

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



TOWN OF NEWTOWN
PLANNING & ZONING COMMISSION

MINUTES

REGULAR MEETING

Thursday, September 2, 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, David Rosen

Absent: Gregory Rich, Roy Meadows

Staff: Rob Sibley, Deputy Director of Planning, Helen Fahey, Clerk

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

Public Hearings

Application 21.20 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.

Peter Paulos of PH Architects shared that his family's barn is private meaning there are no stall rentals. With as many stalls as they have it is hard to take care of the horses 24/7. He explained that other horse friendly towns like Greenwich and North Salem have different zoning regulations for barns so the proposed text amendment is designed to be similar to these towns.

Mr. Mitchell asked that if this amendment would be specifically horse barns because horses need a lot of handlers. Mr. Paulos affirmed.

Ms. Cox totaled the amount of apartments to 44 and pointed out that is a lot of apartments. Mr. Rosen explained the proposed text amendment is a ratio, 3 would be the max. Ms. Cox understood.

Mr. Paulos further explained that it's a ratio based on the amount of horse stalls. He said that commercial barns have a lot of staff provided to take care of the horses that are renting space where private barns don't have that staff available. Private barns have limited riders and limited staff working. Currently the barn has two, 1 bedroom apartments under 800 sq ft.

Mr. Bloom asked if the addition of apartments would require a bigger septic system to be put in. Mr. Paulos said from what he understands they wouldn't have to increase the septic system.

*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 noted the tiny homes that trainers bring with them. He asked if those are included in this text amendment. Mr. Paulos said he considers tiny homes as temporary structures because they are generally there for 1-6 months and used for traveling to shows.

Ms. Manville asked how this text amendment would affect the barn if approved and Mr. Paulos said it would allow for one more 1 bedroom apartment that is 800sq ft. or less that would be modified in the existing building.

Mr. Rosen asked if this text amendment is specific for private barns and Mr. Mitchell said that the proposed amendment doesn't specify private barns. Mr. Mitchell also said he doesn't think this operation would harm the neighborhood.

With no further comment, Mr. Bloom moved to close the public hearing. Ms. Manville seconded. All were in favor and the public hearing for Application 21.20 was closed at 7:17pm.

Ms. Manville read the following into record

BE IT RESOLVED that Application 21.20 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.

BE IT FURTHER RESOLVED that the approval shall become effective September 25, 2021.

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

Ms. Cox so moved. Mr. Bloom seconded.

The commission voted as follows:

Don Mitchell - AYE
Andrew Marone - AYE
Corinne Cox - AYE
Barbara Manville - AYE
Dennis Bloom – AYE

Application 21.21 by Sundaram, LLC, for two Text Amendments to §2.03.400 and §4.03.317, of the Zoning Regulations of the Town of Newtown, so as to add a subsection “(e) combination filling station and convenience stores permitted by §4.03.317 with drive-through facilities” and to add a subsection “(g) except as permitted in the Exit 10 Commercial Design District” as demonstrated on documents submitted to the Land Use Agency 8/4/21

Application 21.22 by Sundaram, LLC, for a Special Exception, for a property located at 62-64 Church Hill Road, so as to permit a drive-through window as demonstrated on a set of plans titled, "Sundaram LLC Newtown Mobile Station 62-64 Church Hill Road Newtown, CT 06470" dated 6/21/21, revised 7/22/21 and all supporting documents submitted to the Land Use Agency dated received August 4, 2021.

Mr. Mitchell decided that both applications would be heard together.

Attorney Bob Hall, of 43 Main Street, representing both applications spoke about the Mobile Gas Stations history. He pointed out the importance of the definitions, "gas station/filling station" V.S. "restaurant" as listed in the regulations and wanted to be sure the commission understood they are not a restaurant. Mr. Hall explained the two proposed text amendments would allow a drive through pickup window that only exists in the exit 10 overlay and not throughout Newtown. Mr. Hall read some of the drive-through windows standards as listed in the zoning regulations to show the proposed plans would adhere to them.

Attorney Hall handed out pictures of the Mobile and explained the overhang with pillars will be removed to make room for the drive through window, the retaining wall in the back will be pushed back to give 24 feet of width which is enough for the driveway and bypass lane. The building will increase in one spot in the back for cooler space. Mr. Hall showed the site plans that had seven cars in the carwash lane, two box trucks at the diesel pumps with two more stacked behind, and the proposed drive through lane had 5 cars stacked behind the proposed order board and 3 more stacked by the pickup window. With all of these cars there is still a bypass lane of 12ft. There will be no change to the driveway entrances, or intersections. There is the plan to build a new canopy over the gas pumps at the same time to have only one set of construction time.

