



**TOWN OF NEWTOWN**  
PLANNING & ZONING COMMISSION

**MINUTES**  
**REGULAR MEETING**

Thursday, May 20, 2021 at 7:00 p.m.

**Zoom Virtual Meeting Participation Information**

Thursday, May 20, 2021 at 7:00 P.M.

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

Meeting ID: 952 5181 5207 #

Website: <https://zoom.us/j/95251815207>

**Present:** Don Mitchell, Roy Meadows, Corinne Cox, Barbara Manville, Dennis Bloom, Andrew Marone, David Rosen

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

In the absence of Mr. Mitchell, Mr. Meadows called the meeting to order at 7:09 p.m. Mr. Mitchell joined at 7:12 p.m. and took over as Chair.

**Tabled Applications**

Mr. Benson announced that the following applications have been tabled:

**Application 21.13 by Robert Sherwood, for a Zone Change, for a property located at 185 South Main Street and 54 Pecks Lane, so as to change the Zone from M-1 to South Main Village Design District #9 (SMVDD9) as demonstrated on a set of plans titled, "Pecks Lane Apartments, Pecks Lane, Newtown CT" dated April 28, 2021 and documents submitted to the Land Use Agency dated received April 30, 2021. – Tabled until 6/3/21**

**Application 21.14 by Robert Sherwood, for a Site Development Plan, for a property located at 185 South Main Street and 54 Pecks Lane, so as to permit apartments located within the South Main Village Design District, as demonstrated on a set of plans titled, "Pecks Lane Apartments, Pecks Lane, Newtown CT" dated April 28, 2021 and documents submitted to the Land Use Agency dated received April 30, 2021. – Tabled until 6/3/21**

**Application 21.17 by Kurt Lenahan, for a Special Exception, for a property located at 8 Toddy Hill Road, so as to permit proposed landscape storage bins, regrading for parking area, gravel driveway for site access, stockpile areas of landscaping materials, and a 25x100 ft. garage as demonstrated on a set of plans titled, "Site Plan, Kurt Lenahan, Map 45, Block 1, Lot 64, #8 Toddy Hill Road, Newtown, Connecticut" dated April 8, 2021 and all supporting documents submitted to the Land Use Agency dated received May 3, 2021 – Tabled until 6/3/21**

**Public Hearings**

**(continued) Application 21.10 by Melanie and Brian Di Stante for a Special Exception, for a property located at 214 Berkshire Road, so as to permit the construction of a 2,880 sq ft**

**hobby/storage garage as demonstrated on plans titled, “Proposed Zoning Location Survey, Prepared for Melanie Di Stante, MBLU 54-09-32, 214 Berkshire Road, Newtown, Connecticut” dated 3/15/21 and documents submitted to the Land Use Agency 4/13/21 and 5/12/21.**

Mr. Mitchell asked Mr. Meadows if his wetlands issues from last time had been addressed. Mr. Meadows said that Deputy Director of Land Use Rob Sibley had assured him the wetlands situation was handled, though Mr. Meadows had been planning on inquiring further. Mr. Meadows concluded that if there were truly an issue, Mr. Sibley would have submitted something to that effect to the public record by now. Mr. Bloom and Mr. Meadows did not think the proposed garage would impact the wetlands. Mr. Benson contributed that this application has already been reviewed by staff, who determined that it did not require an Inland Wetlands permit.

Ms. Cox was wondering why the building is proposed to be so high when the applicant stated last time that he would not have a second story for vehicles. Mr. Mitchell commented that the subdivision across the street (203 + 211 Berkshire Road) has a much larger building. Ms. Cox replied that that is a barn, while this is a less appealing metal building. Mr. Mitchell countered that this Commission does not have design review authority. He added that large outbuildings are not uncommon in that neighborhood. Mr. Bloom concurred. Mr. Mitchell shared that if this building were proposed across the street in the subdivision, it could be considered out of harmony since those buildings have more uniformity among them. In this case, though, there are many such oversized outbuildings. Mr. Meadows agreed, noting that the applicants did a nice job of establishing this in their application by contributing photos of nearby outbuildings.

