



TOWN OF NEWTOWN
PLANNING & ZONING COMMISSION

MINUTES

REGULAR MEETING

Thursday, November 5, 2020 at 7:00 p.m.

Zoom Virtual Meeting Participation Information

Thursday, November 5, 2020 at 7:00 p.m.

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

Meeting ID: 942 3822 2201 #

Website: <https://zoom.us/j/94238222201>

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

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

Mr. Mitchell called the meeting to order at 7:02 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 10/23/20, 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, 10/13/20, and 10/26/20.

Paul Hilario introduced Steve Sullivan of CCA Engineering, who spoke on behalf of the application. Mr. Sullivan reviewed the various changes the plan had undergone in the last month.

At the applicant's request, one building was moved further back to provide more room for vehicles to maneuver. Additionally, Deputy Director of Planning Rob Sibley suggested adjusting the plans so as not to represent the parcel of land with the restaurant to avoid any confusion, since nothing would be changing about that parcel. Next, to satisfy a regulation about the amount of space between driveways for public garages, one of the access ways was moved. The maneuvering plan was also updated to accommodate large tractor-trailers. Mr. Sullivan went on to explain that for clarity's sake, they renamed the building originally titled "warehouse" to "public garage." Mr. Hilario's business will be the only business operating on the property. A new photometric analysis and manufacturers cut sheets of the lighting fixtures were submitted as well. Finally, an A-2 survey was submitted to the public record, demonstrating how the various parcels would be combined.

Mr. Swift wondered if the interior spaces of the buildings would be open or divided. Mr. Hilario explained that the middle building will be open space, but the rear building will have a firewall partition as required by the Fire Marshal. Mr. Swift wanted to know if bays would be leased out to prospective tenants. Mr. Hilario responded that this site would be only for his own business. Mr. Swift asked where employee parking would be, and Mr. Hilario replied there were several possible areas. Specifically, Mr. Swift wanted to know what would be parked in the 13-space parking lot to the west. Mr. Hilario and Mr. Sullivan explained that those parking

spots, in addition to the other 8, would be for passenger cars of customers, while damaged cars would be out of sight. Mr. Swift inquired where, exactly, those damaged cars or trucks would go. Mr. Sullivan replied that such vehicles would end up behind the front building, either in the exterior parking area or within the middle building. Mr. Swift wished to understand if trucks would need to back up in order to exit the site. Mr. Sullivan demonstrated that the trucks would be able to loop around the site, between the middle and front building, to reach the primary access. Next, Mr. Swift pointed out that more of a landscaping buffer could be added to the west side of the site. He also asked if any bays on the front building would be facing the front of the road. Mr. Sullivan and Mr. Hilario said no bays on the front building will face Mt. Pleasant Road.

Mr. Swift wondered if there were any elevations/architecturals that would show what the building will look like. Mr. Sullivan, Mr. Hilario, and Ms. O'Neill pointed out that architecturals were submitted last month. Mr. Hilario commented that the company, Morton Builders, also did the Black Swan building on South Main Street. He was considering a similar color scheme, and was planning to add cupolas for visual appeal.

Ms. Cox asked what the hours would be. Mr. Hilario said current hours are 9 - 4:30. Ms. Cox asked about his facilities in Oxford, Southbury, and Danbury. She wanted to know why he couldn't build on those sites, and why he had to bring in large trucks at all hours of the night. Mr. Hilario said there is no location in Oxford. Ms. Cox insisted she saw a building with his name on it in Oxford. Mr. Hilario said he only owns locations in Newtown, Southbury, and Danbury. He wishes to build in Newtown because he's originally from Newtown, he likes this town, and this is where he wants to develop his business. Mr. Hilario explained that since he splits the work with other competitors in Newtown, and crash-prevention is better than it was - he's definitely not "towing all night." Ms. Cox wondered how tall the buildings would be. Ms. O'Neill saw the architecturals said 16 feet.

Ms. Manville asked about the currently closed gas station, and what would happen to the underground tanks. Mr. Hilario said that the tanks would be replaced, but he was unsure of the timeframe.

Mr. Mitchell was curious how many of Mr. Hilario's vehicles would be indoors, though he acknowledged it would be difficult to estimate. Mr. Hilario explained that the amount of equipment he keeps at any one of his three locations varies at any given time. Right now he has about ten in Newtown, he said. If need be, he can also use a spare bay for equipment.

