



TOWN OF NEWTOWN
PLANNING & ZONING COMMISSION

MINUTES

REGULAR MEETING

Thursday, August 20, 2020 at 7:30 P.M.

Zoom Virtual Meeting Participation Information

Call-In Number: +1 646 558 8656

Meeting ID: 862 7742 4304 #

Website: <https://us02web.zoom.us/j/86277424304>

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

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

Mr. Mitchell called the meeting to order at 7:42 p.m.

Public Hearings

Application 20.04 by Nora and David McGrath, for a Text Amendment to § 7.03.220 of the Zoning Regulations of the Town of Newtown, to amend the Buildings Housing Animals regulation to include a reduced setback for ten (10) or fewer hens, as described in documents submitted to the Land Use Agency 7/20/20.

Mr. Mitchell introduced the proposal, explaining that the amendment would enable structures housing ten or fewer hens closer to the property line than the setback currently allows. Applicant David McGrath said that without this text amendment, his family would be unable to keep chickens on their one-acre property. By limiting the proposal to hens, it would avoid any potential objections regarding roosters.

Mr. Mitchell asked if the McGraths already had the chickens. Mr. McGrath said yes, but they received a complaint from a neighbor which inspired this text amendment. For now, they moved the coop to be closer to their other neighbor, who does not object.

Mr. Mitchell also wanted to confirm that the hens were not part of a business. Mr. McGrath explained raising hens is a hobby and an enriching activity for their children.

Mr. Mitchell wondered about “mucking up the regulations” by including language that is specific to a type of animals, which might then trigger a need for regulations for each type of animal. He supposed it might be better to create a regulation defining animals that are pets and would not create any sort of nuisance. Bringing up an anecdote of a Newtown citizen who wished to allow a bull in his backyard, Mr. Mitchell expressed that it was important to make a sound and specific regulation. He invited other Commissioners to comment.

Mr. Swift had some concerns about defining a pet, especially something like a chicken which some people may not consider a pet since it could be farmed to eat. Mr. Swift thought keeping the separation

from a neighbor's house was key, giving an example that a 35 foot setback plus a neighbor with a nonconforming house just 15 feet from the property line might result in someone having a chicken coop 50 feet from their front door.

Ms. Cox said she does not see a problem with the proposed regulation, though she had some concerns about limiting the number to ten. She confirmed that chickens can indeed be pets.

Mr. McGrath mentioned that the larger the setback, the further towards the middle of the yard the coop would need to be placed - which might be considered unattractive to the general public.

Mr. Mitchell asked about the nature of the complaint that was submitted in reference to the placement of the coop. Mr. McGrath shared that it seemed to be a personal attack, which was upsetting to him and his wife.

Ms. Cox asked if Mr. McGrath had roosters, which made a lot of noise. Mr. McGrath said they specifically avoided roosters for that reason; though he pointed out that the rooster is the symbol of the Town.

Mr. Mitchell asked if Mr. McGrath planned to sell any eggs. Mr. McGrath replied he has never sold any eggs; rather, he gives them to his neighbors and friends.

Ms. Manville stated that her concern is other chicken owners may not be as responsible as the McGraths. Mr. Swift concurred. He wondered if they could amend the regulation so that the placement of a coop needed to be signed off by the abutting neighbor, in case another house was very close to the property line resulting in a small distance between a neighbor and the coop. Mr. Swift reminded the Commission that because this is a town-wide regulation, it would apply to a number of diverse situations.

Mr. Bloom said that he knows a few people in town who have chickens, and it's usually for education or for food. Selling eggs is rare.

Mr. Rosen said he assumes the reason for the current setback rule was to avoid potential neighbor complaints and safety/hazard issues. He proposed adding a size requirement for the structure, so that it would apply only to animals such as chickens and rabbits. Mr. Swift agreed and liked the idea of considering size. Mr. Mitchell thought that might be a viable way forward.

Mr. Mitchell invited public comment.

Charles Zukowski of 4 Cornfield Ridge Road, Newtown, CT said he is in favor of the concept, but he was confused about the wording. The amendment seemed to say that you could reduce the setback on one side, but not the other, which would result in having to "pick one of the neighbors" to have the coop closer to. Why not, he wondered, reduce the setback on all sides? Mr. McGrath explained the idea was that they didn't want to have multiple buildings on multiple borders. He replied that the major goal is to reduce that 100 ft setback. Mr. Zukowski said even still, the wording would mean those with a yard of about 140 feet, they would be unable to put their coop in the middle of the yard, but would need to be closer to one side than the other. Mr. McGrath understood what Mr. Zukowski was saying.