Mr. Mitchell referenced a comment that had been submitted to the record about the lack of buffering around the proposed garage. Ms. Cox pointed out that this is another reason to decrease the height, as it would be easier to shield from view. Ms. Manville said she was also concerned about the proportion of the proposed garage to the house. Mr. Mitchell reminded the Commission that they approved a project with similar proportions on Toddy Hill recently.

Ms. Manville asked why, procedurally, this is a Special Exception. Mr. Benson explained that when the regulation was passed by the Commission, they designated garages over a certain size [1600 square feet] as Special Exception uses. Mr. Mitchell pointed out that the case responsible for the drafting of that regulation was a large garage erected in a subdivision-like neighborhood in a different part of Newtown. This area does not have that same uniformity of buildings, and therefore Mr. Mitchell does not find it to be out of harmony. Mr. Meadows felt that there was plenty of buffering. Mr. Mitchell agreed that it was “pretty interior” on the lot.

Mr. Mitchell invited the Di Stantes to respond. Mr. Di Stante said the exterior height of the building is a standard height of 14 feet. The interior has trusses and insulation, making the interior height significantly lower than the exterior. Mr. Mitchell said there is nothing in the regulations regarding height or bulk of outbuildings. Mr. Benson, Mr. Bloom, and Mr. Meadows all felt that the building was a reasonable height.

Mr. Mitchell asked if the applicants had anything else to add. They felt they had submitted what was requested. Mr. Di Stante stated that the design is congruent with other lots in the area.

Mr. Mitchell invited public comment.

Eileen Byrnes of 3 Harvest Common Road, Sandy Hook, CT clarified that the other outbuildings referenced in the discussion were installed before the passing of the regulation stating that garages of this size needed a Special Exception. Therefore, Ms. Byrnes felt this was a comparison of apples and oranges. Her husband wondered if the Commission could consider devaluation of surrounding properties when rendering a decision. Mr. Benson replied that while there is no direct assessment calculation, the general harmony of the neighborhood is considered.

Rebecca Rudolph of 5 Harvest Common, Sandy Hook, CT restated opposition to the size of the building. The placement of the garage will be clearly visible from her property, due to the topography of Harvest Common. The buffer that is currently in place is being choked by invasive vines, and those trees will likely come down with the frequent windy conditions. This will lead to even less buffer.

Michael Wilmot of 5 Harvest Common, Sandy Hook, CT contributed that there are many subdivisions and developments in the area, and objected to the characterization of this as a non-development area. He stated that this garage will be 40% larger than the house, which is what truly concerns them.

Ms. Cox asked if the Di Stantes planned to renovate the house. Mr. Di Stante said they had plans to erect an addition.

Mr. Mitchell moved to close the public hearing. Mr. Bloom seconded. All were in favor and the public hearing was closed at 7:49 p.m.

Mr. Mitchell stated that harmony with the area is the central concern here; it is the reason the regulation was adopted in the first place. Yet, as the regulation is written, there is not much room for considering design aspects. Mr. Mitchell felt that after looking at the area, this proposal is not out of the ordinary. While his instinct was to vote for approval, he was considering imposing a condition that the garage be an unobtrusive color. Ms. Cox liked this suggestion.

Mr. Rosen asked if evergreen plantings could also be made a condition of approval, as a way to address the neighbors' concerns about a buffer. Mr. Mitchell said that was within the Commission's purview and felt it was a good idea.

The Commission discussed which color, or description of coloration, should be conditioned.

Mr. Meadows and Mr. Bloom felt that the application was reasonable as-is, and that it was going too far for a Commission to determine the color. The Commission was still in favor of requiring a buffer.

Mr. Benson reminded the Commission that there is a definition of a planted buffer in the regulations. He said that if the Commission determines where they want it, the Land Use Agency staff can work with the applicant on specifics like which trees and how far apart they should be. Mr. Mitchell said the southeast and south sides of the building are the ones that should be buffered.

