



TOWN OF NEWTOWN
PLANNING & ZONING COMMISSION
MINUTES

REGULAR MEETING

Thursday, October 15, 2020 at 7:00 p.m.

Zoom Virtual Meeting Participation Information

Call-In Number: +1 929-205-6099

Meeting ID: 943 1993 4894 #

Website: <https://zoom.us/j/94319934894>

Present: Don Mitchell, Jim Swift, Dennis Bloom, Corinne Cox, Barbara Manville, and Andrew Marone

Absent: David Rosen and Nick Cabral

Staff: George Benson, Director of Planning, Christine O'Neill, Clerk

Mr. Mitchell called the meeting to order at 7:06 p.m.

Public Hearings

(continued) Application 20.09 by Paul Hilario, for a Special Exception and Site Development Plan, for a property located at 135-139 Mount Pleasant Road, so as to permit the construction of buildings to store trucks and equipment and to perform repairs, as demonstrated on a set of plans titled "Site Development Plans Prepared for Hilario's Service Center, Inc." dated 3/10/17 last revised 10/8/20, and documents submitted to the Land Use Agency 8/12/20, 8/14/20, 9/2/20, 9/17/20, 9/21/20, 9/29/20, and 10/13/20.

A written extension was submitted to the Land Use Agency this morning, requesting to table the hearing until the meeting of 11/5/20. The applicant will have used 28 of the 65 days they may request for extensions under Connecticut General Statutes.

Mr. Swift made a motion to table the application to November 5, 2020 at 7 p.m. via Zoom. Mr. Mitchell seconded the motion. All were in favor and the application was tabled.

Ms. Cox asked if Mr. Benson had looked into whether the pile of material Hilario's had in their parking lot had been sanctioned by Land Use. Mr. Benson apologized and said he hadn't had a chance to look into it. Mr. Mitchell and Mr. Benson explained some of the rules surrounding "clean fill material."

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 §3.02.472: Add density calculation for Assisted Living Housing, as described in documents submitted to the Land Use Agency 7/30/20.¹

Mr. Benson explained that, since he had not yet received the information he needed for the Assisted Living Housing density calculation, he will be withdrawing the application. The Tech Park property at 6 Commerce Road has some plans up in the air, so Mr. Benson felt the best thing to do was to withdraw and come back with a new application when they have everything worked out.

¹ Note from the Clerk: Please note that amendments for §8.16, §7.03, and §1.02 originally appeared as part of Application 20.07. Each was approved during the past three meetings. Cf. Minutes from the meeting of 8/20/20, meeting of 9/3/20, and meeting of 9/17/20.

Director's Report

Referral from Town of Brookfield, Application #Z-20-99

Mr. Benson explained that this is a Zone Change on Candle Lake Road, Brookfield that has no impact on Newtown whatsoever. It is not even close to Newtown. Mr. Mitchell commented that it will hardly affect Brookfield, let alone Newtown.

Referral from Town of Monroe, RAA-2020-04 File #1011E - SB2 District

This text amendment application is in regards to the large property that used to be Stevenson Lumberyard, Mr. Benson explained. Mr. Benson's major concern is that it is right on Newtown's border and very near the Halfway River, which is the cleanest river in Newtown. Newtown has monitored water quality for ten years and they have used Halfway River as the baseline for healthy water. Mr. Benson explained that about two years ago, there was a similar proposal that came through Monroe to allow hazardous waste dumping on the property, which this Commission also opposed.

This current application seeks to create a new zone in Monroe that would apply to this property, and would allow a wide breadth of uses – many of which are concerning due to their proximity to Halfway River. Mr. Benson displayed a memo he had written to the Commission, encouraging them to send a recommendation that Monroe deny this new application. If the Commission does not wish to recommend total denial, the memo goes into detail about which parts of the proposed text amendment should be nixed. Specifically, commercial parking, auto repair, indoor cultivation, transfer station, amusement park etc. were called out as possible uses that the Town of Newtown wants to see eliminated from the text amendment. Notably, the text amendment also does not provide a buffer setback from the Halfway River.

Mr. Benson expressed that this was a complex referral and he did not foresee the recommendation being done in a single night; therefore, he would like the Commission to spend some time with his memo and with the referral. Mr. Benson felt the memo was important because it calls out the most egregious uses that Newtown would like to be stricken from the amendment, even if Monroe decides to pass other parts of it.

It was decided that the clerk would send a note to the Monroe Planning and Zoning Commission to let them know that a recommendation from the Newtown Planning and Zoning Commission would be forthcoming. This should prevent Monroe from closing the hearing before they receive Newtown's comments.

Mr. Swift asked if the applicant was the Town of Monroe. Mr. Benson explained that it was Kimball, LLC, who either currently owns the property or might be interested in buying the property if the amendment goes through. Mr. Swift wondered what consequences would occur if a negative recommendation was sent from Newtown. Mr. Benson assumed that Monroe would likely be against it, and this would give evidence and support for Monroe's argument.

Ms. Cox asked about the current state of Halfway River. Mr. Benson said all the rivers are low right now, but the large ones are still flowing.

Mr. Benson said he would be willing to go to Monroe's meeting and present in opposition of the application.

Incomplete Applications

Mr. Benson and Mr. Mitchell have been speaking about changing the Land Use Agency's policy on accepting applications that are partially complete. When the Commission asks for new information at a hearing, it is appropriate for the applicant to submit additional materials - but what about when they haven't submitted everything the Zoning Regulations require? Is the Commission obligated to open the public hearing anyway? Mr. Benson and Mr. Mitchell will continue looking into the legal implications of this.

Electronic Documents

There was also a discussion about having documents available for review electronically. Since the Zoom meetings began in June, all documents associated with each application must be posted electronically for public inspection as per Executive Order 7B. Mr. Benson expressed that he would like to continue this procedure after the Executive Order is over, noting applicants would be required to submit their materials electronically. For larger applications, a discussion of whether to digitize the entire public file would need to take place.

Minutes

Mr. Mitchell made a motion to approve the minutes from the meeting of October 1, 2020. Ms. Manville seconded. All were in favor and the minutes from the meeting of October 1, 2020 were approved.

Adjournment

Mr. Marone made a motion to adjourn. Ms. Manville seconded. All members were in favor and the meeting was adjourned at 7:32 p.m.

*Respectfully submitted,
Christine O'Neill, Clerk*

A recording of the meeting can be found here:

https://drive.google.com/drive/folders/1hUA9kSZKokMiJPA_Y3beDDhQxrCWhzqI