



TOWN OF NEWTOWN
PLANNING & ZONING COMMISSION

MINUTES

REGULAR MEETING

Council Chambers

3 Primrose Street

Newtown, CT 06470

July 18, 2019 at 7:30 p.m.

Present: Don Mitchell, James Swift, Barbara Manville, Corinne Cox, Roy Meadows, Benjamin Toby, David Rosen

Also Present: George Benson, Director of Land Use and Christine O’Neill, Clerk

Mr. Mitchell called the meeting to order at 7:33 p.m.

Public Hearing

Application 19.12 by Covered Bridge Newtown, LLC, for an Amendment to Special Exception 15.08, originally approved 12/17/15, for a property located at 9 Covered Bridge Road, to permit an additional building to the original project, as shown in a set of plans titled, “Covered Bridge Newtown, LLC, 13 Hawleyville Road (Route 25), Newtown, Connecticut,” dated 8/5/15 and last revised 5/17/19, and supporting documents submitted to the Land Use Agency 6/5/19.

Anthony Lucera – owner, contractor, and applicant – introduced himself, Dainus Verbickas of Artel Engineering Group, and Michael Galante of Frederick Clark Traffic Associates. Mr. Verbickas presented the modified site plan for the approved development at 13 Hawleyville Road. The property itself was previously subdivided, with the center parcel having been developed by Grace Family Church. Mr. Verbickas expressed that since the original approval, there were modifications in the Zoning Regulations regarding parking, which now allow the applicant to erect a building in a space that had previously been parking. Mr. Verbickas said that based on density calculations prepared by the land surveyor, the property can support up to 224 units, and this modification would leave them “half a building shy.” They added a few extra parking spaces, bringing the total to 410 spaces, which is what is required for the development. The Town and water purveyor, subsequent to the original approval, have put utilities on the site (Municipal sewer and public water). The architecture of the proposed building will be identical to the others: a three-story building with parking underneath. The impervious cover on the site has decreased a bit since the original approval, so the stormwater management system is adequate. The landscape plan has also been updated to include landscape elements associated with the building, similar to what was previously approved for the other buildings. Mr. Verbickas added that once the site has been finalized it will have a park-like setting.

Mr. Mitchell asked if the sewer allocation had already been obtained for the additional units. Mr. Verbickas replied that they had met with the Town Engineer and he had no comments on the application. Mr. Mitchell inquired if any stormwater management system would spill over into the wetlands, and Mr. Verbickas stated that the system is built with enough capacity for a 100-year storm plus one extra foot of space. He further reminded the Commission that during the original Inland Wetlands Commission, the applicant had been asked to solicit commentary from an environmental consultant which they took into account at that time. Mr. Benson pointed out that because there was actually less impervious surface with this modification, it did not need to come before the Inland Wetlands Commission again and was administratively approved by the Land Use Agency. Mr. Rosen wondered if the developed area of the

property had increased, but Mr. Verbickas said that because the proposed building is to be in the middle of the existing buildings, the developed area would remain the same. Mr. Swift wondered where the pervious pavers were that had been part of the original approval. Mr. Verbickas responded that while they are shown in the plan, the construction of the actual site had not reached that stage yet. Mr. Lucera and Mr. Verbickas pointed out specifically on the plan where the pervious asphalt and pervious concrete would be placed.

Mr. Galante, the traffic engineer, said the 30 proposed units would generate 15 trips in the morning and 20 in the afternoon. He stated that the current road system could accommodate these extra trips. After this approval, he explained, they would solicit approval from the Connecticut Department of Transportation (DOT). Mr. Mitchell wondered if the additional trips on top of the trips estimated from the original approval would tip the scale to needing a traffic light at the Covered Bridge entrance/exit, and Mr. Galante stated that it would not.

Mr. Lucera wanted to mention the Commission that 6 of the 30 proposed units would fall under Incentive Income Housing.

