



**TOWN OF NEWTOWN**  
**PLANNING & ZONING COMMISSION**

**MINUTES**

**REGULAR MEETING**

Multipurpose Room, Senior Center  
8 Simpson Street, Newtown, CT 06470  
February 6, 2020 at 7:30 p.m.

**Present:** Don Mitchell, Dennis Bloom, Corinne Cox, Barbara Manville, David Rosen, Nick Cabral, and Andrew Marone

**Absent:** James Swift

**Also Present:** George Benson, Director of Planning, Christine O'Neill, Clerk

Mr. Mitchell called the meeting to order at 7:33 p.m.

**Hearing Continued**

**Application 19.31 by 13 Hawleyville Road, LLC, for a Special Exception, for a property located at 13 Hawleyville Road, so as to permit the development of a proposed convenience store and gas station with associated parking and utilities, as shown on a set of plans titled "13 Hawleyville Road LLC, 13 Hawleyville Road (Route 25), Newtown, Connecticut" dated 9/3/19 revised for new application 11/15/19, revised 1/10/20, and supporting documents submitted to the Land Use Agency 11/25/19, 12/12/19, 1/10/20, and 1/16/20.**

In an email dated January 28, 2020 and subsequent phone conversations, 13 Hawleyville Road requested that the public hearing for Application 19.31 be continued to the meeting of Thursday, March 5, 2020. Mr. Mitchell commented that there was a scheduling issue with the traffic engineer.

**Applications Withdrawn**

**Application 19.28 by Grace Family Church, for a Text Amendment to the Town of Newtown Zoning Regulations, § 8.01.611 (sign regulations), regarding signs marking civic, charitable, religious, patriotic, fraternal, or similar organizations, as detailed on documents submitted to the Land Use Agency 10/23/19.**

**Application 19.29 by Grace Family Church, for an Amendment to a Special Exception, originally granted under Application 15.09, for a property located at 13 Covered Bridge Road, so as to permit signage described and depicted in documents submitted to the Land Use Agency 10/23/19.**

In a communication to the Land Use Agency dated 2/4/20, Grace Family Church withdrew Applications 19.28 and 19.29. Mr. Mitchell commented that he expects they will return with modifications.

**Referrals**

**Referral 20.01 from the Newtown Borough Zoning Commission, originally submitted by the Town of Newtown, for an amendment to the Borough Zoning Regulations establishing a procedure for the Newtown Board of Selectmen to request that specific Municipal Buildings be designated as**

**Landmark Buildings, as detailed in a document entitled “Article 13, Borough Landmark Building (BLB).”**

**Referral 20.02 from the Newtown Borough Zoning Commission, originally submitted by the Town of Newtown, for an amendment to the Borough Zoning Regulations to apply Article 13 to Edmond Town Hall with the proposed Permitted, Special Exception and Prohibited Uses, as detailed in a document entitled “Edmond Town Hall Application for a Landmark Building Designation.”**

The two above-noted referrals were presented in tandem.

Mr. Benson explained that the Town used to rent offices from Edmond Town Hall. Since the Town moved their offices into the Municipal Center, Edmond Town Hall has been struggling to bring in money due to the zoning limitations on uses. For the past four of five years, Mr. Benson has been looking into a solution for this problem without engaging in “spot zoning” for the building. The documents before the Commission tonight are the final iteration, having received input from several parties involved with the Town including the Chairman.

As it currently stands, nonprofit groups can rent space and hold events at Edmond Town Hall. Some of the activities they currently engage in are gray areas in zoning, so these amendments to the Borough Zoning Regulations would explicitly allow what already goes on there.

Referral 20.01 is a text amendment that would create the concept of “Borough Landmark Buildings” (BLB), which would allow the Board of Selectmen to apply for a historic, Town-owned building in the Borough to create its own set of uses under zoning. Referral 20.02 is for the inclusion of Edmond Town Hall as a BLB, as endorsed by the Board of Selectmen.

