



TOWN OF NEWTOWN
PLANNING & ZONING COMMISSION

MINUTES

REGULAR MEETING

Thursday, September 17, 2020 at 7:30 P.M.

Zoom Virtual Meeting Participation Information

Call-In Number: +1 646 558 8656

Meeting ID: 874 9614 8041 #

Website: <https://us02web.zoom.us/j/87496148041>

Present: Don Mitchell, James Swift, Dennis Bloom, Corinne Cox, David Rosen

Absent: Barbara Manville, Nick Cabral, Andrew Marone

Also Present: Rob Sibley, Deputy Director of Planning, Kim Chiappetta, Substitute Clerk

Mr. Mitchell called the meeting to order at 7:38 p.m.

Public Hearings

(continued) Application 20.06 by Thomas Venturino, for a Special Exception for a property located at 55 Botsford Hill Road, so as to permit the construction of a pole barn with a total footprint of 55' x 62' (3,410 sq. ft.) to be used for personal vehicle and tool storage, as shown on a set of plans titled, "Zoning Location Survey, Prepared for Thomas M. Venturino, 55 Botsford Hill Road, Newtown, Connecticut" dated 7/17/20 and supporting documents submitted to the Land Use Agency 7/21/20, 8/20/20, 9/2/20, and 9/16/20.

Mr. Venturino gave a presentation showing the material, space required, proposed landscaping improvements and septic review for the project. Mr. Mitchell asked what Mr. Venturino thought would be needed for lighting. Mr. Venturino said he would need a light by the service door and some additional lights on the front facing the house by the garage doors. In regard to the types of lighting, Mr. Venturino expressed that if he had to explicitly state something it would be easier to note the types of lighting not being used such as flood lights or neon. He continued to explain that he was trying to do something esthetically nice and that the Commission provided good input that would contribute to that. Mr. Mitchell explained that if this were approved and there were minor changes to the lighting it could be done administratively. Mr. Mitchell asked Commissioners for comments.

With no further comments from the Commissioners, Mr. Mitchell invited public comment. No one came forward.

Mr. Mitchell requested a motion to close the public hearing.

Mr. Swift moved to close the public hearing. Mr. Bloom seconded. All were in favor and the public hearing was closed at 8:03 p.m.

Mr. Mitchell expressed that the presentation showed nice features that add to the neighborhood which is important.

Mr. Mitchell read the following into the record:

BE IT RESOLVED that Application 20.06 by Thomas Venturino, for a Special Exception for a property located at 55 Botsford Hill Road, so as to permit the construction of a pole barn with a total footprint of 55' x 62' (3,410 sq. ft.) to be used for personal vehicle and tool storage, as shown on a set of plans titled, "Zoning Location Survey, Prepared for Thomas M. Venturino, 55 Botsford Hill Road, Newtown, Connecticut" dated 7/17/20 and supporting documents submitted to the Land Use Agency 7/21/20, 8/20/20, 9/2/20, and 9/16/20 as presented IS HEREBY FOUND CONSISTENT WITH THE PLAN OF CONSERVATION AND DEVELOPMENT AND THE COMPREHENSIVE PLAN, AND SHALL BE APPROVED.

BE IT FURTHER RESOLVED that the approval shall become effective October 10, 2020.

Mr. Swift so moved. Mr. Bloom seconded.

The Commission voted as follows:

Donald Mitchell - AYE

James Swift - NAY

Corinne Cox - AYE

Dennis Bloom – AYE

The motion to approve Application 20.06 passed.

(continued) Application 20.08 by Steven and Jennifer Doyle, for a 2-lot Re-subdivision of a property located at 15 Swamp Road, as shown on a set of plans titled, "Re-subdivision Lot 4, Gold Estates, Assessor's Map 47, Block 9, Lot 20-4, Steven and Jennifer Doyle, 15 Swamp Road, Newtown, Connecticut" dated 4/1/20 last rev. 9/10/20 and supporting documents submitted to the Land Use Agency 7/30/20, 8/20/20, 9/3/20, and 9/10/20.

Mr. Mitchell began by reminding everyone that the question is whether the proposed plan violates the zoning regulations; whether it can be developed as a legal confirming lot. He continued that the question before them is not if this is the best plan, or the best design, or the best location.

Mr. Mitchell turned the discussion over to Mr. Doyle.

