



TOWN OF NEWTOWN
PLANNING & ZONING COMMISSION

MINUTES
REGULAR MEETING

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

Present: Don Mitchell, James Swift, Dennis Bloom, Corinne Cox, Barbara Manville, David Rosen, Nick Cabral, and Andrew Marone

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

Mr. Mitchell called the meeting to order at 7:32 p.m.

New Business

Ms. Cox called for the election of officers.

Ms. Cox nominated Don Mitchell for Chair. Mr. Swift seconded.

Ms. Manville nominated James Swift for Vice Chair. Mr. Mitchell seconded.

Mr. Mitchell nominated Barbara Manville for Secretary. Mr. Swift seconded.

Mr. Mitchell moved to approve the above nominations. Ms. Cox seconded. All were in favor and Mr. Mitchell was re-elected Chair, Mr. Swift was re-elected Vice Chair, and Ms. Manville was re-elected Secretary.

Public Hearing

Application 19.31 by 13 Hawleyville Road, LLC, for a Special Exception, for a property located at 13 Hawleyville Road, so as to permit the development of a proposed convenience store and gas station with associated parking and utilities, as shown on a set of plans titled "13 Hawleyville Road LLC, 13 Hawleyville Road (Route 25), Newtown, Connecticut" dated 9/3/19 revised for new application 11/15/19, and supporting documents submitted to the Land Use Agency 11/25/19 and 12/12/19.

Anthony Lucera (developer) introduced himself and the following team: Dainius Virbickas of Artel Engineering (engineer), Maura Newell Juan of Seventy2 Architects (architect), Michael Galante of Frederick Clark Associates (traffic engineer), and Paul Scalzo of Scalzo Group (applicant). After considering the comments from the denial of Application 19.22, they have modified their proposal for a gasoline station and convenience store at 13 Hawleyville Road.

Mr. Lucera submitted a copy of the Certificate of Location Approval for the proposed gasoline station, granted by the Zoning Board of Appeals earlier this year.

Mr. Virbickas explained that this 3.7 acre parcel of land had previously been approved for a 4,160 square foot diner. This new proposal entails a convenience store of 4,100 square feet at the northern portion of the site, which represents a reduction in size of about 1,200 square feet from Application

19.22. Eight dispenser islands are proposed, but only one side of each dispenser will be used, resulting in eight total fueling stations. This is half the number of fueling stations proposed in the Application 19.22.

The points of access are identical to the prior application. Mr. Virbickas went over where the gasoline would be stored, the grading of the site, and the stormwater management system, all of which were essentially the same as the last application. Water will be provided by local water purveyor Aquarion Water Company, from the direction of Covered Bridge Road. Sanitary sewer will discharge to the Town sewer main. Mr. Virbickas also presented the landscape plan, which demonstrated heavy landscaping buffering the fueling stations and parking area in front of the convenience store from Route 25. Mr. Virbickas referenced the reviews that Town staff submitted to the file, commenting that the Fire Marshal had asked for access on three sides of the building which the site plan did demonstrate.

Ms. Juan explained that the architectural style of the building was inspired by barns in Newtown and is in keeping with the requirements of the Hawleyville Center Design District (HCDD). She presented renderings of the building from several different angles. The color scheme is white and gray. At the request of the Commission, the portion of the building facing the street now has storefront windows and doors.

Mr. Mitchell asked about the view from the Brookfield direction, and how the changes to the façade would appear. Ms. Juan said that while it is not a customer entrance or pedestrian access area, she still wanted it to appear attractive from the road.

Mr. Galante began by saying that the traffic study has been modified as a result of reducing the number of gasoline pumps from 16 in Application 19.22 to 8 in the present application. He projected several images showing the roads surrounding the site with peak hour and daily base traffic volumes. The data was gathered in May of this year and compared with Connecticut Department of Transportation (DOT) data. Mr. Galante referenced a summary of the accident data from the State, which shows that there is a very low level of accidents on roads near the site. Another image displayed expected development projects and how they would impact traffic. Mr. Galante pointed out that a comment during last application's hearings surfaced that the daycare may not have been at capacity during the time the data was collected, so this time a growth rate was applied. Next, Mr. Galante then showed a table which compared total end trips for 1) the previously-approved diner, 2) the previously-proposed gasoline station, and 3) the currently-proposed gasoline station.