Mr. Mitchell was concerned about the proximity of 133 Mt. Pleasant, where the gas station is located, and the proposed development. By making the westerly driveway emergency access only, the applicant seems to have skirted a regulation - 4.03.317(c) - regarding the required space between access ways for public garages. Mr. Sibley's review of the application, however, identifies that westerly driveway as in violation of that regulation.

Mr. Mitchell concluded that the regulation could also be applied in a different capacity, which would result in creating an illegal lot in 131 Mt. Pleasant if the proposed development were approved. Mr. Sullivan interpreted the regulation to mean "driveway to driveway," whereas Mr. Mitchell interpreted it as "lot line to driveway."

Mr. Swift asked what Mr. Mitchell thought the intent of the regulation was. Mr. Mitchell wasn't sure, but mentioned that the same regulation also notes playgrounds, schools, and churches as needing to be 300 feet from a public garage. The regulation was passed in 1992.

Mr. Hilario said he was told that the regulation was created in order to keep gas stations from being on top of each other. Nowadays, there are more gas stations with convenience stores, and not as many gas stations with repair garages. The emergency access way, he explained, is really just for if a damaged truck breaks down while it is in the process of being "nursed" onto the property.

Mr. Sullivan wondered if the hearing could be continued in order to get a written opinion from the Town attorney to see how the regulation applies to this situation. Mr. Mitchell and Mr. Hilario agreed this was reasonable.

Mr. Bloom asked if every vehicle coming into this facility would be from between the Bethel-Newtown line and the Southbury-Newtown line. Mr. Hilario replied yes, a truck can only be towed to the facility in the town where it breaks down. Nothing from Danbury would be towed to Newtown.

Mr. Swift asked if an accident took place in Southbury, could it be brought to Newtown. Mr. Hilario said no, unless someone requested a specific mechanic. Ms. Cox said the other facilities are not spacious enough to accommodate large vehicles. Mr. Hilario said he has owned the Danbury location for 20 years and he has never had issues getting in tractor trailers.

Mr. Mitchell invited public comment.

Ernest Morgan of 28 Hanover Road, Newtown, CT asked if 131 Mt. Pleasant Road would contribute to light pollution by having the fixtures pointing outward. Mr. Hilario replied that he does not know what the tenants plan to do with the lights, but if a current light in particular is bothering Mr. Morgan, Mr. Hilario will have it adjusted. Mr. Morgan clarified that he meant the lights from Mr. Hilario's buildings. Furthermore, Mr. Morgan wanted to increase the hardwood trees from 2" to 4" to help with buffering. He also wanted to clarify that the large garage bays are not facing Mt. Pleasant, based on the rendering by Morton. Mr. Sullivan assured him they would not, commenting that maybe Morton got the orientation mixed up. Finally, Mr. Morgan wished to note for the record that the occupant at 160 Mt. Pleasant Road did not receive a notice about this meeting.

Mr. Swift asked if the applicant had considered using arborvitae for screening. Nick Yuschak, landscape architect from CCA Engineering, replied that arborvitae had not been considered since they are prone to deer browsing. Mr. Sullivan and Mr. Swift studied the landscape plan to determine where the arborvitae could be located, but they could not find much room for them. Mr. Hilario also added that the person who owns the business next door has indicated she prefers to have Mr. Hilario's customers see her place of business as they pass by.

Mr. Mitchell moved to continue the public hearing to the next regular meeting of Thursday, November 19, 2020 at 7 p.m. via Zoom. Ms. Cox seconded. All were in favor and the hearing was continued.

Application 20.11 by Reverie Brewing Company, for an Amendment to a Special Exception originally granted under Application 18.06, for a property located at 57B Church Hill Road, so as to permit the use of the back storage building as an auxiliary taproom and private events center with associated restrooms and parking, as demonstrated on a set of plans titled "Mark & Ryan Broderick, Reverie Brewing Co., 57B Church Hill Road, Newtown, CT" dated 10/19/20 and documents submitted to the Land Use Agency 10/20/20.

Ryan Broderick, the applicant and one of the co-owners of Reverie Brewing Co., explained that this site plan includes a reconfiguration of the parking to satisfy the Newtown Zoning Regulations. A shared parking arrangement is also in place with Wilnin Capital, their neighbors. Mr. Broderick would like to take the building in the back of the property, which is currently being used as storage, and transform it into a taproom which will be used for private events and parties. He added that this application was largely driven by COVID, to provide more space for social distancing - though in the long term, the building will be used for private events.