Attorney Hall introduced Mark Dymerski, co-owner of Dunkin Donuts on 6 Queen Street, who spoke about an online ordering app that helps cut down on ordering time thus helping the traffic flow of the proposed drive through. Mr. Rosen asked what percentage of increase in customer traffic is expected with a drive-through window and Mr. Dymerski stated the Dunkin Donuts standard is 20-30%.

Attorney Hall introduced builder, Gary Doski of 41 Castle Meadow Road, speaking on behalf of the engineer, Mr. Doski explained that the retaining wall would be pushed back roughly 8 ft. Mr. Bloom had concerns with a tractor trailer fitting around the turn to the back of the building and it was confirmed that tractor trailers are currently prohibited to make that turn and will be in the new plans as well.

Mr. Mitchell had concerns with the bypass lane being shared with the carwash lane at the entrance as the regulations mention a dedicated bypass lane. Mr. Doski explained the car wash lane ends at the last car on the plans making it a dedicated bypass lane.

Ms. Manville asked how long the construction would take. Mr. Doski said around 30 days. Ms. Manville also asked if the underground tanks were going to be replaced and Mr. Doski said yes.

Mr. Rosen had concerns with the station being chaotic because there will be drive through traffic, gas pumping traffic, convenience store traffic, and car wash traffic all leading out onto a busy road. He questioned if there had been any studies done on this.

Ms. Manville also questioned if there was any kind of information on the increase of traffic that a Dunkin Donuts will bring to the intersection. She stated she lives in the neighborhood and sees how busy that area gets.

Ms. Cox wondered if removing the cooler addition to the back could make more room, but Mr. Hall explained that the space will be there no matter what because of the required turn radius.

Attorney Hall introduced the owner of Mobile Station, Jay Patel of 2 Stone Fence Lane. Mr. Patel addressed the concerns on chaos. He said speaking from previous Dunkin Donuts experience, 80% of business is done between 6-11am. Mr. Patel said the car wash doesn't get busy until the afternoon creating two different peak business hours.

Mr. Marone asked what traffic controls exist for the exit such as arrows on the ground, yield signs etc. because it seems everything funnels into the same exit.

Mr. Patel said two separate marked lanes currently exist and will in the new plans as well. He reassured the commission that people follow the traffic arrows and there isn't much congestion or issues with the diesel pumps.

Mr. Rosen asked how much room is there on the drive thru lane if a large truck is pumping diesel and Ms. Manville wondered if the trucks come in straight to the diesel pumps or do they go around?

Mr. Patel said they have to go around the building to access the diesel pumps but bigger trucks can utilize the diesel pumps that are available at the regular pump area to avoid going around.

Mr. Rosen asked if the air pumps will stay and Mr. Patel said they will get moved to the left hand side of the property.

Mr. Kermit Hua, traffic engineer with KWH Enterprises LLC in Meriden, explained that his traffic study found a 17% increase in new trips to the proposed drive through which is low and not significant. He spoke about the technology he used to base these numbers and that he used 2016 Starbucks traffic as a pre-pandemic traffic bench mark.

The commissioners had questions for Mr. Hua's process of studying traffic and Mr. Hua discussed the process of statistics used in the traffic report and the manner to which the averages were used in this application. There was discussion about the area of town and traffic patterns throughout the years.

Mr. Mitchell looked to confirm the drive through would only sell Dunkin Donuts products and not convenience store items. Attorney Hall said yes, only Dunkin Donuts products would be sold. Mr. Mitchell said it seems like adding a Dunkin Donuts would be proposing another use for the lot. Attorney Hall said that is the purpose for the text amendment.

Mr. Mitchell said the regulations say filling stations in town have one use of the lot. He questioned if they are delivering coffee products in a different way or adding an additional use of a coffee shop with a drive through window. Mr. Rosen asked if Dunkin Donuts would be independently operated, because to that point it kind of stretches the definition of convenience store.

Mr. Sibley made a comment on the existing landscaping, light poles and signs that do not seem to meet zoning standards. Mr. Hall said he would review.

The commissioners agreed that the public hearing should be continued.

Ms. Cox moved to continue the public hearing to the meeting of 9/16/21 at 7pm in the Council Chambers. Mr. Marone seconded. All were in favor. The hearing for Applications 21.21 and 21.22 will be continued.

Minutes

Mr. Mitchell had proposed changes that he forgot to bring with him. It was agreed the changes would be continued to the meeting of 9/16/21.

Adjournment

Mr. Rosen moved to adjourn, Mr. Bloom seconded. All members were in favor and the meeting was adjourned at 8:58 p.m.

*Respectfully submitted,
Helen Fahey, Clerk*