



TOWN OF NEWTOWN
PLANNING & ZONING COMMISSION

MINUTES

REGULAR MEETING

Thursday, February 4, 2021 at 7:00 p.m.

Zoom Virtual Meeting Participation Information

Thursday, February 4, 2021 at 7:00 P.M.

Call-In Number: +1 929-205-6099

Meeting ID: 916 1779 2590 #

Website: <https://zoom.us/j/91617792590>

Present: Don Mitchell, Corinne Cox, Barbara Manville, Dennis Bloom, Andrew Marone, David Rosen, Roy Meadows

Absent: Jim Swift

Staff: Rob Sibley, Deputy Director of Land Use, Christine O'Neill, Clerk

Mr. Mitchell called the meeting to order at 7:08 p.m.

Public Hearings

(continued) Application 20.14 by Neviana Zhgaba and Aquila's Nest Vineyard, LLC, for a Text Amendment to the Zoning Regulations of the Town of Newtown, to §3.01.400, to allow for functions at a vineyard including food trucks, private events, recreational activities, art installations, and farmers markets, as described in documents submitted to the Land Use Agency 12/3/20, 1/21/21, 1/28/21, and 2/3/21.

A new version of the text amendment was submitted to the public record on 2/3/21. Mr. Mitchell reviewed the changes, beginning with §3.01.340. He mentioned that most of that section is pulled directly from the State statute. The meat of the regulation comes in with section §3.04.432, which lists temporary accessory uses that require a Special Event Permit issued by the Land Use Agency. Each of those temporary uses, he explained, would need to be approved by a Zoning Enforcement Officer (ZEO), who would take a look at parking provisions, sanitation, etc. Mr. Mitchell noted some of the accessory uses appear to go beyond what one would expect in a farming or residential zone, but they reflect the Connecticut statutes which were recently bolstered to promote economic development for agriculture, especially vineyards.

Mr. Mitchell stated that, generally speaking, he is in favor of these uses; his chief concerns lie with enforcement. A conversation with Director of Planning George Benson has reassured Mr. Mitchell that ZEOs will handle details such as bathroom capacity, heating sources, and other oversight.

Mr. Mitchell asked applicant Neviana Zhgaba if she had anything to add. She confirmed that she found the current version of the text amendment agreeable.

Mr. Rosen asked what had changed from previous versions. Mr. Mitchell said there were a few syntactic changes and some items had moved around to make more sense with the section numbering.

Ms. Cox wanted to know if the activities listed in §3.01.431 (3) were for inside or outside. Mr. Mitchell noted that the wording does not specify, so either would be allowed. He pointed out that attendance would be limited by approved parking spaces. Ms. Manville asked how many parking spaces were at the applicants' vineyard. Mr. Llomi responded, 25 spaces.

Mr. Mitchell mentioned that the current text amendment is a substantially pared-down version of what he had originally written, which had numerous finer points that he later realized could be addressed by the ZEOs.

Ms. Cox asked where applicants would be planting more grapes. Mr. Llomi responded that they have about two acres planted at the moment, with a plan to cultivate nine to ten acres total.

Mr. Mitchell invited public comment.

Patrick Simms of Possum Ridge Road, Newtown asked about the rationale for having outdoor events end at 7 p.m. Mr. Mitchell replied that it was more of an enforcement mechanism, rather than saying "two hours after sundown" or something along those lines.

Diana Paproski of Sugar Lane, Newtown asked about the 7 p.m. ending time as well. Since community events go past that time, she wondered if it could be pushed back to 9 p.m. Mr. Mitchell reminded her that this is only for private events, not community events. Ms. Paproski said she understood that, but still supported a later time limit.

Mr. Mitchell put the question to the Commission. Ms. Cox suggested 9 p.m. Mr. Meadows wondered if at the time of the permit being issued, an event could be designated as both a day and night event, referring to items §3.01.342 (F) and (G). Mr. Mitchell responded that the ZEOs need standards to approve or deny a permit.

Mr. Rosen and Mr. Marone posed the scenario that if an event started at 4 p.m., the vineyard owners might need more flexibility to hold events later. Mr. Marone wondered if items (F) and (G) could be combined.

Ms. Paproski said people get out of work later, so for something like a yoga event, 9 p.m. would be more reasonable. Ms. Manville pointed out that there are no time limitations for the uses under §3.01.341, such as yoga with wine - only for the temporary accessory uses in §3.01.432.

Mr. Simms also did not understand the cutoff of 10 p.m. for indoor events, given that the concern would be noise. Mr. Mitchell said there is a statutory time limit on how late wine can be served, which he believed was 10 p.m. Mr. Rosen said theoretically, the party could continue after the wine-serving stops.

Ms. Manville asked if the draft currently limited outdoor weddings with music to 7 p.m. She felt 10 p.m. would be a much fairer time. Mr. Rosen agreed, also pointing out that there is a difference between a weeknight and a weekend.

Mr. Mitchell proposed the following: “Special events on Fridays and Saturdays shall end by 10 p.m. All other days of the event, special events shall end by 9 p.m.” The Commission liked the proposal.

