



TOWN OF NEWTOWN
PLANNING & ZONING COMMISSION
MINUTES

REGULAR MEETING

Council Chambers
3 Primrose Street
Newtown, CT 06470
April 18, 2019 at 7:30 p.m.

Present: Don Mitchell, James Swift, Barbara Manville, Roy Meadows, Benjamin Toby, David Rosen

Absent: Corinne Cox

Also Present: George Benson, Director of Planning and Land Use and Christine O'Neill, Clerk

Mr. Mitchell called the meeting to order at 7:34 p.m.

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 revised 3/27/19 and 4/15/19; supporting documents dated 3/1/19, 3/4/19, 4/1/19, 4/4/19, and 4/17/19.

John Mac of Stuart Somers Company, LLC passed out copies of site plans that were submitted to the Land Use Agency the previous day. Mr. Mac changed the location of the fire tank to between the two proposed buildings. He also put grass pavers on the turnaround. No retaining walls are required. As per Town Engineer Ron Bolmer, existing drainage at the bottom of the road was added to the plan.

There was some confusion over whether or not Mr. Bolmer had replied to the new set of plans. He had submitted a document with his comments, which had been on record with the Land Use Agency since that morning, not recommending the approval of the application. The Fire Marshal, Rich Frampton, had also submitted comments and *did* recommend the approval of the application. Land Use Director George Benson pointed out that Mr. Bolmer's reason for not recommending the application was based on Mr. Frampton's previous comments about the driveway needing to be twenty feet wide, but Mr. Frampton was now recommending the approval.

Mr. Mac also distributed a mock-up of a sign to be placed by the road. Mr. Benson referenced the regulation for active farming, § 8.01.624, which allows for a sign of 20 square feet.

Mr. Mitchell commented that if another sign was needed up by the winery, the applicant would need to come before the Commission again. Mr. Mitchell also asked that a GIS aerial photo showing the property lines, which was requested by the Commission last time, be brought forward. Ardian Llomi, the applicant, had prepared this GIS document and showed it to the Commission.

Mr. Mitchell brought up the question last time whether our regulations allowed for the serving of wine in a residential zone. Mr. Benson explained that for anything permitted by State Statute, Newtown Zoning Regulations use the language "as amended" - so that if the State of Connecticut changes their regulations, we change ours. Because of that wording, whatever is allowed under the State is allowed in Newtown, which means the serving of wine would be acceptable.

Mr. Mitchell invited public comment.

Charles Zukowski of 4 Cornfield Ridge Road, Newtown, CT asked if the members of the public were able to see the documentation that was passed around. The Commission laid them out and Mr. Mitchell stated that a recess could be taken if anyone wanted to view them. Mr. Zukowski also commented that he was in favor of the 12 foot driveway as opposed 20 foot driveway for environmental considerations.

Suzanne Davenport of 26 Pole Bridge Road, Newtown, CT had prepared a letter to be read with her concerns that has been submitted for the record and is on file at the Land Use Agency. She stated that she is in favor of people owning their own businesses but is afraid the proposed winery may impact her quality of life. She asked how the vineyard would be irrigated if there was no nearby aquifer. She questioned the assertion from last meeting that property values would not depreciate as a result of his winery, citing McLaughlin Winery. Ms. Davenport's main concern was traffic safety and she spoke at length about the potential for unsafe driving and increased traffic. She urged the Commission to require a traffic study and observe the traffic on Pole Bridge Road.

William Brown of 9 Pole Bridge Road, Newtown, CT shared that the road has very unsafe drivers and that the winery will attract more of them. He specifically mentioned that drivers ignore the stop signs. Mr. Brown also said that he was on the edge of an aquifer and has never experienced any water quality problems.

Sandy Ferris of 33 Pole Bridge Road, Newtown, CT pointed out that if the winery is not approved, the property may be sold and developed, which will cause even more traffic issues. She encouraged the idea of educating children about farming and does not think people will become drunk from wine tasting.

Shaun Flynn from 10 Lodge Hill, Newtown, CT stated that he has driven the road many times and that the public comments seemed to be comprised of "emotions not facts." He and his wife fully support the winery.

Mr. Mitchell commented that most of the Commissioners are fairly familiar with the road and area. Mr. Benson stated that he checked with the Health Department on well problems and there was no record of any issues or complaints associated with McLaughlin Winery. Mr. Toby stated that he has lived across from McLaughlin Winery for fifteen years and he has never experienced drunk drivers as a result of that. No other public came forward to comment.