Mr. Mitchell asked what size structure would be needed for ten hens. Mr. McGrath commented that his coop is about 4x8ft for the six hens they have, though they could fit more.

Mr. Mitchell asked if there was any further public comment or questions from the Commissioners. Mr. Mitchell moved to close the public hearing. Mr. Cox seconded. All were in favor and the public hearing was closed at 8:09 p.m.

Mr. Mitchell would like to draft an amendment, and therefore did not feel ready to vote tonight. Mr. Swift, Ms. Cox, and Ms. Manville commented they were in favor. Mr. Swift added that it seemed that the opinion of the Commission is favorable, and they simply wish

Mr. Mitchell moved to table discussion of Application 20.04 to the next regularly scheduled meeting of Thursday, September 3, 2020 at 7:30 p.m. via Zoom [participation info to be published in the forthcoming agenda]. Mr. Swift seconded. All were in favor and the discussion of Application 20.04 was tabled until the next meeting.

Application 20.05 by GRC Construction, for a 4-lot Conservation Subdivision of a property located at 11 (formerly 13) Old Hawleyville Road, as shown on a set of plans titled, “Compilation Plan Prepared for GRC Construction, LLC, 13 Old Hawleyville Road, Newtown, Connecticut” dated 7/8/20 and supporting documents submitted to the Land Use Agency 7/21/20.

Greg Carnrick of GRC Construction, the applicant, explained that this property was originally connected to the Covered Bridge property, but was divided at the time Interstate-84 was constructed. The existing pond used to be a gravel pit. There was a house on the parcel, but it has been demolished due to deterioration and is being reconstructed now.

Mr. Carnrick shared that the unique situation of this parcel called for a Conservation Subdivision, which permits 35,000 square foot lots and therefore enables all the houses to remain on the same side of the road. Ten of the 14 acres that would be going to Conservation is comprised of a field, a pond, minimal trees, and a stone wall. The lot is relatively flat and the excavation would be minimal.

Due to a cancelation of the Conservation Commission meeting, Mr. Carnrick explained he would need to wait to receive feedback from them about the application.

Mr. Mitchell asked if this was a spring-fed pond. Mr. Carnrick pointed out on the site plan a river (which he believes to be Pond Brook River) with an inlet that leads to the pond. Sometimes the water runs out of the pond and into the river. Mr. Mitchell asked if that was the top of an aquifer. Mr. Carnrick noted it depended on the time of the year which way the water was flowing.

Ms. Cox said that the more houses built in the Pond Brook area, the more it “destroys the water level” of the Brook. She further stated that she saw foundations on the property, and asked if he had begun construction. Mr. Carnrick thought perhaps she was confused with the subdivision that the Commission approved last year, across the street. The only work he has done on the current property is to demolish and rebuild the dilapidated house he mentioned earlier.

Ms. Cox asked what would protect the pond. Mr. Carnrick explained the positioning of the Conservation Easement, adding that there would be no excavation besides the installation of the foundations. Ms. Cox said she would like to hear what the Conservation Commission has to say.

Mr. Mitchell agreed, adding that the Inland Wetlands Commission would likely have input. Mr. Carnrick offered more insight, saying he already has Inland Wetlands approval since there is no

disturbance of wetlands. He shared that the biggest challenge he has faced with this land was deciding whether to leave the property in private ownership with restrictions; donate it to the Newtown Forest Association; or give it to the Town as Open Space. But the Town does not have a maintenance plan for the area. Leaving a huge, open field without maintenance would result in unsightly overgrowth, he explained. Mr. Carnrick's goal was to have the area remain in its current state forever. The Town owning the space with a lack of maintenance was the biggest hang-up, and so he was looking forward to discussing this issue with the Conservation Commission.

Ms. Cox stressed that the area does need to remain in its constant state, adding that every house that is built is destroying the Brook.

Mr. Swift said the map he's looking at says "Parcel W to be conveyed to the Town of Newtown." Mr. Carnrick didn't know what map he was looking at. Mr. Swift also asked if the lots would be less than an acre. Mr. Carnrick explained that in a Conservation Subdivision, lots can be under an acre - plus part of the parcels are deducted based on the 100 Year Flood Plain. Mr. Swift shared that when he walked the property, he saw the back of the property was extremely wet and not maintained. He wondered if a house could even go back there. Mr. Carnrick thought Mr. Swift might be confusing this property with the subdivision he is constructing across the street. Mr. Carnrick said there is no disturbance to wetlands and that the houses are nowhere near the wetlands.