Procedurally, Mr. Mitchell wanted to ensure that the amendments and motions were done properly. He asked Ms. Zhgaba, as the applicant, if she liked the proposal. She agreed, saying it makes more sense. Mr. Mitchell said that the Commission did not need to vote on modifying the text amendment because the proposal had come from the applicants.

Ms. Paproski asked if the modification was in regards to all events, or just the temporary accessory uses. Mr. Mitchell said there was no longer a distinction between indoor and outdoor events, and confirmed that there was no time restriction at all on the permitted accessory uses.

Ms. Manville moved to close the public hearing. Ms. Cox seconded. All were in favor and the public hearing for Application 20.14 was closed at 7:44 p.m.

Mr. Mitchell designated Mr. Meadows to vote in place of Mr. Swift, who was absent. Mr. Marone was designated to vote in place of Mr. Bloom, who recused himself.

Mr. Mitchell read the following into the record:

BE IT RESOLVED that Application 20.14 by Neviana Zhgaba and Aquila’s Nest Vineyard, LLC, for a Text Amendment to the Zoning Regulations of the Town of Newtown, to §3.01.400, to allow for functions at a vineyard including food trucks, private events, recreational activities, and art installations, as described in a document submitted to the Land Use Agency 2/3/21, as amended, 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 February 27, 2021.

Ms. Cox so moved. Mr. Marone seconded.

Mr. Mitchell felt that this text amendment was not only consistent with the Plan of Conservation and Development, but the State of Connecticut was making a push to breathe new life into vineyards. Events like parties and social gatherings seem traditional for vineyards, he said. He felt the new regulation was sufficiently limited while still giving economic opportunity to the vineyard owners.

Ms. Manville was pleased with the evolution of the text amendment and the input from numerous parties. Mr. Marone agreed, saying that the current version balances interests and opportunities nicely.

The Commission voted as follows:

Don Mitchell - AYE
Roy Meadows - AYE
Barbara Manville - AYE

Corinne Cox - AYE
Andrew Marone - AYE

The motion to approve Application 20.14 carried unanimously. Ms. Zhgaba thanked the Commission and Mr. Sibley for their support.

(continued) Application 20.16 by Heather Kimball of 5K Enterprises, Inc. for a 2-lot Subdivision located at 3 Edmond Road, as demonstrated on a set of plans titled “Subdivision Map, Assessor’s Map 27, Block 6, Lot 11, “Subdivision of Land,” #3 Edmond Road, Newtown, Connecticut, Prepared for 5K Enterprise, Inc.” dated 10/20/20 last revised 1/29/21, and supporting documents submitted to the Land Use Agency 12/10/20, 1/15/21, and 2/3/21.

John Mack, engineer from Stuart Somers Company, LLC, reviewed the changes in the new version of the site plan. After visiting the site, he was able to confirm the stockpiled materials to which Mr. Mitchell referred last meeting. The site plan now shows the materials, and one of the sheets has an added note: “Existing Access, Stockpiles, Mafia Blocks and Storage Bins to be removed re-graded loamed and seeded as a condition of Approval for the Two Lot Subdivision.”

Mr. Mitchell asked if the applicant knew when a building might be erected. He explained that the accumulation of materials - unless it were to be cleaned up right away - would require a permit from the Land Use Agency. Mr. Mack wondered if a condition of approval could be that such a permit was not needed if the building were completed in, say, a year. Mr. Mitchell said that might be tricky given that it was not 5K Enterprises who was accumulating the materials. Either way, Mr. Mitchell mentioned, that could be handled administratively through a Construction Permit from the Building Department.¹

Ms. Cox asked who maintains Edmond Road. Mr. Mitchell explained that it is partially a Town road.

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

Mr. Mitchell moved to close the public hearing. Ms. Manville seconded. All were in favor and the public hearing for Application 20.16 was closed at 8:00 p.m.

Mr. Mitchell read the following into the record:

BE IT RESOLVED that Application 20.16 by Heather Kimball of 5K Enterprises, Inc. for a 2-lot Subdivision located at 3 Edmond Road, as demonstrated on a set of plans titled “Subdivision Map, Assessor’s Map 27, Block 6, Lot 11, “Subdivision of Land,” #3 Edmond Road, Newtown, Connecticut, Prepared for 5K Enterprise, Inc.” dated 10/20/20 last revised 1/29/21 and supporting documents submitted to the Land Use Agency 12/10/20, 1/15/21, and 2/3/21 IS HEREBY FOUND CONSISTENT WITH THE PLAN OF CONSERVATION AND DEVELOPMENT AND THE COMPREHENSIVE PLAN AND SHALL BE APPROVED WITH THE FOLLOWING CONDITIONS:

¹ Note from the Clerk: Construction Permits are issued by the Land Use Agency.

