the traffic, especially with the curves of the road. She is worried that 21 parking spots would not accommodate potential parties, and they may start parking on the road. She stated that the impact on traffic and property values is of concern to her.

Attorney Mazzucco said he would respond to concerns at the next hearing while presenting the new materials.

Mr. Swift made a motion to continue the hearing on Thursday, April 18th at 7:30 p.m. in the Council Chambers of the Newtown Municipal Center. Mr. Mitchell seconded. All were in favor and the hearing was continued.

### **Acceptance of Minutes**

Miss Cox made a motion to approve the minutes from March 21, 2019. Mr. Swift seconded. All members were in favor and the minutes were approved.

### **Adjournment**

Mr. Toby made a motion to adjourn. Miss Manville seconded. All members were in favor and the meeting was adjourned at 8:54 p.m.

*Respectfully submitted,  
Christine O'Neill, clerk*