In summation, Attorney Mazzucco explained that it is human nature to consider the winery against the vacant property that it currently is. He stated that if the winery is denied, it is likely that the property would be subdivided which would cause a much larger impact. The heaviest periods of activity for the winery would not overlap with the work-going drivers during rush hour. He thanked the Commission for their consideration.

Ms. Manville moved to close the public hearing. Mr. Swift seconded. All were in favor and the public hearing was closed at 8:20 p.m.

Benjamin Toby was designated by the Chairman to sit in as a voting member for Corinne Cox for this application.

Miss Manville read the resolution into the record:

BE IT RESOLVED that 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 revised 3/27/19 and 4/15/19; supporting documents dated 3/1/19, 3/4/19, 4/1/19, 4/4/19, and 4/17/19 BE APPROVED.

BE IT FURTHER RESOLVED that it shall become effective May 11, 2019.

Mr. Swift made a motion to accept. Mr. Meadows seconded.

Mr. Mitchell opened the discussion of the Commission by stating that the Town encourages agriculture and that this application only requires a Special Exception for the consumption of alcohol. He commented that this is a good use that is low intensity, promotes agriculture, and is not a significant traffic generator. Mr. Swift agreed with Attorney Mazzucco that the traffic produced by this winery would be far less than what would be produced by a potential subdivision. Mr. Meadows agreed and thought it would be an attractive use of the land. Mr. Toby restated that he has enjoyed living across from a winery.

Mr. Mitchell asked if there were any conditions the Commission would like to put on the application. Mr. Benson stated that you cannot put conditions on off-site improvements, for instance, Pole Bridge Road itself. Mr. Meadows asked for some clarification about the Town Engineer's requirements, which Mr. Benson restated. Mr. Toby wondered about the potential big events that could be hosted in the area, to which Mr. Benson replied that a big event like a wedding is not permitted by our current Zoning Regulations. If it were to be allowed in the future, it would be allowed via a special event permit which has not yet been developed.

The Commission voted as follows:

Donald Mitchell - AYE
James Swift - AYE
Barbara Manville - AYE
Roy Meadows - AYE
Benjamin Toby - AYE

All were in favor and the motion to accept Application 19.03 passed.

Application 19.05 by Prithvi Real Estate Management, Inc., for an Amendment to a Special Exception, originally approved under Application 18.11 on 6/21/18, for a property located at 94 South Main Street, as shown in a set of plans titled, "Pleasant Paws Pet Center, 94 South Main Street, Newtown, Connecticut" received 3/29/19 and revised 4/11/19, and supporting documents submitted to the Land Use Agency 3/29/19.

Kevin Solli of Solli Engineering and Warren Freedenfeld of Rauhaus, Freedenfeld & Associates presented the application. Mr. Solli projected aerial images of the site. He explained as construction began, some modifications were necessary which were brought up to the Land Use Agency staff who said they needed to come before the Commission for an Amendment to a Special Exception.

Mr. Freedenfeld showed digital renderings, elevations, and floor plans of the originally approved veterinary hospital. The overall square footage and height have decreased from the original approval. The architecture was simplified to be more in line with other buildings in Newtown.

Over the last 48 hours, in light of the Design Advisory Board comments, Mr. Freedenfeld created a new rendering incorporating those suggestions. He showed four potential color schemes and a rendering of the sign that would be out by the road. Mr. Freedenfeld passed around a sample of Nichiha material.

The Commission asked to see the building that was originally approved. Mr. Meadows asked why the dormers were lost from the original design. Mr. Freedenfeld replied that it was to simplify. Mr. Swift commented that he preferred it without the dormers.

Mr. Meadows asked why the building needed to be redesigned. Mr. Freedenfeld explained that the major change was the hydrotherapy/pool area. There were also slight reconfigurations for the outdoor run area. He commented that the applicant changed some of his operational methodologies. Mr. Meadows asked if the redesign lowered the cost, and Mr. Freedenfeld replied that he did not believe there was much of a change.

Mr. Mitchell commented that South Main Street may have gotten away from “New England village” concept that Newtown has tried to embody, and he wanted to be sure that Mr. Freedenfeld wasn’t just looking at the immediately neighboring buildings for inspiration.

The Commission had some questions about the Design Advisory Board (“Board”) and where the suggestions had come from. Mr. Benson asserted that Board is consultative in nature and that it was within the purview of the Planning and Zoning Commission to simply pick a color scheme if they liked it. The Board had submitted a recommendation asking the Commission to make it a condition of approval that the applicant come before the Board again. As the Commission considered the four proposed color schemes, Mr. Benson suggested that the Commission make a recommendation back to the Board as to their preferred color scheme. #4 seemed to be a favorite.

