



**TOWN OF NEWTOWN**  
**PLANNING AND ZONING**  
**MINUTES**  
**REGULAR MEETING**

Thursday September 6, 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, Barbara Manville, Jim Swift, Robert Mulholland, Corinne Cox, Benjamin Toby

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

**Discussion and Action Items:**

**Application #18.23 by Tim's Sign and Lighting Service** for an Amendment to a Special Exception (Application 16.10) for a property located at 75 Church Hill Road, to include a signage proposal for the drive through window tenant, as shown in an application submitted to the Land Use Agency on August 23, 2018 and on plans titled "Starbucks Coffee #7482, Newtown Church Hill, 75 Church Hill Road, Newtown, CT, 06482, 18-41477" dated 4-17-2018, revised 8-13-18

Justin Walsh from Tim's Sign and Lighting Service, joined the Commission as an agent for the application. Mr. Walsh had made a preliminary presentation on June 21, 2018 to PZ. He explained some of the halo lights which will only show the outline of the letters by illumination, and gave details on the ADA compliant display board. This will be a computer screen on an automatic dimmer so that it is less bright after sundown. Mr. Swift said that the menu boards are not attractive. Mr. Toby said that it seems very bright and commercial. Mr. Walsh explained that to be ADA compliant there are strict guidelines and that's how the interactive screen has to be. Mr. Mulholland was concerned about lighting at the rear of the building for drivers and potential employees/pedestrians for the drive thru traffic.

Mr. Mitchell opened the hearing to the public.

Wayne Adessi, 13 Lovells Lane, came to speak about Drive thru window regulations. Mr. Benson alerted him that this hearing was for Starbucks, and not the Drive Thru text.

Brian Atherton, Northeast Investment Realty, was a representative during the original Special Exception Approval. He said that the original application did include wall pack lighting at the rear of the building and a small patio area in the front. He also noted that some potential tenants may require another modification for parking.

With no other discussion, Mr. Swift made a motion to close the hearing. Mr. Mulholland seconded. The hearing was closed at 8:02 PM.

Ms. Manville read the following:

Be it resolved by the Newtown Planning and Zoning Commission that Application #18.23 by Tim's Sign and Lighting Service for an Amendment to a Special Exception (Application 16.10) for a property located at 75 Church Hill Road, to include a signage proposal for the drive through window tenant, as shown in an application submitted to the Land Use Agency on August 23, 2018 and on plans titled "Starbucks Coffee #7482, Newtown Church Hill, 75 Church Hill Road, Newtown, CT, 06482, 18-41477" dated 4-17-2018, revised 8-13-18 is hereby found consistent with the POCD and shall be approved. Be it further resolved that the application shall become effective October 1, 2018.

Mr. Swift made a motion to accept. Ms. Manville seconded. The approval was unanimous.

**Application 18.21 by the Town of Newtown** for Text Amendments and Corrections to the Town of Newtown Zoning Regulations for ITEM 7 as detailed in a memo from the Land Use Agency titled "Text Amendments and Corrections" dated July 16, 2018:

7. General Business Zone B-2 to include § 4.03.319 "(m) Shopping Center Drive-Through Windows..." and supplemental text numbers 1-11.

Mr. Benson said that this application is being hosted by the Town and does not need to be closed or voted on tonight. The purpose is to have the discussion with the Town's people, and get the public's perspective. He noted that some things that will have to be decided are; how many drive thrus in one shopping center, queueing location, entrance to the drive thru, etc. Mr. Mitchell said that if drive thrus are only permitted in Shopping Centers, there are only three locations in town. He said that these locations are not near a highway exit so they would not draw much outside traffic.

The hearing was opened to the public.

Wayne Adessi, 13 Lovells Lane, said that it may encourage some businesses, but wanted to know how the drive thrus will better service the community.

Sherri Birmingham, Main Street, said that drive thrus are not "Newtown", and that we already have many great restaurants in town. She did not want to see their business effected by a potential fast food joint.

Bob Geckle, Queen Street, pointed out some issues with the website and finding information like the POCD. He said that the main points of the POCD are to maintain community character and alleviate congestion. He did not see how allowing drive thrus would follow these guidelines. He also said that the town should not be in the business of trying to save shopping centers.

John Mazdula, 20 Boulevard, said that there has been a lot of bad development in Newtown and thought this would encourage more. He mentioned the phrase 'urban sprawl'.

Tom (Inaudible), Currituck Road, thought drive thrus would cause issues for existing businesses in Newtown. He said that it gives some places an advantage. He also asked about traffic paths including the loading and refuse areas that are typically located in the rear.

Wendy (Inaudible) Saw Mill Road, noted litter issues on her street and thought drive thrus will promote further strip malls and development.

Brian Atherton, 7 Black Walnut Drive, spoke again as a Newtown Resident and not as a commercial broker. He said that another consideration for the regulation should be requiring location with a signalized intersection which alleviates some traffic concerns. He said that convenience of drive thrus was requested by many people at the hearing for 75 Church Hill Road, and is a theme that will not be disappearing.

Janet McKeown, Hillcrest Drive, thought that the text changes and zoning amendments were too frequent and not beneficial.

With no other public wishing to speak, Mr. Swift made a motion that the hearing be continued to October 4, 2018, Council Chambers. Ms. Cox seconded. All members were in favor.

**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.

Mr. Mitchell explained that the hearing for Application 18.20 was closed on August 2, 2018, and was only open for discussion by the Commission. Mr. Toby and Ms. Cox both listened to the tapes and were eligible to discuss and vote.

Commissioners discussed the distance restriction which would theoretically allow for only two locations of gas stations. They asked if they would be able to deny a permit if they only wanted one gas station. Mr. Benson said that the proposal would have to meet the Zoning and Wetlands regulations in order to be approved. Ms. Cox asked about the location for gasoline storage in regards to leakage. Mr. Benson said that the technology and construction for the tanks is much better than it was 10+ years ago. Commissioners discussed the need of potentially two gas stations at exit 9. Mr. Mitchell gave his opinion that an applicant wouldn't submit to construct a gas station if it weren't supported by a business plan. It was also noted that the apartments on Covered Bridge would be able to use these facilities.

With no further discussion, Mr. Swift made a motion to close the hearing. Ms. Manville seconded. The hearing was closed at 9:02PM.

Ms. Manville read the following: Be it resolved by the Newtown Planning and Zoning Commission that 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, and modified on August 16, 2018 is hereby found consistent with the POCD and shall be approved. Be it further resolved that the application shall become effective October 1, 2018.

Mr. Mulholland made a motion to accept. Ms. Manville seconded. A vote was taken as follows:

Mitchell... AYE Mulholland... AYE

Manville... AYE Cox... NAY

Toby... NAY

The motion carried 3-2

### **Minutes**

Ms. Cox made a motion to accept the minutes of August 16, 2018. Ms. Manville seconded. All were in favor.

With no other business, Mr. Swift made a motion to adjourn. Ms. Cox seconded and the meeting was adjourned at 9:27 PM

*Respectfully Submitted,  
Georgia Contois*