Mr. Swift asked if the new taproom would partake in regular business hours, and if Reverie was already maxing out their COVID capacity. Mr. Broderick replied they are not maxing out the space yet, but they will be losing the outdoor areas that they had access to during the summer. They are also looking ahead for reservation-only events when the economy recovers.

Mr. Mitchell commented that he was glad to see the business is looking forward, but his concern is parking-related. Ms. Manville shared that she is also worried about this. The business with whom Mr. Broderick has the

parking arrangement, Mr. Mitchell went on, has been trying to sell their building for years, and the new buyer may reject a parking agreement.

Mr. Broderick said there was potential to work with LRM and 5K, their other neighbors to the back of the property, with whom they could work out a further parking arrangement. He also shared that, with the exception of a couple of large yearly events, there has never been issues with parking capacity.

Mr. Broderick clarified that nothing would be done to the exterior of the building. For the interior, they would add a bar and design the room with an industrial aesthetic.

Mr. Mitchell commented that he did not foresee this application having any traffic implications, and Mr. Broderick confirmed that his busiest times are weekend afternoons, which do not coincide with rush hours.

Ms. Cox asked about the photometric plan. Mr. Broderick said the lighting plan has not changed from the original Special Exception.

Mr. Rosen inquired if all brewing would go on in the existing facility. Mr. Broderick said correct, there will be no production of any kind in the building they are proposing to turn into a taproom.

Ms. Cox asked if Reverie only served beer. Mr. Broderick said they sell beer, wine, and cider.

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

Mr. Swift made a motion to close the public hearing. Ms. Manville seconded. All were in favor and the public hearing was closed at 8:14 p.m.

Mr. Swift was in favor of the application and of expanding business in Newtown. Mr. Mitchell called it one of the "few bright spots" during the pandemic, to see a business looking to the future. All the other Commissioners commented to agree with Mr. Swift. Mr. Mitchell also noted that he did not see any safety, welfare, or health issues associated with the proposal.

Mr. Mitchell read the following into the record:

BE IT RESOLVED THAT Application 20.11 by Reverie Brewing Company, for an Amendment to a Special Exception originally granted under Application 18.06, for a property located at 57B Church Hill Road, so as to permit the use of the back storage building as an auxiliary taproom and private events center with associated restrooms and parking, as demonstrated on a set of plans titled "Mark & Ryan Broderick, Reverie Brewing Co., 57B Church Hill Road, Newtown, CT" dated 10/19/20 and documents submitted to the Land Use Agency 10/20/20 IS HEREBY FOUND CONSISTENT WITH THE PLAN OF CONSERVATION AND DEVELOPMENT AND THE COMPREHENSIVE PLAN, AND SHALL BE APPROVED.

BE IT FURTHER RESOLVED that the approval shall become effective November 28, 2020.

Mr. Swift so moved. Mr. Bloom seconded.

The Commission voted as follows:

Donald Mitchell - AYE
James Swift - AYE
Barbara Manville - AYE
Corinne Cox - AYE
Dennis Bloom - AYE

The motion to approve Application 20.11 carried unanimously.

Director's Report

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

Mr. Mitchell shared that this matter has already been taken care of. He summarized that last meeting, it had been decided that Newtown would send a letter to the Monroe Planning & Zoning Commission recommending the denial of a text amendment regarding the Stevenson lumberyard property right on the border of Newtown. The Commission had planned on workshopping the letter further at tonight's meeting and submitting it on November 6th, but Monroe's public hearing for this text amendment was scheduled to take place tonight, the 5th. Therefore, Mr. Mitchell and Mr. Benson made the decision this morning that it was best to send the letter today, just in case Monroe closed the public hearing tonight. The Commission agreed this was a good idea.

Minutes

Mr. Mitchell made a motion to approve the minutes from the meeting of October 15, 2020. Ms. Cox seconded. All were in favor and the minutes from the meeting of October 15, 2020 were approved.

Adjournment

Mr. Rosen made a motion to adjourn. Ms. Cox seconded. All members were in favor and the meeting was adjourned at 8:21 p.m.

*Respectfully submitted,
Christine O'Neill, Clerk*

A recording of the meeting can be found here:

<https://drive.google.com/drive/folders/1bjo8zyQzqh9H1u08ZifADi0rHeH0LFHX>