Mr. Benson said the Town-owned buildings in the Borough this could apply to are the schools, the meeting house, the police station, and the former municipal garage [Teen Center] – but obviously the police station and garages would not be construed as historical buildings. Just like with Edmond Town Hall, a potential BLB would need to be endorsed by the Board of Selectmen and go through this same process of approvals by the Planning and Zoning Commission, the Borough Zoning Commission, and the Edmond Town Hall Board of Managers. Once a building receives a BLB designation, the specific uses outlined in its application would become part of the Borough Zoning Regulations.

Mr. Benson stressed that designation as a BLB would change nothing about the zone, the setbacks, or the outside of the buildings; just the uses.

Referral 20.02 lists the uses being proposed for Edmond Town Hall as a BLB. Most of the permitted uses are currently in progress there, just without explicit permission in the regulations; the biggest change would be to allow for-profit businesses. Prohibited uses include criminal defense attorneys, retail shops (this does not include selling merchandise as an accessory use), and restaurants.

Mr. Benson concluded by saying allowing more uses will hopefully make Edmond Town Hall more financially independent, and less of a fiscal burden on the Town and taxpayers.

Ms. Cox asked why medical offices and child daycare were under special exception uses. Mr. Benson said the idea was to leave extra discretion on a case-by-case basis so that the Edmond Town Hall Board of Managers and Borough Zoning Commission could evaluate if it was an appropriate use. Mr. Benson

also clarified that ultimately the Town does own Edmond Town Hall and can say “no” to anyone who wants to use the space.

Mr. Mitchell clarified that the task of the Commission tonight is to look at the Planning aspect of these referrals. Mr. Benson contributed that there is nothing specific about historical buildings in the Plan of Conservation and Development (POCD), but he does feel historical buildings complement the rural and New England character of the Town, as outlined in the POCD’s vision statement.

Mr. Rosen confirmed that there are no inside or outside alterations associated with these uses. Mr. Benson said the extent would be tenant fit-outs, such possibly as changing a few walls, but any changes would be overseen by the Edmond Town Hall Board of Managers.

Mr. Marone asked about the other buildings that could qualify for BLB. Mr. Benson said there would be oversight for each building, whether that is their own Board of Managers or the Board of Selectmen. Mr. Mitchell added that only the Board of Selectmen can apply to designate a building as a BLB.

Mr. Mitchell asked what would happen if the Town purchased the old Hawley Inn at 19 Main Street. Mr. Benson agreed that it would qualify as a potential BLB; however, he explained that it would need to go through the same process with the Board of Selectmen, the Planning and Zoning Commission, the Borough Zoning Commission, and Edmond Town Hall Board of Managers.

Mr. Mitchell commented that while the spirit of the applications did seem reasonable and beneficial to the Town, he was not sure that it fit in with the POCD, which urges keeping Main Street residential. Mr. Benson contributed that Edmond Town Hall has never been residential. Mr. Mitchell supposed that the POCD could have been referring to the appearance of a residential Main Street, and Mr. Benson pointed out that municipal buildings are permitted in residential zones.

Mr. Mitchell reviewed a bit of the history of zoning in the Borough, and how certain parcels were zoned residential but allowed to keep their pre-existing non-conforming uses.

Mr. Bloom wondered what for-profit renters meant for Town liability. Mr. Benson replied that the Town would be protected in the leases with individual tenants, and that the addition of for-profit uses as proposed in these amendments did not increase any liability.

Mr. Mitchell felt that this was, by and large, consistent with the POCD. He said that this was a worthwhile endeavor, and a preferable alternative to having properties like Edmond Town Hall rundown because they cannot financially support themselves.

Mr. Mitchell wondered if commercial uses moved into Edmond Town Hall, how signage would play into the Borough Zoning Commission’s decision. Mr. Benson said a for-profit business would not have any further allowances for signage than non-profits currently do.

Ms. Manville said she felt this was giving some formality to the buildings in the Borough. Mr. Rosen commented that he liked the checks and balances of having multiple parties involved with the approval process.

Mr. Mitchell appointed Mr. Marone to vote in the absence of Mr. Swift for this meeting.

