



TOWN OF NEWTOWN
PLANNING & ZONING COMMISSION

MINUTES
REGULAR MEETING

Council Chambers
3 Primrose Street, Newtown, CT 06470
September 19, 2019 at 7:30 p.m.

Present: Don Mitchell, James Swift, Barbara Manville, Roy Meadows, Benjamin Toby

Absent: David Rosen, David Ruhs, Corinne Cox*

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

Mr. Mitchell called the meeting to order at 7:31 p.m.

Public Hearings

Application 19.19 by CPCI, LLC, for a Text Amendment to the Newtown Zoning Regulations, to add a section under Appendix B for South Main Village Design District #7 (SDD7), so as to permit a gas station/convenience store, including food service with fixed seats, for a property located at 147-151 South Main Street, as shown on supporting documents submitted to the Land Use Agency 9/4/19.

Application 19.20 by CPCI, LLC, for a Zone Change from M-1 to SDD7, for a property located at 147-151 South Main Street, as shown on a set of plans titled "Proposed Filling Station Reconstruction, CPCI, LLC, 147-151 South Main Street, Newtown, CT 06470" and supporting documents submitted to the Land Use Agency 9/4/19.

Application 19.21 by CPCI, LLC, for a Special Exception, for a property located at 147-151 South Main Street, so as to raze and rebuild an existing gas station/convenience store, with new design to include food service with fixed seats, as shown on a set of plans titled "Proposed Filling Station Reconstruction, CPCI, LLC, 147-151 South Main Street, Newtown, CT 06470" and supporting documents submitted to the Land Use Agency 9/4/19.

Due to an error in the neighbor notification letters that the applicant sent out, the applicant submitted a letter to the Planning & Zoning Commission asking that Application 19.19, 19.20, and 19.21 be continued to the meeting of 10/3/19. The Commission continued these hearings as requested.

Application 19.23 by Michael Burton, for an Amendment to a Special Exception originally granted with Application 15.01 and last amended with Application 18.02, for a property located at 10-22 Washington Avenue, for modifications to The Riverwalk at Sandy Hook site plan, as shown on a set of plans titled "The Riverwalk at Sandy Hook Village, Washington Avenue, Newtown, Connecticut" last modified 8/30/19, and supporting documents submitted to the Land Use Agency 9/3/19, 9/6/19, and 9/17/19.

Michael Burton, the applicant, introduced himself as speaking on behalf of the application. Due to a change in the condominium market since the last amendment in 2018, Mr. Burton has revised the plans

for Riverwalk. The revisions are a blend of previously proposed site plans. He commented that they have added landscaping to disguise the garages in front of Building A from the road view and the construction has been shifted to a single-phase undertaking.

Kevin Bennett of Bennett Sullivan Associates attested that the buildings are all similar in architecture, scale, and detail. What was originally a single garage near Building A has been split into two, and has a landscape buffer from the road. He illustrated the layout and appearance of the building on the site plan and architectural drawings.

Mr. Mitchell asked if the clubhouse facility used to be residential units in one of the previously proposed site plans. Mr. Bennett and Mr. Burton stated this was the case. Mr. Mitchell also wanted to confirm that the garages would be buffered from the street view by a berm. Mr. Mitchell pointed out that each element of this site plan had been previously approved, just never in this particular configuration.

Mr. Meadows asked if there was a rendering of how the garages would look from the sidewalk, which Mr. Mitchell directed him to. Mr. Meadows asked if the berm went up against the garage. Mr. Bennett confirmed that yes, the garage would act as a retaining wall.

Mr. Toby asked for clarification as to where the wetlands buffer/setback was. Mr. Bennett demonstrated it on the site plan and assured Mr. Toby that all structures would be outside of the setbacks. Mr. Toby asked if the switch from condominiums to apartments would impact the affordability of the units. Mr. Burton explained that the cost would remain the same, but would be a rental cost rather than for ownership.

Mr. Swift was concerned about the architectural changes that were made since the last approval, specifically with the roofs and gables. He was also worried that the trees in the landscape plan would not be tall enough at the time of the plantings to disguise the garages. Mr. Bennett explained that the roof changes came from the Design Advisory Board (DAB). The Clerk, Christine O'Neill, commented that the DAB had submitted a recommendation letter to the Commission very late in the afternoon today. She read the letter into the record, which asked the Commission to make the following a condition of approval: "That the applicant return to the Board to show rendered elevations with the proposed materials as discussed at the meeting of September 17, 2019." Mr. Burton clarified that the DAB had been presented with images of what the construction materials looked like, but wanted those materials actually rendered on the buildings to see how they worked together.