Mr. Swift wondered if percolation tests were done. Mr. Carnrick said they had been done and the results were extremely positive. Mr. Swift again said the area seemed too wet, and that without the Conservation Subdivision status (as opposed to a Conventional Subdivision), one of the lots would need to go farther back into the wetlands. Mr. Carnrick said, giving due respect to the Commission, that he has spent tens of thousands of dollars doing studies such as a Flood Plain, soil science tests, etc. - but with Mr. Swift asking him now to design a Conventional Subdivision just to show a comparison to the Commission, the project appears cost-prohibitive. Mr. Swift understood, but also asked Mr. Carnrick to see his perspective. Mr. Carnrick reiterated that he's not asking for "bonus lots" with this subdivision.

Ms. Cox asked if there were vernal pools on the property. Mr. Carnrick showed on the map where, exactly, the wetlands had been delineated. Ms. Cox asked about drainage and Mr. Carnrick said the perc tests came back with an inch and two, which is the best-drained soil he had ever seen.

Mr. Swift and Ms. Cox declared they would do another site walk.

Mr. Mitchell asked about the archaeological assessment study. Mr. Carnrick said that the last time he'd hired an archaeological specialist, the professional took one look at a map denoting archaeologically sensitive areas in Newtown, wrote three sentences, and that was it. This time Mr. Carnrick simply looked at the map himself and submitted a document showing that the subdivision is outside of that area.

Mr. Sibley explained that according to the Subdivision Regulations, every subdivision needs to have a letter saying whether or not the property is archaeologically sensitive; then at that point, the archaeological map is used. Mr. Mitchell asked if a phase one survey would need to be done then. Mr. Sibley said no, an expert needs to submit that letter first.

Mr. Swift asked if an environmental impact study was required. He also wondered about the flood ordinance. Mr. Sibley said the only time an environmental impact study is required is if a specific community is identified on the subject property. The flood ordinance has nothing to do with this application. Mr. Sibley stated that the only consideration is the subtraction from the viable acreage.

Mr. Carnrick apologized for not having an archaeological expert submit a letter. He is happy to comply.

Mr. Swift asked if it was known for a fact that the applicant will go before Inland Wetlands before the next meeting. It was clarified that Mr. Carnrick will be going to the Conservation Commission, as he already has his Inland Wetlands approval. Mr. Carnrick said he believed Conservation Commission would take place next Tuesday. Mr. Mitchell would like a copy of the Inland Wetlands approval to be added to the file.

With no public coming forward, and with the need to receive feedback from the Conservation Commission, Ms. Manville moved to continue the public hearing of the Application 20.05 to the next regularly scheduled meeting of Thursday, September 3, 2020 at 7:30 p.m. via Zoom [participation info to be published in the forthcoming agenda]. Ms. Cox seconded. Mr. Mitchell wished to amend the motion: that the hearing for Application 20.05 be kept open for the purpose of receiving and commenting on the feedback from the Conservation Commission. Mr. Swift wondered why they would limit themselves to only speaking about the Conservation Commission. Ms. Cox agreed. Mr. Mitchell withdrew his amendment.

All were in favor of Ms. Manville's motion and the public hearing for Application 20.05 was continued to the next meeting.

Application 20.06 by Thomas Venturino, for a Special Exception for a property located at 55 Botsford Hill Road, so as to permit the construction of a pole barn with a total footprint of 55' x 62' (3,410 sq. ft.) to be used for personal vehicle and tool storage, as shown on a set of plans titled, "Zoning Location Survey, Prepared for Thomas M. Venturino, 55 Botsford Hill Road, Newtown, Connecticut" dated 7/17/20 and supporting documents submitted to the Land Use Agency 7/21/20.

Thomas Venturino and his girlfriend Rachel Donnelly explained their proposal to build a 52x66ft pole barn with a lean-to. Mr. Venturino explained that the recently-passed regulation limiting administrative approval of garages to 1600 sq ft before it must go to the Commission was done because a homeowner had put up an overlarge eyesore garage that was a nuisance to neighbors on a number of levels. Mr. Venturino commended the passage of this regulation, as he thought the spirit of keeping peace with the neighbors was desirable. He confirmed that he notified his neighbors of this proposal as per the requirements.