Mr. Mitchell moved to find that the text change proposed in Referral 20.01 is consistent with the POCD. He struggled, however, with the idea of making a finding on Referral 20.02 since the Borough Zoning Commission might change the specific regulations outlined in Referral 20.01, or a new application might propose uses that are not consistent with the POCD. Mr. Benson disagreed and felt both Referrals were straightforward, since new applications would come before the Commission with their proposed uses at the time of their submittals. Mr. Mitchell was worried about potential loopholes.

Ultimately, Mr. Mitchell felt that Referral 20.01 should be approved by the Borough Zoning Commission before this Commission could make a finding on its application in Referral 20.02.

Ms. Manville stated that it does seem consistent with the POCD. Mr. Rosen said what he thought Mr. Mitchell was talking about was potential situations where this could go wrong. Mr. Marone pointed out that the checks and balances built into the proposal seemed to be a strong enough safeguard. Mr. Benson reminded Mr. Mitchell that the Commission was not voting on the rezoning of Edmond Town Hall, since that was the bailiwick of the Borough Zoning Commission.

*Mr. Mitchell reiterated his motion to find that the text change proposed in Referral 20.01 is consistent with the POCD.*

Mr. Bloom seconded. The Commission voted as follows:

Donald Mitchell - AYE  
Andrew Marone - AYE  
Barbara Manville - AYE  
Corinne Cox - AYE  
Dennis Bloom - AYE

The motion to find Referral 20.01 consistent with the POCD carried unanimously.

*Ms. Manville moved that that Referral 20.02 from the Newtown Borough Zoning Commission, originally submitted by the Town of Newtown, for an amendment to the Borough Zoning Regulations to apply Article 13 to Edmond Town Hall with the proposed Permitted, Special Exception and Prohibited Uses, as detailed in a document entitled "Edmond Town Hall Application for a Landmark Building Designation" is found to be consistent with the POCD.*

Mr. Marone seconded. The Commission voted as follows:

Donald Mitchell - NAY  
Andrew Marone - AYE  
Barbara Manville - AYE  
Corinne Cox - AYE  
Dennis Bloom - AYE

The motion to find Referral 20.02 consistent with the POCD carried 4-1.

## **Director's Report and Communications**

*Referral from the Town of Monroe, RAA-2020-01, File #1008E*

Mr. Mitchell and Mr. Benson explained that the Town of Monroe was proposing changes to their sign regulations. The proposal does not impact Newtown.

## **Minutes**

Mr. Mitchell made a motion to approve the minutes from the meeting of December 19, 2019. Mr. Bloom seconded. All were in favor and the minutes from the meeting of December 19, 2019 were approved.

Mr. Mitchell had contacted Ms. O'Neill with a request that a section of the minutes from the meeting of January 16, 2020 be more specific. Therefore, Ms. O'Neill proposed amending the sentence that reads, "Atty. Bennett rephrased his question to ask if Mr. Virbickas could say, as an engineer speaking on behalf of the applicant, if he felt that this project met those regulations. Mr. Virbickas said yes" to read as follows: "Atty. Bennett withdrew his question and instead asked if Mr. Virbickas had reviewed the standards required for this project. Mr. Virbickas replied yes. Atty. Bennett asked if, in the application process, Mr. Virbickas endeavored to satisfy those requirements as the applicant. Mr. Virbickas replied yes. Atty. Benson asked if it was Mr. Virbickas's view that the applicant has, to the best of his ability, fulfilled his obligation to meet those conditions. Mr. Virbickas replied yes. Atty. Bennett added, not as an expert, but as the applicant."

Mr. Mitchell explained that he wanted this amendment to the minutes so that it would not be construed that the Commission accepted Mr. Virbickas as an expert on the Zoning Regulations - just an expert on engineering.

Mr. Mitchell made a motion to accept the amendment. Mr. Bloom seconded. All were in favor and the amendment was accepted. Mr. Mitchell made a motion to approve the minutes from the meeting of January 16, 2020 as amended. Mr. Marone seconded. All were in favor and the minutes from the meeting of January 16, 2020 were approved as amended.

## **Adjournment**

Mr. Rosen made a motion to adjourn. Mr. Mitchell seconded. All members were in favor and the meeting was adjourned at 8:33 p.m.

*Respectfully submitted,  
Christine O'Neill, Clerk*