

3 PRIMROSE STREET
NEWTOWN, CONNECTICUT 06470
TEL. (203) 270-4276
FAX (203) 270-4278



TOWN OF NEWTOWN
PLANNING AND ZONING
MINUTES

REGULAR MEETING
Thursday August 2, 2018 at 7:30 PM
Council Chambers, 3 Primrose Street

These minutes are subject to approval by the Planning and Zoning Commission.

Present: Donald Mitchell, James Swift, Barbara Manville, Robert Mulholland, Roy Meadows

Also Present: George Benson, Director of Planning, Georgia Contois, Clerk

The meeting was opened at 7:31 PM. Mr. Mitchell made two announcements: **Application #18.16 by 13 Hawleyville Road LLC** was withdrawn and is no longer a discussion item and **Application 18.17 by Starhawk Properties LLC**, was withdrawn after the July 19th meeting.

Public Hearings:

Application 18.05 by Dauti Construction, LLC., for a modification to the Site Development Plan for 95-99 Church Hill Road, Edona Commons, originally approved 6/19/2011, as shown on a set of plans titled "As-Built Plan, Sheet 2 of 6, Project#050-2005, Prepared for Dauti Construction, LLC 95-99 Church Hill Road, Newtown, Connecticut" dated 4/3/18

Mr. Trinkaus had supplied the Land Use Agency with a list of items to satisfy Mr. Swift's prior requests for the side of the lower building facing Church Hill Road. These items included changing the color of the siding in the peak, adding shutters and adding flowering bushes.

Mr. Swift made a motion to close the hearing. Mr. Mitchell seconded. The motion was passed unanimously.

Ms. Manville read the following:

BE IT RESOLVED by the Newtown Planning and Zoning Commission that Application 18.05 by Dauti Construction, LLC., for a modification to the Site Development Plan for 95-99 Church Hill Road, Edona Commons, originally approved 6/19/2011, as shown on a set of plans titled "As-Built Plan, Sheet 2 of 6, Project#050-2005, Prepared for Dauti Construction, LLC 95-99 Church Hill Road, Newtown, Connecticut" dated 4/3/18, revised 5/18/18 is hereby found consistent with the POCD and shall be approved with the following conditions:

1. Create a pediment encompassing the entire peaked area, so as to mimic in materials and architectural style the face of the pediments over the unit entranceways.
2. Add contrasting shutters to the windows on the Southern side of the building closest to Church Hill Road.
3. Flowering bushes will be added near the spruce trees on the southern facing side of the building closest to Church Hill Road

Be it further resolved that the application shall become effective August 27, 2018.

Ms. Manville made a motion to accept. Mr. Swift seconded. A vote was taken. The motion carried.

Mr. Mitchell... AYE Mr. Meadows.... Abstained (not present at all hearings)

Mr. Swift... AYE Mr. Mulholland.... Abstained (not present at all hearings)

Ms. Manville...AYE

Application 18.20 by NEMCO Limited Partnership for a Text Amendment to the Town of Newtown Zoning Regulations for §6.04 Hawleyville Center Design District (HCDD) to permit gasoline and filling stations by special exception as outlined in an application submitted to the Land Use Agency on July 5, 2018.

Peter Olsen, Land Use Counsel, and Matthew Mitchell of NEMCO joined the Commission as the agents for the application. They explained NEMCO's previous projects and desire for creating a style compatible with the neighborhood and history of the town. Mr. Olsen noted differences between existing regulations and what his client is requesting. They

would like to have a filling station for gasoline, propane and potentially kerosene. The convenience store would be no more than 3,500 square feet and have room for some tables where patrons can eat. The proposed regulation requires such a property to be located on a state highway, and no two properties can be less than 2,000 feet away. Mr. Olsen explained that this limits the HCDD area to two or less sites. The addition of selling liquor was discussed. Language was asked to be amended to reflect a 'grocery store permit', which limits the kind of alcohol that can be purchased. Mr. Swift asked about a pump limit, to which Mr. Benson said can be discussed at a special exception application, which also gets reviewed by the Design Advisory Board. The hearing was opened to the public.

Frank Scinto, Gager Law, stepped forward as the agent for the withdrawn application of 13 Hawleyville Road. He said that his team supports the text as presented by NEMCO and hopes for an approval.

Pat Napolitano, 13 Whippoorwill Hill Road, said that traffic in the area is a huge issue and didn't want to see any increase. He asked about air quality and the vehicles from the Covered Bridge Project. Mr. Benson told him traffic and air quality would be addressed at a special exception application meeting.

Ashely Thomas, 176 Currituck Road, asked about regulations for propane and kerosene storage near railroad tracks. She also said the traffic is awful in the area.

Mr. Olsen and Mr. Mitchell approached the board again to answer some questions. They said that the state highways are reviewed by OSTA, and they would be approving any new driveway cuts. Mr. Mitchell said there are regulations for setbacks although he was not sure of the exact numbers offhand. One of their other locations abuts train tracks too.