1. *Bonds shall be set for the lot pins in the amount of \$6,100.*
2. *The lot pins shall be set according to the above-mentioned map and the Subdivision Regulations.*
3. *The applicant shall record on the Land Records the transfer of any real property, as approved, such as road widening and Open Space.*
4. *The applicant/developer shall permanently field mark the Open Space prior to the issuance of a building permit to permit potential buyers to visually identify the area. The Conservation Commission or its agent shall specify the marker types and their locations.*
5. *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 February 27, 2021.

The motion was amended to include the proper dates of documents, which are reflected in the above text.

Ms. Cox asked if the lot was zoned for business. Mr. Mitchell said it was industrially-zoned.

Ms. Cox made a motion to accept. Mr. Bloom seconded.

The Commission voted as follows:

Don Mitchell - AYE

Roy Meadows - AYE

Barbara Manville - AYE

Corinne Cox - AYE

Dennis Bloom - AYE

The motion to approve Application 20.16 carried unanimously.

Application 21.01 by Mike & Carol Bohnet, for a Special Exception located at 52 Great Quarter Road, so as to permit the construction of a 2,000 square foot detached garage, as demonstrated on a set of plans titled “Data Accumulation Plan Depicting Proposed Garage, Prepared for Michael Bohnet, Lot 2, 52 Great Quarter Road, Newtown, Connecticut” dated 1/12/21 and supporting documents submitted to the Land Use Agency 1/15/21.

Carol and Mike Bohnet introduced themselves as the applicants. They purchased the property as a three-season home ten years ago and have made a number of improvements since then, with the hope that they will be able to move into the house in 2021. The garage will shelter Mr. Bohnet's belongings once he moves in, he explained.

Mr. Mitchell said at the last hearing for a garage Special Exception, the largest concern was how it would affect the neighborhood. Therefore, Mr. Mitchell looked at the Town's online GIS system to envision this garage's visual impact. He felt that the proposal to build it into the hill was a good way to keep it from being too conspicuous.

Mr. Bohnet explained that it is secluded and shielded from view. It was unlikely to be seen from the lake or by the neighbors - perhaps only the roof, and only in the winter.

Ms. Manville asked to have the site plan displayed, and for the Bohnets to walk them through the plan. They explained that it would not appear large and would be mostly not visible to the neighbors. Mr. Bohnet also commented that the roof pitch would be extremely shallow. He noted that the proposed garage would use the same roof, siding, and upper windows as the existing buildings, to appear as though everything was built at the same time. Ms. Bohnet added that there are trees creating a visual barrier on the Clark's property from where the garage will be tucked away.

Mr. Mitchell summarized that this would not affect the character of the neighborhood.

Mr. Bohnet said that the size of the garage was mostly due to needing a place to store his boat attached to the trailer, in addition to each of their cars and the Kubota for snow removal. He also wanted room for woodworking and welding.

Mr. Bohnet asked to have displayed the photographs submitted with the application. He explained that he welded part of the dock himself and built the pavilion on the property. They would like to keep in harmony with the neighborhood.

Ms. Cox and Mr. Bloom thought the proposed garage would be beautiful. Mr. Meadows asked what Mr. Bohnet considered "hobby tools." Mr. Bohnet listed a wood shaper, table saw, and welding equipment. Mr. Bohnet stated, "I have absolutely zero desire to do anything commercial or run a business" out of the garage.

Ms. Bohnet noted that they have improved the property by installing new septic equipment, basements, and stone steps.

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

Ms. Manville moved to close the public hearing. Mr. Bloom seconded. All were in favor and the public hearing for Application 21.01 was closed at 8:24 p.m.

Mr. Mitchell reiterated that the major concern was harmony with the neighborhood, and he felt that the applicants had appropriately addressed it by building the garage into the hillside and maintaining a rustic aesthetic.

Mr. Mitchell read the following into the record:

BE IT RESOLVED that Application 21.01 by Mike & Carol Bohnet, for a Special Exception located at 52 Great Quarter Road, so as to permit the construction of a 2,000 square foot detached garage, as demonstrated on a set of plans titled "Data Accumulation Plan Depicting Proposed Garage, Prepared for Michael Bohnet, Lot 2, 52 Great Quarter Road, Newtown, Connecticut" dated 1/12/21 and supporting documents submitted to the Land Use Agency 1/15/21 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 February 27, 2021.

Ms. Cox so moved. Mr. Bloom seconded.

The Commission voted as follows:

Don Mitchell - AYE
Roy Meadows - AYE
Barbara Manville - AYE
Corinne Cox - AYE
Dennis Bloom - AYE

The motion to approve Application 21.01 carried unanimously.

Minutes

Mr. Mitchell moved to approve the minutes from the meeting of January 21, 2021. Ms. Manville seconded. All were in favor and the minutes from the meeting of January 21, 2021 were approved.

Adjournment

Mr. Rosen made a motion to adjourn. Mr. Marone seconded. All members were in favor and the meeting was adjourned at 8:28 p.m.

*Respectfully submitted,
Christine O'Neill, Clerk*

A recording of the meeting can be found here:

<https://drive.google.com/drive/folders/1pFQIB1tjnVDwCn6jRnaAG3V5lJd2Jl1m>