Mr. Galante said that as a result of the halving of the pumps, traffic will halve. Mr. Rosen pointed out that the convenience store would have its own customers, and people coming off Interstate-84 would not know the number of pumps; therefore, he did not understand how the traffic would halve. Mr. Galante replied that the figures were arrived at through traffic algorithms and data accepted State-wide. Mr. Rosen and Mr. Swift said that this defies logic. Mr. Swift insisted people will pull in for just the convenience store, regardless of the number of pumps, so those potential customers wouldn't be eliminated as result of fewer pumps.

Ms. Cox said that the numbers for the diner were calculated back in 2015, and that traffic has changed since then so it is no longer accurate. Mr. Galante explained that the formula and trip rates that were generated did use current models, and assured the Commission that the numbers are valid.

Mr. Mitchell had specific questions about trip generation and how the numbers were arrived at. He pointed out that trip generation parameters for a “gas station/convenience store” and a “convenience store/coffee shop/gas station” were very different. He expressed his feeling that it is unfair to compare this proposal to a previously approved diner, when really this is currently a vacant lot.

Mr. Galante continued extrapolating upon the chart, explaining that “pass-by credits” are applied to account for drivers who are already on the road.

Ms. Cox asserted that drivers who need gasoline are going to stop at the other gas station that has already been approved.

Mr. Mitchell asked about the ITE generation tables. He wondered if the size of the convenience store made any difference in the trip generation numbers, but Mr. Galante said those numbers were based on the number of pumps.

Ms. Cox wondered if an accident occurred in the gas station parking lot, how it would tie up the traffic due to the site only having one exit.

Mr. Swift asked how the amount of drivers coming off of I-84 changed with the halving of the amount of pumps. Mr. Galante said the number of drivers coming off I-84 would be halved as well. Mr. Swift said that made no sense, since people coming off a highway will not necessarily be aware of, or care about, the number of pumps. Mr. Galante replied that ITE data has always been tied to the number of pumps.

Mr. Bloom asked if there were numbers comparing getting off Exit 10 or Exit 8. Mr. Galante replied no, but that he was certain anyone calculating numbers for those gas stations would use the same parameters.

Mr. Mitchell asked about the levels of service (graded A through F) for the site. Mr. Galante said that the poor levels of service near the off-ramps did seem to warrant a stoplight, but the criteria that the State set forth to trigger a stoplight were not met, even though the applicant is very much in favor of putting one in. Mr. Galante expressed the hope that development nearby might meet the threshold for the stoplight.

Mr. Mitchell said his biggest concern is left turns out of the gas station and out of Covered Bridge Road. The traffic study appears to show E or F for those turns. Mr. Mitchell wondered if this was considered an “acceptable” level of delay. Mr. Galante said signalization is one of the only ways to address that, and furthermore the State did not approve two lanes coming out of the site due to visibility issues. Mr. Mitchell said he is quite concerned about the safety associated with these poor levels of service, commenting that impatient drivers will make riskier moves due to such long waits. Mr. Galante responded that wait time model is relatively conservative.

Mr. Swift wondered if drivers from Covered Bridge would use the gas station as a cut-through if there is a long line of cars as more of the apartments fill up. Mr. Galante said the traffic analysis does account for full apartments.

Mr. Bloom said that the entrance/exit on Covered Bridge Road would have been a deal-breaker for him if he was on the Commission when the diner was approved. He did not believe that a commercial

business should come onto a residential road. Mr. Galante clarified that it's an entrance-only from Covered Bridge to the gas station. The Commission was also concerned that Grace Family Church on an adjoining lot will continue growing and contributing more traffic. Mr. Galante said the State said the growth rate in traffic volumes from 2019 to 2020 is 0%.

Mr. Bloom said he did not have an issue with a commercial enterprise on this site, but he did not feel this project is designed properly, in particular with the road connecting to Covered Bridge Road. Mr. Galante explained that no matter what the development goes on the site, there will be similar delays.

Mr. Rosen asked for updates on the amount of queueing times. Mr. Galante said that although he did not have those numbers off the top of his head, it would be reduced due to the reduced number of pumps. Mr. Swift asked what the level of service is compared to last time, and Mr. Galante replied that even though the amount of traffic has halved, the level of service is still F.

Mr. Mitchell commented that the peak hours for the diner should be different from the gas station (since the diner's hours would coincide with meal times whereas gas stations would coincide with rush hours). Mr. Galante said the comparison charts do take into account the distinct peak times. Mr. Mitchell asked if the traffic analysis took into account the actual speed of cars on Route 25, rather than just the posted speed limit. Mr. Galante confirmed that the actual speed was collected and averaged, and applied to the analysis.