Ms. Cox asked what the building would be used for. Mr. Venturino said it would be used for automotive storage and woodworking, as well as storage of some equipment such as an ATV and mower. Ms. Cox wondered what the lean-to was for. Mr. Venturino explained he would use the covered awning to keep his camper and trailer.

Mr. Swift asked if there were any architectural elevations of what the building would look like. Mr. Venturino said he could have some renderings produced, and he would be able to submit those if the Commission desired, but he was just seeking approval for the size of the building tonight. Mr. Mitchell said he sympathizes with the fact that an applicant doesn't want to take on the cost of having architectural drawings created if there is no chance of this passing - but it is required by the regulations, Mr. Mitchell continued, and the Commission must consider the appearance.

Mr. Venturino explained that he had combined 53 and 55 Botsford Hill Road, and the associated work was done in cooperation with Steve Maguire of the Land Use Agency. The wetlands delineation came

about as a result of that. The feedback from the Agency is that an upland wetlands form would be sufficient, since they will be staying away from the wetlands.

Ms. Cox asked if Mr. Venturino would be working on these vehicles as a business. Mr. Venturino said the vehicles were purely recreational and that getting the vehicles out of his driveway would be an aesthetic improvement.

Mr. Swift posed the question: if this application were approved tonight, could the applicant simply put up a pre-fab metal structure? Mr. Mitchell said technically yes, but the hypothetical was moot as he did not feel he was ready to vote without looking at elevations.

Mr. Swift asked for the location of proposed building to be staked on the property. Mr. Venturino said the location is already staked out and described it. Mr. Mitchell asked about the character of the surrounding areas. Mr. Venturino shared that his neighboring properties are rural and appear to be small farms.

Mr. Venturino had asked the Land Use Agency if architectural reviews were required and he was told they were not, so he questioned whether this was necessary to call for a vote. From his perspective, he felt the spirit of the regulation was to see if there were any objections from neighbors.

Mr. Mitchell wondered if at this point any public wanted to comment on the proposal. No one came forward. Mr. Mitchell had Ms. O'Neill confirm that all 25 of the letters had been sent to the public, and she displayed the required documents.

Mr. Swift asked if the Design Advisory Board should weigh in on this, due to the pole barn being larger than the house itself. Mr. Venturino asked if there was any proportion requirement in regards to outbuildings to the house. Mr. Swift said there was not, but it was part of the discussion when the current regulation was being written.

Mr. Mitchell cited Zoning Regulation section 11.01.421-422, which says that the Commission should find a building is in architectural harmony with the neighborhood before approving it. Mr. Mitchell said that the Commission is also charged with ensuring the maintenance of property values of the neighbors.

Mr. Venturino displayed an image of elevations on his screen. Mr. Swift, Ms. Cox, and Mr. Mitchell said they would still need to see details of the design.

Mr. Swift asked about the size of the garage doors. Mr. Venturino explained that even if this application is not approved, he will still have a capability to build a 40x40ft building with administrative approval. Mr. Swift said the T-11 wood siding that Mr. Venturino is proposing is some of the cheapest material on the market. Mr. Venturino explained that T-11 is the siding on his home, so the two buildings would complement each other.

Mr. Mitchell pointed out that a septic reserve area needs to be approved by the Health District in order, as per staff comments. Mr. Venturino thought that approval would come at the time of the building permit. Mr. Mitchell and Mr. Venturino both acknowledged it's a bit of a chicken-and-egg situation, and Mr. Swift said he wasn't sure if it was within the Commission's purview to make a ruling on the septic. Mr. Mitchell pointed out that they could condition the approval on fulfillment of Health District requirements.

Mr. Rosen asked what would happen with vehicle storage if the proposal was not approved. Mr. Venturino said that some vehicles such as ATVs would need to remain outside.

Mr. Swift asked if a loft or second floor area would be part of the pole barn. Mr. Venturino said nothing is finalized, but he is considering a loft with a separate outdoor entrance that would not be used as a living space.

Mr. Swift stated that he would need more information in order to vote. Mr. Mitchell agreed. Mr. Venturino asked for clarification as to what other information was needed. Mr. Mitchell directed him to read over Article 11 regarding Special Exception requirements.

Mr. Venturino shared that his challenge is that a lot of those “requirements” appear to be non-quantifiable and subjective. Mr. Mitchell explained that is one of the purposes of the Commission, to make those decisions. Mr. Venturino hoped the Commission would represent the interests of Newtown’s public, and none of them seem bothered by this proposal. It would be confusing to him if the neighborhood is okay with the proposal but the Commission is not.