Mr. Swift felt that the changes since last approval have exacerbated the architectural elements he did not like from the previous designs. He wanted to know if the previously-approved garage had gabled roofs. Mr. Bennett said this was the case. Mr. Swift said he had no memory of the garage's roofs raising so high as to block the architectural features of Building A. Mr. Swift wanted to know why the parking garages couldn't go behind Building A. Mr. Bennett replied that he felt this was the absolute best configuration of the development, which Mr. Burton echoed. Ms. Manville also pointed out that the garages were being used as a retaining wall for the berm. Mr. Swift asserted that from the road view, there would be a lot of roofline which does not live up to the standard of the rest of the architecture. Mr. Swift inquired as to the length of the garages, and Mr. Burton replied that each one is 100 feet.

The Commission took a moment to review the landscape plan.

Mr. Meadows thought the layout was giving a “backdoor” view (the backs of the garages), as several other recent developments in Newtown had done. While he does not prefer this layout, the other approvals along the way migrated to this layout. As such, Mr. Meadows did not feel it was appropriate to ask the applicant at this point to go back to the drawing board.

Mr. Mitchell pointed out that adding the brick and stone did create more architectural interest from the original, and that the DAB’s suggestion of adding gabled dormers to the garage roofs was a positive improvement.

Mr. Bennett offered to use a five-pitch on the garages, which would lower the roofs by two feet.

Mr. Swift had a few questions for Ms. O’Neill about the process the DAB went through to produce their recommendation and the timeline. Ms. O’Neill stated that one full member and one alternate member of the DAB were present at the meeting when they voted on this application, which took place on 9/17/19. Mr. Swift wished the entire DAB had been present to comment on the design and that their recommendation had been given to the Commission sooner. Ms. O’Neill pointed out that the DAB does not have any regularly scheduled meeting and as such it is often difficult to schedule meetings that work for all the members, the applicants, and occur before the associated Planning and Zoning meetings.

Mr. Burton introduced engineer Alan Shepard of 415 Howe Avenue of Shelton, CT, who addressed the revision he made based on the comments of Town Engineer Ron Bolmer, and submitted those revised plans for the record. The changes related to contour lines and the grading of the rain gardens. Mr. Shepard further stated that pervious pavers were added around the buildings as per Fire Marshal Richard Frampton’s comments.

Mr. Burton stated that he is happy to work with the Commission to get the best view from the street, and as such is willing to bring the roof lower.

Mr. Mitchell invited public comment.

Aram Nahabedian of 180 Walnut Tree Hill Road, Newtown, CT asked if a traffic study was submitted with this project. Mr. Mitchell explained that because there were traffic studies associated with previous approvals, and since the number of units has not changed, new studies were not required. Mr. Nahabedian commented that in recent years Sandy Hook Center traffic has augmented.

Mr. Swift made a motion to close the public hearing. Mr. Meadows seconded. The public hearing was closed at 8:37 p.m. Mr. Toby was appointed to sit in for Ms. Cox.

Ms. Manville read the following resolution into the record:

BE IT RESOLVED that Application 19.23 by Michael Burton, for an Amendment to a Special Exception originally granted with Application 15.01 and last amended with Application 18.02, for a property located at 10-22 Washington Avenue, for modifications to The Riverwalk at Sandy Hook site plan, as shown on a set of plans titled “The Riverwalk at Sandy Hook Village, Washington Avenue, Newtown, Connecticut” last modified 8/30/19, and supporting documents submitted to the Land Use Agency 9/3/19, 9/6/19, and 9/17/19 and as further amended with materials presented at the meeting of 9/19/19 SHALL BE APPROVED WITH THE FOLLOWING CONDITION: That the applicant return to the

Design Advisory Board to show rendered elevations with the proposed materials as discussed at the meeting of September 17, 2019.

BE IT FURTHER RESOLVED that it shall become effective October 12, 2019.

Mr. Mitchell made a motion to accept. Mr. Meadows seconded.

Mr. Mitchell suggested putting in a provision that, since this would be going back to the DAB, the applicant create a range of options for the height of the garage roofs. Mr. Meadows asked if it was the objective to lower the garage height as much as possible. Ms. Manville felt that those driving by on the street would not have much time to see the 200 feet of garage roofs.

Mr. Mitchell moved to amend the motion to include that after the applicant consults again with the DAB and discusses lowering the height of the garage peak by changing the pitch, that if the DAB recommends a reduction of up to two feet of the total height, then the applicant would comply with that specification (and not have to return to the Commission). Mr. Meadows seconded the amendment. All were in favor of the amendment and it carried.