Mr. Mitchell read the following into the record:

*BE IT RESOLVED that Application 21.10 by Melanie and Brian Di Stante for a Special Exception, for a property located at 214 Berkshire Road, so as to permit the construction of a 2,880 sq ft hobby/storage garage as demonstrated on plans titled, "Proposed Zoning Location Survey, Prepared for Melanie Di Stante, MBLU 54-09-32, 214 Berkshire Road, Newtown, Connecticut" dated 3/15/21 and documents*

*submitted to the Land Use Agency 4/13/21 and 5/12/21 IS HEREBY FOUND CONSISTENT WITH THE PLAN OF CONSERVATION AND DEVELOPMENT AND THE COMPREHENSIVE PLAN, AND SHALL BE APPROVED CONDITIONED UPON: The applicant installing a planted buffered limited to at least one row in the regulatory definition along the southeast and south sides of the building.*

*BE IT FURTHER RESOLVED that the approval shall become effective June 12, 2021.*

Mr. Meadows so moved. Mr. Bloom seconded.

The Commission voted as follows:

Don Mitchell - AYE  
Roy Meadows - AYE  
Corinne Cox - AYE  
Barbara Manville - AYE  
Dennis Bloom - AYE

The motion to approve Application 21.10 carried unanimously.

**(continued) Application 21.12 by John Vollmer, River Park Properties for a Site Development Plan, for a property located at 21 Commerce Road, so as to permit the construction of a building with 10,000 sq ft garage/storage space and 2,500 sq ft office space, as demonstrated on a set of plans titled, “Site Improvements, River Park Properties LLC, 19 Commerce Road, Newtown Connecticut” dated 4/12/21 last rev. 5/10/21 and documents submitted to the Land Use Agency 4/14/21.**

Jason Edwards of J. Edwards and Associates briefly reviewed the site, which hosts businesses Natural Lawn of America and Tick Ranger. They currently operate out of a 4,200 sq ft building, but the businesses have grown and they are looking to expand their operation by adding a 10,000 sq ft building with garage bays on the ground floor and a mezzanine level with office space. The site is serviced by public water and sewer. Stormwater management, erosion & sedimentation control, and landscaping plans were submitted to the public record. Mr. Edwards also stated that the Aquifer Impact Assessment had been approved by the Aquifer Protection Agency. All chemicals will be stored safely.

Mr. Meadows asked where 19 Commerce Road is, because it appeared on the cover sheet. Mr. Edwards explained it was an error and it has since been revised.

Mr. Mitchell was curious about the view from Interstate-84 – specifically what the elevation would be. The building would be 24 feet high, Mr. Edwards replied, which will put it right at grade with the highway. There is a fair amount of natural buffer.

Mr. Meadows asked if the southeast corner of the building complied with the setback. Mr. Edwards replied yes, and demonstrated on the site plan. Mr. Benson clarified that the parking area did not need to comply with the setback. Ms. Cox wondered why there were so many parking spaces. Mr. Edwards replied that 50 was the minimum required, and they were planning for 55. Mr. Meadows asked for the dimensions of the parking spaces. Mr. Edwards responded that they are 9’x18’. He also pointed out that Natural Lawn of America and Tick Ranger’s vehicles were standard pickup trucks and would fit well

within those parking spots. Mr. Mitchell commented that he is glad to see businesses growing in Newtown.

With no further questions from the Commission, Mr. Mitchell invited public comment. No one came forward.

Mr. Mitchell moved to close the public hearing. Mr. Bloom seconded. All were in favor and the public hearing was closed at 8:21 p.m.

Mr. Mitchell read the following into the record:

*BE IT RESOLVED that Application 21.12 by John Vollmer, River Park Properties for a Site Development Plan, for a property located at 21 Commerce Road, so as to permit the construction of a building with 10,000 sq ft garage/storage space and 2,500 sq ft office space, as demonstrated on a set of plans titled, "Site Improvements, River Park Properties LLC, 19 Commerce Road, Newtown Connecticut" dated 4/12/21 last rev. 5/10/21, and documents submitted to the Land Use Agency 4/14/21 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 June 12, 2021.*

Mr. Meadows so moved. Mr. Bloom seconded.

The Commission voted as follows:

Don Mitchell - AYE  
Roy Meadows - AYE  
Corinne Cox - AYE  
Barbara Manville - AYE  
Dennis Bloom - AYE

The motion to approve Application 21.12 carried unanimously.