Mr. Mitchell said the Commission needs more information before they can act favorably on the application. Mr. Venturino asked what exactly needs to be submitted. Mr. Mitchell referred him to Article 11. Mr. Venturino asked specifically what documents he could provide that would help them reach their findings. Mr. Mitchell said to read Article 11. Mr. Venturino thought he had submitted the minimal requirements, and therefore wished to understand what more the Commission needed.

Mr. Swift said what he's looking for is proportionality. He wanted to see how the existing home looks, and renderings of the proposal. Mr. Swift brought up the Design Advisory Board again. Mr. Venturino stated he was disinclined to go before the Board.

Ms. Cox and Mr. Mitchell commended Mr. Venturino on the detail he put into his neighbor notification letters.

Mr. Swift moved to continue the public hearing of Application 20.06 to the next regularly scheduled meeting of Thursday, September 3, 2020 at 7:30 p.m. via Zoom [participation info to be published in the forthcoming agenda]. Ms. Manville seconded. All were in favor and Application 20.06 was continued to the next meeting.

Application 20.08 by Steven and Jennifer Doyle, for a 2-lot Re-subdivision of a property located at 15 Swamp Road, as shown on a set of plans titled, “Re-subdivision Lot 4, Gold Estates, Assessor’s Map 47, Block 9, Lot 20-4, Steven and Jennifer Doyle, 15 Swamp Road, Newtown, Connecticut” dated 4/1/20 and supporting documents submitted to the Land Use Agency 7/30/20.

Steven and Jennifer Doyle, the applicants, explained that when they purchased their property one of the things that drew them to it was the ability to subdivide to provide care for their aging parents. Mr. Doyle shared that trees will be added to the setback area, and they do not feel the proposal will impact the rural character of the neighborhood.

Charles Spath, principal of Stuart Somers Company, introduced himself. He explained that they are looking to do a shared driveway of 250 feet. This was approved by the Health District and Inland Wetlands. Mr. Spath commented that Town Engineer Ron Bolmer had stated the driveway was required to be widened. As a result, Mr. Spath delivered new plans to the Land Use Agency earlier today. Mr.

Bolmer did not have time to review the new plans adequately, but sent an email saying he thought there remained some issues that he'd need to examine further. Therefore, the applicant would need to ask for a continuation.

Another recent change to the site plan was that footing and roof drain outlets were altered for the proposed house (underground detention was added), but it was not reflected on the digital plans that were submitted. Mr. Spath explained that the hard copies in the office did reflect the change.

Mr. Swift asked if there was an Open Space requirement. Mr. Spath confirmed that because it is a Re-Subdivision, the Open Space requirement had been fulfilled previously.

Ms. Cox asked about the size of the proposed house. Mr. Doyle responded 1,800 sq ft. Mrs. Doyle shared that it is increasingly challenging to care for her parents who currently live almost an hour away.

Mr. Mitchell invited public comment.

Fred Biondi of 7 Stuart Drive, Newtown, CT was concerned about the very steep slope leading into his small yard. He gets a lot of water coming down into his yard already from his neighbors, and this new house might add more, leading to serious flooding concerns. He wanted to know if the house could be moved further back than 500 feet, to 750 or 1000 feet. The elevation discrepancy will also mean that the headlights of the cars pulling into the proposed house's driveway will shine right into Mr. Biondi's bedroom. He said all his neighbors are shaking their heads and are concerned that this is not in harmony with the neighborhood. Moreover, he was worried whether blasting would impact his property. It is sad, he said, that the woods and nature would be disrupted. Mr. Biondi added that this subdivision will negatively impact his quality of life and decrease his property value. Because there is a lot of land the Doyles could work with, Mr. Biondi hoped they could move the house 750-1000 feet back.

Mr. Spath asked if Mr. Biondi lived at 7 Stuart Drive. He said yes. Mr. Spath said that 7 Stuart Drive is above Swamp Road; Mr. Spath assured Mr. Bondi that he is looking at a different property, because 15 Swamp Road is below 7 Stuart Drive.

Mr. Mitchell guaranteed Mr. Biondi that Commissioners will do site walks before the next meeting.