Mr. Doyle reminded members that in the last meeting he had shared his vision for the property for a home for his parents, and after some discussion the additional public comments were tabled to this meeting to allow time for review of the presentations and updated plans. Mr. Doyle noted that Mr. Spath was in attendance, and that he had nothing further to present. Mr. Mitchell asked about the revised plan submitted today. Mr. Spath introduced himself as the principle of Stuart Somers Company and informed everyone that the revised plan was submitted last week and was dated the 10th. Mr. Spath further explained that he was not in attendance at the last meeting because they were pending a response from the Town Engineer, Ron Bolmer. Once they received the response, all of Mr. Bolmer's comments were addressed and there have been no other revisions since that time. He continued to explain that they are before the Commission to divide a 7.79-acre lot and all lots on Swamp Road have to be accessed across wetlands. Mr. Doyle is looking to put a house to the left of his current home. The septic is southwest of the location for the proposed house. All testing came out very well in the proposed

location. Mr. Spath did a field location survey of the intermittent stream and discussed it further with Senior Land Use Enforcement Officer, Mr. Maguire. Mr. Spath ended by noting the property is suitable for the re-subdivision and that the proposal meets all of the criteria.

Mr. Mitchell asked Commission members if they had any questions. Mr. Bloom said the issue he had with the drain had been fixed.

Mr. Mitchell invited public comment.

Mr. Bob Hammond of 23 Swamp Road presented to the Commission an overhead view of the property showing his calculated "forest destruction area". He expressed his concerns with water movement and that the proposed area for the house acts as a recharge for his well. Mr. Mitchell reminded Mr. Hammond that the Commission was not voting to approve or disapprove a building plan, landscaping plan or forest destruction plan, but are voting on whether they believe that this proposed lot is legally buildable for the allowed uses. Mr. Hammond acknowledged Mr. Mitchell's statement and continued his presentation expressing concerns with waterflow and soil erosion running into his property. He informed members that Mr. Bolmer made recommendations to help with waterflow, but he still had concerns. Mr. Hammond showed a slide demonstrating concerns with the proposed driveway and snow removal. Mr. Mitchell asked how these issues will make the proposed lot non-conforming. Mr. Swift added that the public must focus on the subdivision regulations and how this project violates them. He explained that Planning and Zoning is working in an administrative capacity and must go by what the regulations say. Mr. Mitchell and Mr. Hammond discussed the role of the Building department, and the petition that strongly opposes the project. Mr. Mitchell explained that there are instances where Planning and Zoning is required to consider petitions opposed and changes the voting requirement. He continued to explain that they are sensitive to what taxpayers and neighbors think, but at this time are not concerned with the specifics of a particular building proposal.

Robert Hawley of 27 Swamp Road commented that Mr. Hammond brought up a fact in a previous meeting that the original subdivision 46 years ago could not sustain 6 residences, only 5. He noted that during that time things were less conservative than they are now in regard to wetlands and environmental impact and asked the Commission to consider the previous decision by Planning and Zoning 46 years ago.

Robert Deilus of 21 Swamp Road presented a few slides that had already been submitted into the public record. He began with the stream that had been brought up by Mr. Spath earlier. He requested that someone check the stream, noting that there was very little rain this summer so the Senior Land Use Enforcement Officer could not have seen the effect of the stream. Mr. Deilus noted concerns with the proximity of his well to the neighboring well and any excavation that will be taking place. He thanked members that the dry well have been moved on the plan. He noted the biggest concern was with the land itself and drainage. Mr. Deilus invited Commission members to visit 21 Swamp Road to view the proposed location from his vantage point. Ms. Cox told the group that she walked the property. Mr. Deilus asked if Ms. Cox walked to where the leaching field would be located. Mr. Mitchell explained that Planning and Zoning generally relies on the Town Sanitarian in the Health Department in terms of septic fields and whether the soils in the area are properly designed. Mr. Deilus asked if a survey would be done to establish the property line prior to construction. Mr. Mitchell explained that a condition of the approval is that the lot pins are set according to the referenced map, and they can not begin any excavation prior to that.

Mr. Mitchell requested a motion to close the public hearing.

Mr. Swift moved to close the public hearing. Ms. Cox seconded. All were in favor and the public hearing was closed at 8:38 p.m.

Mr. Mitchell identified David Rosen as the alternate sitting in for Barbara Manville.

Mr. Mitchell opened to Commission members for discussion. Mr. Swift expressed that the application meets all regulations. Mr. Mitchell added that based upon the information heard a legal single-family residence could be built and he would be in favor. Mr. Bloom agreed.

Mr. Mitchell explained that normally Planning and Zoning requires a bond to secure pin setting and easements, however, they are so minimal for this application he suggested the Commission forgo the pin setting bond. Mr. Swift questioned why this was being done. Mr. Spath said the pins could be set and recommended it be set as a condition of the approval. He also said he would write a letter and show the neighbors the pins if necessary.

