



TOWN OF NEWTOWN
PLANNING & ZONING COMMISSION

MINUTES

REGULAR MEETING

Lower Meeting Room
Edmond Town Hall
45 Main Street
Newtown, CT 06470
January 17, 2019 at 7:30 p.m.

Present: Donald Mitchell, James Swift, Barbara Manville, Corinne Cox, Benjamin Toby, Roy Meadows, David Rosen

Also Present: Rob Sibley, Deputy Director of Planning and Land Use and Christine O'Neill, Clerk

Mr. Mitchell opened the meeting at 7:36 p.m. He announced that the public hearing for application 18.28 (NEMCO gas station at 26 Hawleyville Road) would not be heard tonight due to an error in abutter letters. Corrected abutter letters will be disseminated and the hearing will take place at the next regular meeting on February 7, 2019.

Election of Commission Member

Miss Cox made a motion to nominate Mr. Meadows to fill the spot left vacant by Mr. Mulholland. Mr. Swift seconded. All members were in favor and Mr. Meadows was voted in as a full member of the Commission. Mr. Mitchell commented that there was no swearing-in needed, since Mr. Meadows had been sworn in as an alternate. Congratulations, Mr. Meadows!

Public Hearing

Application 18.25 (Modification 16.10) by Matthew D'Amico/Sunrise Church Hill Road, LLC., for an Amendment to Special Exception Permit 16.10 including modification of building size from 12,170 sq. ft. to 12,227 sq. ft., additional 39 parking spaces and (2) two remote ATM kiosks; signage for coffee tenant and associated grading, drainage and utilities, site plan titled "Proposed Development, 73 & 75 Church Hill Road, Newtown, CT prepared for Sunrise Church Hill Road, LLC" dated October 5, 2016 revised October 26, 2018, revised December 17, 2018, revised January 11, 2019.

Kevin Solli of Solli Engineering, 501 Main Street, presented a set of plans that had been revised based on concerns expressed by the Commission during the December 20, 2018 meeting. One major concern was the lack of public awareness, and Mr. Solli hoped that the Commission now felt the public was better informed after the Newtown Bee published an article on the project. Improvements that were made to the plans included increased signage (ATM directional signs, do not enter signs, a stop sign and exit sign at the previously discussed location), stamped asphalt for pedestrian crossings, a modified sidewalk ramp across stamped pavement traversing the drive-thru lane, and a designated turnaround space for drivers who accidentally try to exit through the Church Hill entrance-only.

Miss Cox wondered if separate entrances and exits could be made just for the ATM kiosks. Mr. Solli replied that the stop signs and stop lines should be enough to prevent conflicts and that engineers

generally seek to minimize entrances/exits onto main roads. Miss Cox stated that the designated turnaround spot creates a situation where cars would be backing into a flow of parking lot traffic, but Mr. Solli assured her that with a maximum of 120 cars per peak hour, there wouldn't be too steady of a traffic flow for a driver to find an opening to back up. Mr. Mitchell also pointed out that the red light would create gaps in the traffic flow, which Mr. Solli identified as "platoon breakup."

Miss Manville asked about the parking lot being right up against the creek and the placement of the guardrail. Mr. Solli assured her that the proximity to the creek had been approved by the Inland Wetland Commission and Mr. Meadows pointed out that looking at the site right now may be misleading, since part of the current guardrail will be removed to create the entrance and exit to the parking lot.

Mr. Mitchell reminded Mr. Solli about the special exception regulations regarding front setbacks of 50 feet. Mr. Solli presented paperwork stating that a variance was granted for that setback in 2006, and since variances run with the property, that paperwork was submitted with the original application. Mr. Mitchell explained that he could not track down and verify the variance in question, and was unable to find that there was actually a hearing or a publication saying that it was granted. Mr. Solli said he had signed documents with effective dates. Mr. Mitchell responded that if the docket decision isn't filed with the Town Clerk, it is not valid. Mr. Sibley pointed out that Mr. Solli's paperwork was signed by the clerk of the ZBA, not the Town Clerk. Mr. Solli asserted, on behalf of Solli Engineering, that the documentation of the variance and its approval are valid and sufficient. If the Commission felt that they were unable to recognize the variance, Mr. Solli said he would be able to delete 11 parking spaces in order to comply, although he restated that he believed the variance is valid. Mr. Mitchell wondered if he could shift the spots instead of deleting them, but Mr. Solli said they would then be getting close to the brook.