**Application 21.15 by Country Camper of CT LLC, for a Zone Change, for a property located at 201 South Main Street, so as to change the Zone from M-1 to South Main Village Design District #10 (SMVDD10) as demonstrated on a set of plans titled, "Country Camper, Permitting Set, 201 South Main Street, Newtown" dated March 12, 2021 and all supporting documents submitted to the Land Use Agency dated received May 3, 2021 revised 5/20/21.**

**Application 21.16 by Country Camper of CT LLC, for a Special Exception, for a property located at 201 South Main Street, so as to permit uses as listed on document titled, "Special Development District #10 (SDD10)", dated 5/3/21, located within the South Main Village Design District, as demonstrated on a set of plans titled, "Country Camper, Permitting Set, 201 South Main Street, Newtown" dated March 12, 2021 and all supporting documents submitted to the Land Use Agency dated received May 3, 2021 revised 5/20/21.**

The Commission held a single public hearing for both above-mentioned applications.

Mike Kozlowski of Claris Construction presented along with Brian Baker of Civil 1 and applicant Logan Gregoire, co-owner of Country Camper. Mr. Kozlowski explained that Country Camper sells and services RVs and campers. He defined this business as a “destination location,” which will attract customers from 3-4 hours away. The proposed building is approx. 31,000 square feet with two stories.

Mr. Baker displayed the site development plan. The property is located at 201 South Main Street and spans about 22 acres. The current site already has several acres of flat, paved land which makes it ideal for Country Camper, who will use that area for their inventory. Mr. Baker reported that the Aquifer Review Agency found no significant impact, given that no activities would be taking place within the Aquifer Protection District on the property. Mr. Baker demonstrated the sales area, service area, and inventory area on the site plan. There would be no storage of transmission fluid or motor oil on site, which was an important element to the Inland Wetlands Commission when they reviewed the application. There is potential for expansion in the back of the building, and the front will have landscaping. The stormwater and drainage system is already in place, but will be expanded with an oil grid separator. Mr. Baker expressed that due to the flatness of the site and the existing basin, this was a very easy site for him to work with and there will be no significant regrading.

Mr. Kozlowski mentioned that they had presented to the Design Advisory Board (DAB) last week. He went over the details of the building plans. The first floor includes the showroom, parts storage, and service bays. The second floor has additional parts storage as well as administrative offices. The south and north elevations are mirror images. The rear elevation has room for expansion, as the business is planning for another four bays in the future. Mr. Kozlowski also went over the landscape plan, which includes shrubbery to shield the parking lot from the road and wrought-iron fencing towards the front of the site. Chain-link will be used to protect the inventory at the back of the site, not visible from the road. The building will be dark red with white lettering for the signage, set back far enough from the road that it would not be obtrusive. The parking area will be large enough to maneuver large campers. The DAB requested a few extra items, such as samples of the materials that would be used and details of the dumpster area.

The DAB also had concerns about the internally-lit sign with a digital sign beneath it, commenting in their letter that it appeared to be something seen along a highway and not along Route 25 in Newtown. Mr. Kozlowski designed a different sign which he displayed for the first time tonight. He will distribute it to the DAB for review before the issuance of the building permit. The new sign is shorter with stonework at the bottom of the posts and shrubbery surrounding it.

Mr. Gregoire praised the Newtown Municipal Center staff and the hard work of the Claris Construction team. Country Camper is a family owned and operated business celebrating its 25<sup>th</sup> anniversary. There are two locations in Vermont and a location in New Hampshire. Mr. Gregoire is excited to join the Newtown community and be a good steward in our town.

Mr. Meadows asked about the accessory parking on the left side of the site plan. Mr. Baker replied that they would use it to display stock from their inventory. He also asked if all of the RVs were trailers as opposed to motorized. Mr. Gregoire said yes, their predominate business – approximately 97% of the sales – are from trailer RVs. Mr. Meadows asked if there were generators in those trailers, and Mr. Gregoire said yes, and there would be some minor repairs on generators, although much of that work is subbed out. Mr. Meadows commented, then, that there would be some motor oil and gasoline on the site. Mr. Gregoire stressed that this was a very small part of the business, and that none of that work

would take place outdoors. Mr. Kozlowski added that the oil grid separator he mentioned earlier, as recommended by Mr. Sibley, is in place to trap any potential spillage.