Therefore, the following is the amended resolution that the Commission voted on:

BE IT RESOLVED that Application 19.23 by Michael Burton, for an Amendment to a Special Exception originally granted with Application 15.01 and last amended with Application 18.02, for a property located at 10-22 Washington Avenue, for modifications to The Riverwalk at Sandy Hook site plan, as shown on a set of plans titled "The Riverwalk at Sandy Hook Village, Washington Avenue, Newtown, Connecticut" last modified 8/30/19, and supporting documents submitted to the Land Use Agency 9/3/19, 9/6/19, and 9/17/19 and as further amended with materials presented at the meeting of 9/19/19 SHALL BE APPROVED WITH THE FOLLOWING CONDITIONS: (1) that the applicant return to the Design Advisory Board to show rendered elevations with the proposed materials as discussed at the meeting of September 17, 2019, and (2) that the applicant present to the Design Advisory Board lowering the roofs of the garages serving Building A up to two feet; the applicant will proceed with the garage roof height endorsed by the Design Advisory Board.

BE IT FURTHER RESOLVED that it shall become effective October 12, 2019.

The Commission voted as follows:

Donald Mitchell - AYE
James Swift - NAY
Barbara Manville - AYE
Benjamin Toby - AYE
Roy Meadows - AYE

The motion to approve Application 19.23 with conditions carried, with a vote of 4-1.

(Continuation) Application 19.17 by the Town of Newtown, for a Text Amendment to the Newtown Zoning Regulations, 6.04.400(d), to update the regulation to be consistent with other

zoning regulations including the Sandy Hook Design District, as detailed on a document submitted to the Land Use Agency dated 7/24/19, updated 9/6/19.

Mr. Mitchell explained that this application sought to update the Hawleyville Center Design District regulation about the density of residential spaces over commercial spaces to be consistent with a similar regulation for the Sandy Hook Design District.

Ms. Manville read the following resolution into the record:

BE IT RESOLVED that Application 19.17 by the Town of Newtown, for a Text Amendment to the Newtown Zoning Regulations, 6.04.400(d), to update the regulation to be consistent with other zoning regulations including the Sandy Hook Design District, as detailed on a document submitted to the Land Use Agency dated 7/24/19, updated 9/6/19 SHALL BE APPROVED.

BE IT FURTHER RESOLVED that it shall become effective October 12, 2019.

Mr. Mitchell made a motion to accept. Mr. Meadows seconded.

The Commission voted as follows:

Donald Mitchell - AYE

James Swift - AYE

Barbara Manville - AYE

Benjamin Toby - AYE

Roy Meadows - AYE

The motion to approve Application 19.17 carried unanimously.

Minutes

The Clerk, Christine O'Neill, explained that she had received an email from Sherri Baggett of the Newtown Bee, which has been added to the public file, expressing that she was concerned with the way the minutes represented the events surrounding the lack of legal notices for Application 19.17. Ms. O'Neill apologized. Ms. O'Neill worked with Ms. Baggett to craft more accurate wording, which they are presenting to the Commission as a proposed amendment to the 9/5/19 minutes:

Clerk: Lack of legal notices for Application 19.17

The Clerk, Christine O'Neill, addressed the lack of legal notices in the Newtown Bee regarding the public hearing for Application 19.17. The public file now has a printed email as proof that she sent the legal notices to Sherri Baggett of the Newtown Bee. Ms. Baggett did not send a confirmation email after Ms. O'Neill sent the notices, and in a later phone conversation confirmed that she never received them. Ms. O'Neill assured the Commission that the legal notices for this application had been resubmitted and she has both certificates of publication in the public file now. She apologizes for the inconvenience.

Mr. Meadows made a motion to approve the minutes, as amended, from September 5, 2019. Mr. Mitchell seconded. All members were in favor and the minutes, as amended, from September 5, 2019 were approved.

Director's Report

Referral from Brookfield: Application #PL-19-6

Mr. Sibley explained that Brookfield has an application for a 9-lot subdivision. The Open Space Brookfield is proposing would be adjacent to Newtown's Open Space. He did not see anything in the application that would impact Newtown.

Adjournment

Mr. Toby made a motion to adjourn. Mr. Swift seconded. All members were in favor and the meeting was adjourned at 8:56 p.m.

*Ms. Cox arrived before the meeting to speak with the staff. She has been absent from recent Planning and Zoning Commission meetings due to recovery from a medical procedure. She wanted to confirm that, as per a prior conversation with Director of Planning George Benson, her absences would not lead to expulsion from the Commission. Ms. Cox requested that the above be stated for the record.

*Respectfully submitted,
Christine O'Neill, clerk*