Mr. Mitchell acknowledged that although the parking lot's travel lane was 24 feet, he was still concerned about patrons crossing from parking spots to the restaurant. Mr. Solli pointed to Highland Plaza as an example with signalized movement in and out. He stressed that drivers in a shopping plaza have a certain level of awareness of pedestrians. Mr. Swift disagreed that Highland Plaza was a good example because many customers are going to shops that do not involve them crossing the main thoroughfare for incoming/outgoing traffic.

Mr. Mitchell invited Charles Zukowski of 4 Cornfield Ridge Road to summarize a letter that he had submitted to the Commission. He had three questions:

1. Is the Church Hill Road entrance-only designed in such a way that a future modification could render it both an entrance and exit?
2. Will the Commission directly request the DOT to change Church Hill Road back to both an entrance and exit?
3. Although maps/site plans for Planning and Zoning Commission applications are available at the Land Use Agency, many people work 9-5 and are unable to visit the office to look at them. Could they be made available online?

Mr. Solli confirmed that with the appropriate processes and approvals, yes, the Church Hill entrance-only could be adjusted to be both an entrance and exit. Mr. Mitchell answered Mr. Zukowski's second

question by stating that it is the responsibility of the applicant to reach out to the DOT, and that the DOT has not been very responsive to his communications as a Commissioner in the past. Mr. Mitchell, Mr. Swift, and Mr. Solli were all in support of digitizing site plans associated with Planning and Zoning Commission applications – although Mr. Mitchell did point out that there are challenges, such as involving IT in the process and the confusion stemming from having several different versions of a map/site plan during the life of an application.

Mr. Toby inquired if signage for the restaurant would be illuminated, to which Mr. Mitchell and Mr. Solli replied that any further signage would need to go through its own application process, like Starbucks did. Mr. Solli reminded the Commission that they had previously discussed the downlighting for the ATM kiosks, which were part of this revised plan.

Mr. Mitchell asked if the pizza restaurant planned to do deliveries, which would give drivers an incentive to go faster. Phil Clark of Claris Construction, the architect of the project, stated that there will most likely be deliveries.

Since no other public had comments, Miss Cox made a motion to close the public hearing and Miss Manville seconded. All were in favor.

Mr. Swift moved to vote to approve the application. Miss Manville seconded. Miss Cox read the following resolution into the record:

Be it resolved by the Newtown Planning and Zoning Commission that Application 18.25 (Modification 16.10) by Matthew D'Amico/Sunrise Church Hill Road, LLC., for an Amendment to Special Exception Permit 16.10 including modification of building size from 12,170 sq. ft. to 12,227 sq. ft., additional 39 parking spaces and (2) two remote ATM kiosks; signage for coffee tenant and associated grading, drainage and utilities, site plan titled "Proposed Development, 73 & 75 Church Hill Road, Newtown, CT prepared for Sunrise Church Hill Road, LLC" dated October 5, 2016, revised October 26, 2018, revised December 17, 2018, revised January 11, 2019 shall be approved. Be it further resolved that the application shall become effective February 9, 2019.

The Commissioners discussed the application further before voting. Mr. Swift expressed that although this was a good project, he wanted to err on the side of safety and could not approve a "fundamentally flawed parking lot." Miss Manville expressed that she thought that DOT dictating Church Hill Road as an entrance-only was safer, and Mr. Meadows agreed. Miss Cox shared that she was still concerned about pedestrian safety within the parking lot, but Miss Manville said that just like any other parking lot, a blend of driver awareness and drivers becoming used to the lot layout would create a reasonable atmosphere of safety. Mr. Mitchell returned to his point about front setbacks, but ultimately decided to reserve his concern due to vague wording in the regulations regarding whether or not a property can have two "fronts." Finally, he stated that the Commission wants Newtown to succeed economically and as such wishes to expand opportunities for this developer.

The Commissioners voted to approve Application 18.25 as follows:

Donald Mitchell – AYE
Barbara Manville – AYE
James Swift – NAY
Corinne Cox – AYE
Roy Meadows – AYE

The motion to approve Application 18.25 passed.

Acceptance of Minutes

Mr. Mitchell made a motion to approve the minutes from December 20, 2018. Mr. Swift seconded. All members were in favor and the minutes were approved.

Adjournment

Mr. Rosen made a motion to adjourn. Mr. Mitchell seconded. All members were in favor and the meeting was adjourned at 8:40 p.m.

*Respectfully submitted,
Christine O'Neill, clerk*

Please note that the next regular meeting will take place in the
Lower Meeting Room of Edmond Town Hall on Thursday, February 7, 2019.