Ms. Cox asked about school buses coming and going from the Covered Bridge apartments. Mr. Galante said the model does account for school buses.

Mr. Scalzo, the applicant, explained that the approved diner is no longer viable due to market saturation in the area. By examining what local consumers want, he determined that they are looking for something fast, which is what was driving the application. Mr. Scalzo shared that Grace Family Church is at capacity currently, and as a regular attendee he does not experience traffic issues. He further stated that there are a variety of demographics in Covered Bridge, so it will not necessarily fill up with too many school-aged children and necessitate large numbers of school buses.

Mr. Mitchell invited public comment.

Janet McKeown of 10 Hillcrest Drive, Newtown, CT said she did not understand why adjusting the size of the gas station would matter when she thought the first application was denied because the area did not need two gas stations. Furthermore, she wondered why the underground tanks would be the same size as they were for the previous application, unless the applicant was expecting to expand in a subsequent application. She agreed with Mr. Swift that if she were driving on the highway and saw a sign for a gas station, she would not be concerned with the number of pumps. Traffic in the area, she commented, is extremely dangerous. Terry Curry at 4 Hillcrest Drive, Newtown, CT could not attend, but asked Ms. McKeown to speak on her behalf saying she is opposed to the gas station.

Pat Napolitano of 13 Whippoorwill Hill Road, Newtown, CT stated that this gas station was denied the first time because it is inappropriate for the HCDD and will cause major traffic problems. Those issues persist, just for a smaller gas station. The traffic in the area is already untenable and the construction of this gas station would lead to further dangerous situations. He commented that the traffic data had a number of cars that "disappeared" during the count, and that the traffic analysis is skewed in favor of the developer. The Covered Bridge apartments, he went on, are bound to continue filling up and increase the

traffic. He implored the Commission to consider the hundreds of Newtown residents who would have to pay the price of the detrimental traffic. Finally, he asked for the right to a rebuttal against the developer's response to these issues, which the public was not granted last time.

Vern Gaudet of 1 Hillcrest Drive, Newtown, CT said the one-sided gasoline pumps indicates that the applicant is planning to expand in the future. Mr. Gaudet commented that the traffic currently backs up past Covered Bridge and will be even worse with potential accidents. Mr. Mitchell asked which direction that backup was coming from. Mr. Gaudet replied going towards the light at 6 and 25. He said traffic will back up to I-84.

Christopher Jerace of 60 Pond Brook Road, Newtown, CT commented that getting off Exit 9 and going left (North on 25) has a very long wait time. He thought it was ludicrous to have two gas stations at Hawleyville, especially with the other options at Exit 8 and 10. He added that he did not like the barn aesthetic of the convenience store when Newtown is losing genuine barns. He added that he is the designer and builder of the Sticks and Stones barn, which Ms. Juan referenced as one of her inspirations.

Charles Zukowski of 4 Cornfield Ridge Road, Newtown, CT shared that sidewalks and crosswalks as a continuation from the Covered Bridge apartments were feasible, if this application were to be approved. He also made a general comment about traffic studies, saying that each project tends to be looked at individually and tested against the idea of, "will this be the straw that breaks the camel's back?" He felt that the Commission should start looking at the big-picture and planning for the future. The Plan of Conservation and Development, Mr. Zukowski said, does not have much content regarding long-term planning for road networks on the scale of the whole town.

Mr. Lucera asked for a continuation of the meeting. The Commission wondered if they were ready to vote tonight, though Mr. Mitchell said he would like to spend more time with the traffic study.

Mr. Mitchell made a motion to continue the hearing to the meeting of January 16th, 2020, which will take place at the Senior Center (8 Simpson Street) in the Multipurpose Room. Ms. Manville seconded. All were in favor and the motion carried.

Minutes

Ms. O'Neill apologized, stating that the minutes from December 5, 2019 accidentally had a November date in the heading. She recommended that the Board approve the minutes with an amendment to correct that oversight.

Mr. Swift pointed out that the portion saying "adjusting the setback from 25 feet to 35 feet" had the numbers inverted. This was also accepted as an amendment.

Mr. Swift made a motion to approve the minutes as amended from December 5, 2019. Ms. Cox seconded. All members were in favor and the minutes from December 5, 2019 were approved as amended.

Adjournment

Mr. Rosen made a motion to adjourn. Mr. Bloom seconded. All members were in favor and the meeting was adjourned at 9:23 p.m.

*Respectfully submitted,
Christine O'Neill, clerk*