Robert Deilus of 21 Swamp Road, Newtown, CT agreed that he was drawn to Newtown due to its woodsy, rural nature. He said the contours of the site result in drainage running towards his property. The way he found out about this proposal was a backhoe coming in for perc tests, and the Health District mistakenly coming up his driveway saying they were doing an emergency septic repair. After a meeting with Mr. Doyle and his in-laws, it was communicated that the house would be positioned farther away from Mr. Deilus's residence. When he looked at the plans, however, the new house is not at the top of the hill, but 145 feet from Mr. Deilus's door. Many other elements of this proposal will impact him and his property value, including lights and elimination of the tree-line. Mr. Deilus did not believe this was in harmony with the neighborhood. The site plan delineates wetlands, but even outside those boundaries the land is quite wet and is dangerously close to the leach fields. Mr. Deilus felt that caring for their parents could be accomplished without a subdivision. He felt it was ironic that this new house would be three times closer to the Deilus's than to the Doyle's.

Bob Hammond of 23 Swamp Road, Newtown, CT displayed a slideshow presentation. He explained that there are 50,000 sq ft or 1.5 acres of area proposed to be cleared of trees, which he finds unacceptable. When this piece of property was originally subdivided in 1976, he said, it was only broken into four lots and so he doesn't understand why the Doyles would be allowed to further divide it now. Mr. Hammond

shared that he moved to Newtown in order to pursue his hobbies of botany and astronomy, but might not have purchased this property had he known this “absolute disaster” would occur. He said it is suspicious that the stream displayed on the site map appears to end just before the proposed piping. He compared the current map with a 1976 map, which indicates that the drainage system would be installed in a wet field area. Mr. Hammond said the 26-foot common driveway would create a maze of asphalt. On the next slide, he demonstrated the significant grading that would need to be done to accomplish the proposed plan, which he feared would cause erosion. Mr. Hammond referred to section 7.04 of the Zoning Regulations, of which he thought the current plan to be in violation, and then referred to section 11.01 which specifically speaks about neighbor compatibility, right to privacy, and property values. The proposed house would be extremely visible to the two neighbors to the south, he said. Mr. Hammond described this proposal as “his worst nightmare.” He pleaded with the Commission to reject the application.

Mr. Spath said he understood that Mr. Hammond is upset that the next-door property is being developed, as anyone would be, but the Doyles have the right to develop their 8-acre parcel. As Mr. Doyle explained, they will put trees up which may appease the neighbors. The building is only going in the ground 6.5ft and there will not be as much excavation as Mr. Hammond implied. There are only 250 feet of driveway that is to be added on. Mr. Spath will add limits to disturbance on the plan before the next meeting. The driveway will only be widened to a total of 16 feet, not 26 feet - and they're open to lessening that with pull-offs if the Commission and Mr. Bolmer would accept that.

Mr. Doyle echoed that Mr. Biondi must be looking at the incorrect property. He invited the Commissioners to come out to the site. Mrs. Doyle shared that they are 100% open to moving the house “as close to us as possible” but wasn't sure how that would work with site's slopes and wetlands.

Ms. Cox asked if there were 4 bedrooms written on the plan for the new house. The Doyles guaranteed that although they'd put 4 bedrooms on the plan initially, they would certainly not include that many.

Robert Hawley of 27 Swamp Road, Newtown, CT said he and his wife Tiffany are disinclined to go along with this proposal due to a reduction in their property value. They felt that eliminating the volume of trees would decrease the value of the surrounding residences. He was frustrated that he received a letter from the Town - Mr. Doyle specified that the letter was from him, not the Town - after he'd received a text from Mr. Doyle. He felt he should have been notified sooner.

Ms. Cox moved to continue the public hearing of Application 20.08 to the next regularly scheduled meeting of Thursday, September 3, 2020 at 7:30 p.m. via Zoom [participation info to be published in the forthcoming agenda]. Mr. Bloom seconded. All were in favor and Application 20.08 was continued to the next meeting.

Application 20.03 by James F. Walsh, for a Special Exception, for a property located at 32 Berkshire Road, so as to permit the development of a 14,000 square foot building with retail use and a restaurant, as shown on a set of plans titled “Coach's Corner, 32 Berkshire Road (44/4/2) & 44/4/4, Sandy Hook, Connecticut” dated 2/18/20 rev. 4/20/20, and supporting documents submitted to the Land Use Agency 2/19/20, 2/25/20, and 4/20/20.

Kevin Solli of Solli Engineers thanked the Commission for embracing Zoom meetings. He presented for the Inland Wetlands Commission last night, who has closed their public hearing but has not voted yet.

Therefore, Mr. Solli explained, they will need to continue the public hearing to receive that recommendation.

