

3 PRIMROSE STREET
NEWTOWN, CT 06470
TEL. (203) 270-4276



TOWN OF NEWTOWN
PLANNING & ZONING COMMISSION

MINUTES

REGULAR MEETING

Thursday, August 19, 2021 at 7:00 p.m.
Council Chambers, Newtown Municipal Center
3 Primrose Street, Newtown, CT 06470

Present: Don Mitchell, Barbara Manville, Corrine Cox, Dennis Bloom, Andrew Marone, Gregory Rich

Absent: David Rosen, Roy Meadows

Staff: George Benson, Director of Planning, Helen Fahey, Clerk

Mr. Mitchell called the meeting to order at 7:02 p.m.

Public Hearings

Application 21.21 by Peter Paulos for 42 Taunton Hill Road, for a Text Amendment to §3.01.531 of the Town of Newtown Zoning Regulations, so as to allow two apartments per 11-15 horse stalls, three apartments per 16-25 horse stalls and four apartments per 25 or more horse stalls as demonstrated on documents submitted to the Land Use Agency 7/21/21.

Mr. Mitchell requested to continue the application to the next public hearing on 9/2 because the applicant was unable to attend

With no further comment, Mr. Bloom moved to continue the public hearing. Ms. Manville seconded. All were in favor and the public hearing for Application 21.21 was continued at 7:05pm.

Old Business

Paul Hilario, 135 Mount Pleasant Road, LLC, 137 Mount Pleasant Road, LLC, 139 Mount Pleasant Road, LLC Application for Special Exception and Site Development Plans, originally approved December 3, 2020. Settlement of Litigation, *Paul Hilario, et al. v. Planning & Zoning Commission of the Town of Newtown*, docket no. DBD CV 21 6038452 S

Mr. Mitchell explained that an approval from the commission would not become effective until a superior court judge approved it. Mr. Benson shared that the reason it wasn't voted on after the executive session last meeting was because it wasn't noticed to the public.

Ms. Manville asked if there has been any more conversation between the parties and Mr. Benson said no, the amendments are what was discussed in the executive session.

*These minutes are subject to the approval of the Commission.
Copies of applications and documents are on file at the Land Use Agency.*

Mr. Mitchell decided Mr. Rich would sit in place of Mr. Meadows for this application.

Mr. Mitchell read the following into record

BE IT RESOLVED that the Commission hereby amends the approval originally issued December 3, 2020 as follows:

1. The Site Plan titled "Layout & Materials Plan" dated 3/10/17 revised through June 24, 2021 and Landscaping Plan titled "Landscape Plan" dated 3/10/17 revised through May 12, 2021, together with the notes, labels and conditions thereon are hereby incorporated within the December 3, 2020 approval as an amendment thereto; and

2. The conditions stated in the December 3, 2020 approval are amended as follows:

- The condition which reads "Outdoor storage of non-fleet vehicles is prohibited;" is amended to state "Outdoor storage of non-fleet vehicles is prohibited; the term 'storage' does not include the parking of towed vehicles, vehicles under repair and fleet vehicles.";*
- The condition which reads "Removal of all unregistered vehicles and non-fleet vehicles on properties before any building permits are issued" is deleted;*
- The condition which reads "No vehicle storage or parking of vehicles outside of designated marked spaces." is amended to state "No vehicle storage or parking of vehicles outside of designated marked areas."*
- The condition which reads "No outside parking of more than three (3) fleet vehicles." is deleted.*

3. The following condition is added as a new condition:

- The area occupied by the proposed front building shall be stabilized with grass, and may not be used for parking of vehicles, until such time as construction commences on that building."*

4. The balance of the December 3, 2020 approval remains in full force and effect.

□ 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 contingent upon this resolution being approved by the court as a Settlement of Litigation, Paul Hilario, et al. v. Planning & Zoning Commission of the Town of Newtown, docket no. DBD CV 21 6038452 S

Mr. Meadows so moved. Ms. Cox seconded.

Discussion and Action

Mr. Rich asked what other vehicles other than the types mentioned will be parking at Hilario's.

Mr. Mitchell said it is mainly trucks, with some passenger vehicles, and fleet vehicles that Hilario's uses to run their business.

Mr. Rich said it seems like he wants exceptions for everything he stores on his property.

Mr. Benson explained that storage is a gray area in terms of enforcement and these amendments give the zoning enforcement officers some parameters for enforcement.

There was discussion amongst the commissioners about the parking and storage definitions as well as a small debate between Mr. Mitchell and Mr. Benson about the responsibilities of Zoning Enforcement Officers vs. Commissioners.

The commission voted as follows:

Don Mitchell - NAY

Gregory Rich - NAY

Corinne Cox - AYE

Barbara Manville - AYE

Dennis Bloom – AYE

The motion to approve Paul Hilario, et al. v. Planning & Zoning Commission of the Town of Newtown carried 3-2.

Minutes

Ms. Cox made a motion to approve the minutes from the meeting of August 5, 2021. Mr. Bloom seconded. All were in favor and the minutes from the meeting of August 5, 2021 were approved.

Adjournment

Mr. Mitchell moved to adjourn, Ms. Manville seconded. All members were in favor and the meeting was adjourned at 7:30 p.m.

*Respectfully submitted,
Helen Fahey, Clerk*