Mr. Rosen wondered how visible the chain-link fence would be from the main road. Mr. Kozlowski said all along Route 25 would be a decorative wrought-iron fence, and the chain-link fence will not be visible from the road.

Ms. Cox asked how the interior would be set up. Mr. Gregoire explained that this is a full-service business with sales, parts, and repair components. Ms. Cox and Mr. Bloom thought this business would be a great addition to Newtown, especially as it is adaptive reuse of an abandoned site.

Mr. Meadows asked if the front driveway is the only access to the site. Mr. Baker mentioned that there is a secondary driveway from which a cell tower further back on the property is accessible. Mr. Meadows and Ms. Cox mentioned that the secondary access might be valuable for emergency services.

Mr. Benson asked what comments the DAB had about the landscaping plan. Mr. Baker replied that they requested some low-growth shrubs and grasses along the oversized sidewalk. They also requested installing plantings along the corner of the building, but that would have resulted in a line-of-sight obstruction within the parking lot.

Mr. Meadows asked how far the sign will be back from the highway. Mr. Baker estimated 35 feet off the edge of pavement.

Mr. Kozlowski demonstrated the generous sight-lines that will be available at the site's ingress/egress.

Mr. Rosen wondered about lighting at night. Mr. Gregoire said that lights would be activated after business hours for security purposes, and precise timing would be adjusted based on the season.

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

Mr. Benson requested that the applicant team review the Text Amendment. Mr. Baker explained that he had worked with Land Use Agency staff to develop the verbiage for the regulations of Special Development District #10 (SDD#10). He reviewed the language, which naturally included provisions for sale and maintenance of recreational vehicles. The Text Amendment was recently revised to add an allowance for no side or rear yard setbacks when there is an adjacent railroad track – which is already allowed in industrial zones.

The Clerk noticed that the agenda only lists a Zone Change and a Special Exception, when there are really three actions that should be taking place tonight: a Text Amendment, a Zone Change, and a Special Exception. Because there was no legal notice published for the Text Amendment, the Commission could not legally take action on it. Therefore, Mr. Mitchell proposed the following procedure to remedy this:

1. Close the two public hearings that already took place (no decision to be rendered yet).
2. Submit a legal notice regarding the Text Amendment, so it is properly noticed.
3. Take up the public hearing for the Text Amendment at the next meeting on June 3, 2021.
4. At that point, the Text Amendment could be approved which would create SDD#10. Once SDD#10 exists, the Zone Change and Special Exception applications would be eligible for approval.

Mr. Mitchell moved to close the public hearings on Application 21.15 and 21.16. Ms. Cox seconded. All were in favor and both public hearings were closed at 9:32 p.m.

### **Minutes**

Mr. Mitchell moved to approve the minutes from the meeting of May 6, 2021. Ms. Manville seconded.

Mr. Meadows moved to amend the first sentence in the last paragraph on page 1 to include “restoring woodworking machines” as an activity that would take place in the proposed garage. Mr. Mitchell seconded. All were in favor and the original motion was amended to include Mr. Meadows’ amendment.

Mr. Mitchell moved to approve the minutes from the meeting of May 6, 2021 as amended. Ms. Manville seconded. All were in favor and the minutes from the meeting of May 6, 2021 were approved as amended.

### **Adjournment**

Mr. Rosen made a motion to adjourn. Mr. Bloom seconded. All members were in favor and the meeting was adjourned at 9:39 p.m.

*Respectfully submitted,  
Christine O’Neill, Clerk*

A recording of the meeting can be found here:

[https://drive.google.com/drive/folders/1ub3w4bC7Y8cDj5ZSyFnjxQwRGJ0\\_0hfp](https://drive.google.com/drive/folders/1ub3w4bC7Y8cDj5ZSyFnjxQwRGJ0_0hfp)