Mr. Solli identified 32 Berkshire Road on a map and explained that it had heretofore been used as the site of a mulch clearing business. The Commission has already approved a Zone Change, the Zoning Board of Appeals granted a Variance for parking, and the applicant is anticipating an Inland Wetlands approval by the next meeting for this property. The Department of Transportation (DOT) is undergoing a very exhaustive improvement project in the vicinity over the next several years.

The proposal is for a 14,000 sq ft commercial building with 88 parking spaces. The site is proposed to have a right-in right-out driveway on Route 34 and a full access driveway on Toddy Hill Road. The project is compliant with State stormwater requirements and the Town of Newtown Zoning Regulations. Mr. Solli contributed that after positive conversations with the Inland Wetlands Commission, the applicant is confident in the quality of the stormwater management system. They plan to repair some of the riparian buffer. The erosion and sedimentation plan is Regulation compliant. The landscape plan is robust, aesthetic, and the addition of trees will provide shade and decrease the heat island effect of the parking lot. Mr. Solli demonstrated that the DOT "taking" of part of a piece of the property will leave a strip of lawn that will create an interesting view corridor while permitting ample line-of-sight. The photometric plan is dark-sky compliant with recessed lighting that shines downward.

Architecturally, the concept behind the building is to compliment the rural character of Newtown while creating architectural interest. Mr. Solli displayed a rendering. Sidewalk improvements will render the site pedestrian-friendly.

A comprehensive traffic impact study was included in the application submission. The timing of this project is designed to coincide with DOT improvements. Extensive widening of Wasserman Way and Route 34, adding lanes, and altering the position of the I-84 ramps will change the way vehicles travel through the corridor. Mr. Solli explained that DOT's project will alleviate the very long queues that currently build up during morning rush hour. He acknowledged that the first reaction to this proposal is, "How can you develop a property that has such bad traffic issues?" He assured the Commission that the DOT improvements are enabling this project to be developed and creating positive change to the traffic flow.

The traffic impact study accounted for 12,000 sq feet of retail and 2,000 sq feet of restaurant land use. The estimations were: 230 trips during the weekday morning peak hour, 115 during the weekday evening peak hour, and 175 Saturday midday. Assuming the completion of the DOT project, all areas will maintain a level of service of "B" [on a scale of A to F]. The DOT improvements are slated to begin in spring of 2021 and the proposed site development will follow.

Ms. Cox wondered if the driveway that comes off of Toddy Hill Road could be moved further back, in light of cars coming quickly off 34. Mr. Solli said the new culvert constructed by the Town limits where the driveway can be shifted, since they are currently butted right up against that culvert, but the landscape design will allow for very good visibility. Adequate sight distance was accounted for in the design of the driveway.

Mr. Mitchell stated that the DOT has a history of abandoning projects even after they acquire land. He asked if the DOT needed bonding for this and if they've executed that yet. Mr. Solli said he was unsure, but his understanding was that all the funding has been established and earmarked. Solli Engineering has been in pretty constant contact, he explained, with the DOT in regards to the project. Mr. Solli asserted there is no doubt that it is moving forward.

Mr. Swift commented that the architectural looks very nice and he feels it will be a positive addition to the site. He was concerned about the letters they received from Trout Unlimited and other interest groups regarding discharge into the brooks. Mr. Swift wondered if they could reduce the impervious surfaces. Mr. Solli explained that this issue was discussed at length with those interest groups at the Inland Wetlands meeting last night, and he was happy to share the results. A discharge basin will allow for infiltration of runoff to feed the water table. Mr. Solli further shared that generally the goal is to match the rate of runoff leaving the property from existing to proposed conditions, and to get the stormwater out as soon as possible to reduce the chance of delayed impact to the neighbors. This project will actually end up reducing the rate of runoff, and have a negligible increase during a 100-year storm event. Of course, Mr. Solli added, this proposal will also collect, treat, and provide water quality renovation for runoff. He said the conclusion is that the project will not have an adverse impact to the wetlands.

Mr. Swift said his next concern is access on Toddy Hill Road, as he wondered how a car could ever make a left turn out of the property when there is a queue at the light. He felt it was too close to the controlled intersection. He also asked if there would be a green arrow for those turning onto Toddy Hill off Route 34, which could cause an additional issue. Mr. Solli said Mr. Swift's points are well-taken, though the DOT project will cut the queue experience by almost 75%. The driveway is outside of the expected queues. Mr. Swift said he would like to see the driveway marked out on the site itself, because his other concern is that the embankment going down to the brook is very steep - it would require a substantial retaining wall. Mr. Solli explained that the driveway is just north of the culvert, as far south as possible. Mr. Swift requested something in writing from the DOT that they are okay with a driveway that allows a left-turn onto Toddy Hill. Mr. Solli said they have been working closely with the DOT designers but do not have any formal guarantee in writing.