Mr. Mitchell read the following into the record:

BE IT RESOLVED that Application 20.08 by Steven and Jennifer Doyle, for a 2-lot Re-subdivision of a property located at 15 Swamp Road, as shown on a set of plans titled, "Re-subdivision Lot 4, Gold Estates, Assessor's Map 47, Block 9, Lot 20-4, Steven and Jennifer Doyle, 15 Swamp Road, Newtown, Connecticut" dated 4/1/20 last rev. 9/10/20 and supporting documents submitted to the Land Use Agency 7/30/20, 8/20/20, 9/3/20, and 9/10/20 IS HEREBY FOUND CONSISTENT WITH THE PLAN OF CONSERVATION AND DEVELOPMENT AND THE COMPREHENSIVE PLAN, AND SHALL BE APPROVED WITH THE FOLLOWING CONDITIONS:

- 1. The lot pins be set according to the above-mentioned map and the Subdivision Regulations.*
- 2. The applicant shall record on the Land Records the transfer of any real property, as approved, such as road widening and Open Space.*
- 3. The applicant/developer shall permanently field mark the Open Space prior to the issuance of a building permit to permit potential homebuyers to visually identify the area. The Conservation Commission or its agent shall specify the marker types and their locations.*
- 4. A CD-ROM or digital map submission of the approved subdivision must be filed with the Land Use Agency.*

BE IT FURTHER RESOLVED that the approval shall become effective October 10, 2020.

Mr. Swift moved to accept. Mr. Bloom seconded.

The Commission voted as follows:

Donald Mitchell - AYE
James Swift - AYE
Barbara Manville - AYE
Corinne Cox - AYE
Dennis Bloom - AYE

The motion to approve Application 20.08 carried unanimously.

(continued) Application 20.09 by Paul Hilario, for a Special Exception and Site Development Plan, for a property located at 135-139 Mount Pleasant Road, so as to permit the construction of buildings to store trucks and equipment and to perform repairs, as demonstrated on a set of plans

titled “Site Development Plans Prepared for Hilario’s Service Center, Inc.” dated 3/10/17 last revised 9/2/20, and documents submitted to the Land Use Agency 8/12/20 and 8/14/20.

Mr. Nick Yuschak introduced himself as a landscape architect from CCA Engineering in Brookfield who was attending to answer questions on application 20.09. He clarified that the plan submitted today was in response to the Fire Marshal’s comments. Mr. Yuschak further explained that it differs in that the building in the rear has been shifted further back; to either side there is a 20 x 60 grass paver, the retention basins to either side have been regraded and reconfigured, and the surrounding landscaping has been modified in response to that. To allow access to the rear of the building by fire equipment, the landscape plan was adjusted with a 6-foot solid fence along the south and east corner that allows equipment to get back there.

Mr. Mitchell questioned when the plan was submitted to the Land Use department, and Mr. Yuschak replied that he believed it was yesterday. Mr. Mitchell expressed concerns with vehicles queuing along Route 6 because they are temporarily unable to enter the lot. He noted the new operation is amenable for a one-way circulation pattern for traffic that would facilitate larger vehicles getting off the public highway. Mr. Mitchell explained that Regulations require a map with proposed vehicular circulation patterns and access management features. Also needed are the exterior lighting plan and streetscape plan.

Mr. Mitchell told the applicants the effects of lighting and sound on the neighbors had to be considered. Mr. Yuschak explained that the landscape plan indicates existing vegetation will remain and have provided shade trees throughout the various islands in the parking lot as well as flowering trees and shrubs around the various wetlands and discharge areas, all of which will contribute to blocking the sound.

Ms. Cox asked why there were big cement blocks on the property and asked if they were building. Mr. Swift said he did not believe building had begun and said that none of the buildings have been staked out. He echoed Mr. Mitchell’s concerns with noise. Ms. Cox added to that concern with the lights. Mr. Bloom told everyone he has visited the property quite a bit and said one person complained about the lack of upkeep of the property.

Mr. Mitchell said that he saw the operation going from just under 2 acres to just under 7 acres and that the new design is to ensure vehicles are taken off the street. Mr. Mitchell asked in terms of large vehicles the number anticipated to come in and how long they would stay. Mr. Hilario explained that he still has a few small vehicle customers but works primarily on heavy truck repair. He continued to explain that owners of commercial vehicles are anxious to get back on road because that is their livelihood, so vehicles do not remain on site for extended periods of time. Mr. Mitchell asked in terms of active repair operations: is it done during normal business hours or is it done at night? Mr. Hilario replied that 95% of the work is done during standard business hours, however they do offer the police, fire and highway departments 24 hours service where they may need to bring a vehicle in during off hours but there is no repair work being done at that time. Mr. Mitchell asked if the intent is to move the majority of the heavy vehicle repair indoors. Mr. Hilario replied that the intent is to bring all of the repair work indoors. Mr. Mitchell reminded Mr. Hilario that there were concerns about back-up beepers, but it appears this would no longer be an issue. Mr. Hilario agreed, explaining that there would no longer be the need for trucks to back out of the driveway.