Mr. Mulholland made a motion to close the hearing. Ms. Manville seconded and the hearing was closed at 8:22 PM. Mr. Swift made a motion to table discussion and action to August 16th at 7:30PM. Ms. Manville seconded, and the hearing was tabled until the next meeting.

Application 18.21 by the Town of Newtown for Text Amendments and Corrections to the Town of Newtown Zoning Regulations for the following items as detailed in a memo from the Land Use Agency titled "Text Amendments and Corrections" dated July 16, 2018:

1. Hawleyville Center Design District (HCDD) include §6.04.300 "(j) An existing single family dwelling can be converted into a two family dwelling".
2. Fairfield Hills Adaptive Reuse Zone §8.01.671 to amend signage for duplexes and include banner signs.
3. Article XI Special Exceptions to remove §11.01.429 "A 50 foot buffer shall be provided for any parking lot, planned outdoor activity area or kitchen area".
4. Industrial Zones M-2A §5.03.100 to remove text "The land use mix features... principal uses permitted" and make a text correction in §5.03.310 that was approved 10/1/2007 and never published.
5. Industrial Zones M-1 §5.02.250 to include "Municipal Buildings".
6. General Business Zone B-2 to remove "existing" under §4.03.317 "Any 'existing' filling station...".
7. General Business Zone B-2 to include § 4.03.319 "(m) Shopping Center Drive-Through Windows..." and supplemental text numbers 1-11.

Commissioners went through the text amendments by item number.

1. Mr. Benson explained that a current home has been renovated to include commercial downstairs and residential upstairs. The owner was hoping to have an apartment in the lower level as well, meaning a two family home. Mr. Swift felt uneasy about the amendment because he didn't want to see the properties become unruly. Mr. Mitchell made a motion to amend the text to include that the property be owner occupied. Mr. Swift seconded. A vote was

taken: Mr. Mitchell... AYE

Mr. Meadows.... NAY

Mr. Swift... AYE

Mr. Mulholland.... NAY

Ms. Manville...NAY

The motion did NOT carry.

Mr. Mitchell then made a motion to approve the original language. Mr. Meadows seconded. A vote was taken:

Mr. Mitchell... AYE Mr. Meadows.... AYE
Mr. Swift... NAY Mr. Mulholland.... AYE
Ms. Manville...AYE The motion was approved 4-0

2. Mr. Benson said that a current occupant of both sides of a duplex wanted to only have one sign that was the square footage of what both individual tenants would be allowed. The regulation also proposed an allowance of Banner Signs under the temporary event permit.

No public wished to participate. The hearing was closed.

Mr. Mitchell made a motion to approve. Mr. Mulholland seconded. All members were in favor.

3. Mr. Benson said that there are setback requirements for each zone. Having a contradictory statement within the Special Exception Regulation was confusing and unnecessary.

No public wished to participate. The hearing was closed.

Mr. Mulholland made a motion to accept. Mr. Mitchell seconded. All members were in favor.

4. Mr. Benson explained that this amendment had been partially approved before, but it was over ten years ago. The amendment never made it into the regulations. A second part of this amendment is new. Mr. Benson said it should have been removed during the last M-2A amendment but was an oversight.

No public wished to participate. The hearing was closed.

Ms. Manville made a motion to accept. Mr. Swift seconded. All members were in favor.

5. Mr. Benson said this text amendment is to allow the new Police Station at 191 South Main Street.

No public wished to participate. The hearing was closed.

Ms. Manville made a motion. Mr. Meadows seconded. All members were in favor.

6. Mr. Benson explained that the word “existing” was unnecessary given the context.

No public wished to participate. The hearing was closed.

Ms. Manville made a motion to accept. Mr. Mitchell seconded. All members were in favor.

7. Mr. Benson wanted to open the discussion on drive thru windows, and presented some text that was reflective of the Exit 10 overlay zone. This was done in conjunction with the work of the subcommittee that was formed approximately 6 months ago. He said that limiting it “Shopping Centers” means there are only a handful of locations that could have a drive through.

Heidi Winslow, 62 Joal Court, was a member of Planning and Zoning up until 2001. She stated reasons why the Commission steered away from drive-through windows in the past, stating that it was against the character of the town, specifically that she did not want fast food restaurants in town.

Bill Hickock, Town Resident, asked about the Commission’s perspective of applications, and their review procedure. Mr. Benson explained that the text amendments are looked at as a whole, but many of the individual aspects aren’t reviewed until the Special Exception phase.

Mr. Swift made a motion to continue the hearing for Item 7 until September 6, 2018 at 7:30PM. Mr. Mitchell seconded. All members were in favor.

Minutes

Mr. Mitchell made a motion to accept the minutes of July 19, 2018. Mr. Meadows seconded. All were in favor.

With no other business, Mr. Meadows made a motion to adjourn. Mr. Swift seconded and the meeting was closed at 9:28 PM

*Respectfully Submitted,
Georgia Contois*