Ms. Cox wondered when the cover would be put back on the bridge. Mr. Lucera stated that was never part of the original approval. Ms. Cox and Mr. Swift insisted that it was, and Mr. Lucera said he would check the record.

Mr. Mitchell opened the floor to public comment.

Patrick Napolitano of 13 Whippoorwill Hill Road, Newtown, CT stated that the Hawleyville Center Design District regulations appear to have been ignored by the Commission. He felt that the approved gas station, apartments, and church would create so much traffic that people would not be safely able to walk along the roadsides. He envisioned adding another 30 apartments creating a traffic bottleneck situation. Mr. Napolitano also questioned the math that was used to calculate the number of parking spaces, wondering if it could accommodate guest parking as well. School buses, commuters going to work, and parishioners attending church functions in the mornings would add to the “horrendous” traffic. Mr. Napolitano felt that the direct result of this development would be higher taxes, putting a strain on Newtown resources. Mr. Napolitano requested that the Commission provide him a letter with how much of his taxes go towards municipal sewer/water system that he does not use.

Mr. Benson reminded the Commission that this development is not part of the Hawleyville Center Design District. He also said that the Water and Sewer Authority does the sewer while Aquarion does the water management; Town taxes do not pay for either system.

Michael Giudice of 4 Whippoorwill Road, Newtown, CT passed out a handout entitled “Comments in Opposition to Application 19.12 by Covered Bridge Newtown, LLC for an Amendment to Special Exception 15.08.” Mr. Giudice shared that he found nothing in the Town Charter or POCD that supports this development, but rather sees the setting of a dangerous precedent. He worries about the direction Hawleyville is heading. The calculations and measurements that were presented tonight, such as the number of trips the proposed building would generate, seemed questionable to him and he wondered how accurate it would prove. Mr. Giudice felt that he had seen no proof that this kind of development would generate any positives for the community or mitigate any negatives. He paused to ask if there were any questions. Mr. Mitchell conceded Mr. Giudice had some valid points, but had also perhaps missed some of the bigger picture. He said that the State of Connecticut declared a housing emergency

years ago and has put pressure on towns to provide housing and avoid a large tract single family block of residences. The State and Regional Plans of Development do set guidelines encouraging an increase in the volume and diversity of housing. Mr. Giudice was appreciative of the information, and asked the Commission to consider if this was the proper location for such development. He implored the Commission not to chase the revenue of tax income, but to focus on the common village theme and rural, historic New England setting and attributes as expressed in our POCD and Charter.

Charles Zukowski of 4 Cornfield Ridge Road, Newtown, CT wondered about the strip of the lot that goes along I-84 connecting the two parcels on either side of Grace Family Church. He noticed that a lot of vegetation has been disappearing from that vicinity and was having a big impact on the impression people get of Newtown. He asked the Commission if they had considered having some landscaping done on that strip to mitigate the visibility. Mr. Mitchell wondered if that was dialogue better had with the Church, but Mr. Zukowski stated it was on the current applicant's piece of property. Mr. Benson said that he would look into who is doing that clearing.

Sherri Birmingham of Main Street, Newtown, CT shared that she and her neighbors are concerned about the traffic increase and questioned the calculations. Mr. Benson interjected to clarify that that figure referred to additional trips, not counting the original buildings that had already been approved. She wondered if the developer was concerned with keeping the small town feeling of the area, pointing to the fact that he forgot his promise to put the cover back on the bridge.

Mr. Lucera asked if the hearing could be kept open so that he could respond to the applicants. He stated that based on the concerns of the public and the Commission, he understood that a cover for the bridge was desirable and he promised that he would design one and be sure that it was implemented at the front of the site.

Mr. Swift asked if this application were denied, would Mr. Lucera reapply under 8-30g, to which he replied in the affirmative. Mr. Mitchell explained that 8-30g is a section of the State Statutes that was passed after a housing emergency was declared. If a developer proposes housing that meets the income criteria set by the State, the developer does not need approval from the Commission. Mr. Benson and Mr. Mitchell went through some history of a previously denied application that re-applied under 8-30g and came back with twice the number of units after the Town spent half a million dollars fighting it in court. "You really need an exceptional reason to deny affordable multifamily housing in this state," Mr. Benson explained.