Mr. Solli went through the site plan changes. As a condition of the original approval, some parking spaces needed to be removed. A retaining wall was put in place in order to meet the CT DOT sight distance requirement. A generator was added to the building, and the related condensers were tucked to the side of the building rather than their original placement in the front. There were minor changes made to the landscape plan as per the Health Department. The new lighting plan incorporated the rest of the building lights. Mr. Solli acknowledged that the Design Advisory Board recommended staining the textured concrete of the retaining wall. When Mr. Swift commented that trying to give an aesthetic finish to the retaining wall was “competing with the building,” Mr. Solli agreed and explained that he did not want it to be a focal point. Mr. Meadows wondered if there would be shrubs in front of the retaining wall, and Mr. Solli responded that plantings would obstruct the sight distance.

Mr. Mitchell asked about the generator, and Mr. Freedenfeld explained that as an animal hospital, it was necessary to have in the case of a power-outage.

Mr. Mitchell opened the floor for public comment.

Charles Zukowski of 4 Cornfield Ridge, Newtown, CT echoed Mr. Swift's comments about the retaining wall and mentioned that he had seen it being built. He recommended that the applicant show images of the retaining wall. Mr. Swift agreed that he would like to see what the retaining wall would look like.

Mr. Swift wondered why a tree that he had been told would be not be cleared, was not present on the aerial photo. Mr. Solli shared that "an overzealous contractor" had cleared the tree without consulting the engineers. Mr. Solli and Mr. Freedendfeld encouraged Mr. Swift to make it a condition of the approval that another tree be planted to replace it.

Mr. Swift commended both the Design Advisory Board and architectural team for the effort they put into improving the aesthetics of the building.

Mr. Meadows moved to close the hearing and Mr. Swift seconded. All were in favor and the public hearing was closed at 9:17 p.m.

Miss Manville read the resolution into the record:

BE IT RESOLVED that Application 19.05 by Prithvi Real Estate Management, Inc., for an Amendment to a Special Exception, originally approved under Application 18.11 on 6/21/18, for a property located at 94 South Main Street, as shown in a set of plans titled, "Pleasant Paws Pet Center, 94 South Main Street, Newtown, Connecticut" received 3/29/19 and revised 4/11/19, and supporting documents submitted to the Land Use Agency 3/29/19 SHALL BE APPROVED WITH CONDITIONS.

- 1. To add a tree to replace the tree in the same location that was removed in error, and*
- 2. That the applicant a) return before the Design Advisory Board to present their interpretation of the Board's comments from the meeting of April 16, 2019 and that b) the changes are determined satisfactory to the Design Advisory Board before construction is permitted.*

BE IT FURTHER RESOLVED that the application shall become effective May 11, 2019.

Mr. Meadows made a motion to approve the application. Mr. Swift seconded.

David Rosen was designated to sit in as a voting member for Corinne Cox for this application.

Mr. Mitchell commented that these modifications do not change the essence of the original approval, but the Commission would not have known that for sure without this presentation and the submitted documentation.

Donald Mitchell - AYE

James Swift - AYE

Barbara Manville - AYE

Roy Meadows - AYE

David Rosen - AYE

All were in favor and the motion to accept with conditions Application 19.05 passed.

Director's Report and Communications

Town of Monroe referral RAA-2019-05, File #1006E – Proposed New Business District 3 (B-3 District)

Mr. Benson shared that Monroe is proposing the addition of a new business zone, which is related to the Stevenson lumber site. This new zone would provide for the on-site disposal and storage of solid and toxic/hazardous waste. It would affect Newtown because it would be right on the border and near the cleanest river in Newtown, the Halfway River. Mr. Benson said Monroe had proposed this before and he had written a letter opposing it. He strongly suggested the Commission should write a letter or appear at the meeting to oppose it this time as well.

Town of Easton update of the Town of Easton Zoning Regulations and Easton Zoning Map, prepared by METROCOG

Mr. Benson shared that the commercial zone they are changing is far away from the piece of Easton that borders Newtown. He stated that it does not seem to impact us.

Acceptance of Minutes

The following correction is to be made from last meeting's minutes: *Aloise Mulvihill of 28 Pole Bridge Road, Newtown, CT* shall be changed to *a speaker with the address of 28 Pole Bridge Road, Newtown, CT*. The clerk would like to apologize for this error.

Mr. Mitchell made a motion to approve as amended the minutes from April 4, 2019. Ms. Manville seconded. All members were in favor and the minutes were approved.

Adjournment

Mr. Rosen made a motion to adjourn. Mr. Meadows seconded. All members were in favor and the meeting was adjourned at 9:29 p.m.

*Respectfully submitted,
Christine O'Neill, clerk*