Mr. Swift is still concerned that this DOT project may never go through, which he would consider “a disaster.” He was also wary of being told by the DOT that no left turn could be made onto Toddy Hill. It reminded him of the Starbucks property [73-75 Church Hill Road], where a similar situation occurred. Mr. Solli said that since Toddy Hill is a Town road, the DOT cannot actually restrict access. The only agency that could limit a left turn onto Toddy Hill is the Newtown Department of Public Works.

Mr. Swift wondered why the Commission was hearing this proposal before DOT improvements have started. He noted that a couple of years ago, he had been told the DOT improvements would begin within the year - and they still have not begun. Mr. Swift did note that he hopes the improvements go through since he thinks the proposed building would be a positive addition to the site.

Mr. Mitchell invited public to comment. No one came forward.

Mr. Bloom moved to continue the public hearing of Application 20.03 to the next regularly scheduled meeting of Thursday, September 3, 2020 at 7:30 p.m. via Zoom [participation info to be published in the forthcoming agenda]. Ms. Cox seconded. All were in favor and Application 20.03 was continued to the next meeting.

Application 20.07 by the Town of Newtown, for four Text Amendments of the Zoning Regulations of the Town of Newtown, regarding the following sections—

§1.02: Amend the definition of Community Residence

§3.02.472: Add density calculation for Assisted Living Housing

§7.03: Amend the height limit for industrial structures

§8.16: Amend telecommunication regulations

—as described in documents submitted to the Land Use Agency 7/30/20.

Mr. Mitchell explained that, given the late hour, he really only wanted to touch on the amendment concerning Telecommunications (§8.16). Although the amendment is pages long, it is relatively simple: updating the language to incorporate 5G equipment that is being installed throughout Connecticut. Director of Planning George Benson and Mr. Mitchell discussed that the purpose of this text amendment is to highlight that small cell equipment associated with 5G is subject to the Zoning Regulations. The only real changes would be to switch “Zoning Board of Appeals” to “Planning and Zoning Commission” and to incorporate language referencing small cell equipment. Mr. Sibley agreed that Mr. Mitchell accurately represented the amendment.

Charles Zukowski of 4 Cornfield Ridge Road, Newtown, CT was concerned that this text amendment might limit the ability of utilities to roll out these small 5G antennas, which many are eager to see progress.

Mr. Mitchell said it has been established that this equipment can already be installed along State highways. So this text amendment wouldn't really limit the utility companies in what they can do, or hobble 5G - it just gives the Commission “a seat at the table,” so they can be heard.

Since this text amendment is technically part of a Town-originated application, Application 20.07, including 4 text amendments, Mr. Mitchell crafted his own resolution specifically for §8.16:

BE IT RESOLVED that the amendment to the Zoning Regulations of the Town of Newtown, Article 8, Section 16 regarding Telecommunications, described in a document submitted to the Land Use Agency 7/30/20 titled “Text Amendment Proposal, Update Telecommunication Regs: § 8.16, 7/30/2020” IS HEREBY FOUND CONSISTENT WITH THE PLAN OF CONSERVATION AND DEVELOPMENT AND THE COMPREHENSIVE PLAN, AND SHALL BE APPROVED. BE IT FURTHER RESOLVED that it shall become effective September 12, 2020.

Mr. Swift so moved. Ms. Cox seconded.

All were in favor and the motion carried unanimously.

Director's Report

Referral from Town of Brookfield, Application #Z-20-76

This matter was tabled until the next meeting.

Minutes

Mr. Mitchell made a motion to approve the minutes from the meeting of June 4, 2020. Ms. Manville seconded. All were in favor and the minutes from the meeting of June 4, 2020 were approved.

Adjournment

Mr. Rosen made a motion to adjourn. Mr. Bloom seconded. All members were in favor and the meeting was adjourned at 11:31 p.m.

*Respectfully submitted,
Christine O'Neill, Clerk*

A recording of the meeting will be posted within 7 days of the hearing at this URL:
https://drive.google.com/drive/folders/1rO1zy_FholVHGYqS70vsMTEyp6T7p_Fo