Ms. Cox asked Mr. Hilario how many large vehicles he had and if his other locations would be closed and vehicles moved to Newtown. Mr. Hilario clarified that he is not shutting down the other locations because in his industry to work on a certain area of highway you must own a facility in that town or

municipality. He further explained that the purpose of the project is to enhance what they have now. Currently, the work area has become crowded and much time is spent moving vehicles around. Ms. Cox expressed concerns with the size of the buildings. Mr. Hilario explained that tractor trailers are very large and require a large building to work on them.

Mr. Rosen asked if the main service building will be open on both sides, allowing for trucks to drive through so there would be no need for backup beepers. Mr. Hilario replied that the building is designed to have doors only at the back. He added that there are other businesses in the area that receive deliveries from large trucks and the area known as the medical mile has developed over the years. Mr. Mitchell told the group that he came across two provisions in the regulations to keep in mind: 8.03.721 – Vehicles without a valid State of CT registration shall not be parked or stored any lot unless in a building, and 8.03.722 – Outside storage of any piece of construction equipment, dump truck, garbage truck or other heavy truck of a type not ordinarily used as a means of transportation for people is prohibited in all zones. Mr. Swift asked if the Commission had elevations of the rear two buildings. Mr. Mitchell said that he did not see them. Mr. Swift said that he would like to see the elevations as well as the materials, how everything is going to look, and the buildings staked out. Mr. Mitchell noted the additional documents that are not yet on the public record, such as an estimate of the amount and type of vehicular traffic to be generated on a daily basis, access management plans, floor plans, and exterior elevations on all of the buildings from all sides.

Mr. Mitchell invited public comment. No one came forward.

Mr. Mitchell made a motion to continue the public hearing to the next meeting of October 1, 2020 at 7:30 p.m. via Zoom. Ms. Cox seconded. All were in favor and the public hearing for Application 20.09 was continued.

(continued) Application 20.07 by the Town of Newtown, for four Text Amendments of the Zoning Regulations of the Town of Newtown, as described in documents submitted to the Land Use Agency 7/30/20, regarding the following sections: §1.02: Amend the definition of Community Residence and §3.02.472: Add density calculation for Assisted Living Housing.

Mr. Mitchell noted that they had two of the original four proposed amendments to consider. Mr. Sibley began by telling everyone that the text amendment for the community living is to remove derogatory language that existed in the current regulations and marries it more closely to State regulations that exist. He explained that Mr. Benson will address density calculations when he attends a future meeting. Commission members reviewed the Community Residence text amendment.

Mr. Mitchell read the town's existing Community Residence definition and the proposed definition as follows:

Definition (existing):

A dwelling which houses six (6) or fewer mentally retarded persons and two (2) staff persons and which is licensed under the provisions of Section 19(a)-467 of the Connecticut General Statutes as amended.

Definition (proposed):

A dwelling which houses six (6) or fewer persons, and necessary staff, who have disabilities, who receive mental health or addiction services, or who receive licensed hospice care, as defined under Sec 8-3e of the Connecticut General Statutes as amended.

BE IT RESOLVED THAT Application 20.07 by the Town of Newtown, for a Text Amendment to the Zoning Regulations of the Town of Newtown, as described in documents submitted to the Land Use Agency 7/30/20, regarding the following section: §1.02: Amend the definition of Community Residence IS HEREBY FOUND CONSISTENT WITH THE PLAN OF CONSERVATION AND DEVELOPMENT AND THE COMPREHENSIVE PLAN, AND SHALL BE APPROVED.

BE IT FURTHER RESOLVED that the approval shall become effective October 9, 2020.

BE IT NOTED that the portions of Application 20.07 concerning §8.16 and §7.03 have already been approved, and the portion concerning §3.02.472 has been tabled.

Mr. Swift moved to accept. Mr. Bloom seconded.

The Commission voted as follows:

Donald Mitchell - AYE
James Swift - AYE
Corinne Cox - AYE
Dennis Bloom – AYE
David Rosen - AYE

The motion carried unanimously.

Minutes

Mr. Swift noted a correction to Page 6 of the minutes from the meeting of September 3, 2020 where the second to last sentence reads “He added that if the DOT improvements are executed...” This sentence should read “...if the DOT improvements are not executed”.

Mr. Swift motioned to accept the amended change. Ms. Cox seconded. All in favor of accepting correction.

Mr. Swift motioned to accept the minutes from the meeting of September 3, 2020 as corrected. Mr. Mitchell seconded. All were in favor and the minutes 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 9:33 p.m.

*Respectfully submitted,
Kimberly Chiappetta, Substitute Clerk*

A recording of the meeting is available here:

<https://drive.google.com/file/d/1LZ5voppT9M4iX2XDzUyB1UpMXySI-fX7/view?usp=sharing>