Mr. Lucera wished to address the other comments. He stated that the gas station facility (formerly the diner) that has yet to be applied for will have an entrance/exit separate from the entrance/exit for the apartment buildings. He also shared a bit about the demographics of the leasees in the first building, stating that there are children under 5, young couples, widows, senior citizens, and families. Mr. Lucera said that both the original approval and the Church's approval have walkways connecting to Route 25, but that the applicant has no control over putting sidewalks along the actual roads. He also stated that he has paid Aquarion and had the private water company install the water main running to the site.

Ms. Manville wondered how many of the currently open units are occupied. Mr. Lucera replied that all 28 are occupied with two model units. He spoke about some of the features of the units and the site, including a small community center with a gathering room, exercise room, and pool. Ms. Cox asked who maintains the snow removal for the site. Mr. Lucera replied he has contracted a crew that will clear snow as needed round the clock. He also contributed that there are 24 security cameras on site.

Mr. Giudice asked if the public can respond to new information that has been given by the applicant. Mr. Mitchell invited him to speak. Mr. Giudice pointed out that the snapshot of demographics given by the applicant is not truly representative of how many, for instance, children will be in the house going forward. He asked if 8-30g could be retroactively applied, and Mr. Mitchell replied that it cannot.

Mr. Mitchell wondered if they should keep the hearing open in order to get some material on the promised cover to the bridge. Mr. Benson suggested that they make it a condition of the approval. Mr. Lucera shared that he would review the documents from the original application and see what was presented back then, and get exactly what was presented into working drawings. The clerk found the original image from Application 15.08 and it was shown to the applicant and Commission, who all agreed it would be acceptable. Mr. Lucera requested a copy. He agreed to construct the bridge from the original application's specifications.

Mr. Meadows asked if they kept the meeting open, was there anything meaningful the Commission could do to understand more about the traffic situation? Mr. Benson responded no.

Mr. Swift made a motion to close the public hearing. Ms. Cox seconded. All were in favor and the hearing was closed at 8:50 p.m.

Ms. Manville read the following into the record:

BE IT RESOLVED that Application 19.12 by Covered Bridge Newtown, LLC, for an Amendment to Special Exception 15.08, originally approved 12/17/15, for a property located at 9 Covered Bridge Road, to permit an additional building to the original project, as shown in a set of plans titled, "Covered Bridge Newtown, LLC, 13 Hawleyville Road (Route 25), Newtown, Connecticut," dated 8/5/15 and last revised 5/17/19, and supporting documents submitted to the Land Use Agency 6/5/19 SHALL BE APPROVED WITH THE FOLLOWING CONDITION: that the bridge be covered as depicted in the document entitled "York Bridge Concepts" dated July 15, 2016 from the original Application 15.08.

BE IT FURTHER RESOLVED that it shall become effective August 10, 2019.

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

Mr. Mitchell felt that the proposed building would be virtually unseeable from the highway, barring the removal of vegetation as mentioned by Mr. Zukowski. He said that growth in the Town is inevitable. Mr. Meadows shared that traffic is his big concern, but it doesn't seem like this additional building is going to affect that overall. Ms. Manville had a major concern that the neighborhood was upset with the project to begin with, and that this addition would put even more strain on Newtown's resources. Mr. Swift said that he shares the neighbors' concerns about the increase in density. Mr. Mitchell felt that this increase would not cause a safety or health issue, while meeting the housing imperative that the State and Town adopted. Mr. Benson agreed with Mr. Mitchell, adding that the reason the applicant didn't propose the extra building to begin with (as Mr. Verbickas stated) because of the new parking regulations. Mr. Benson stated that Newtown should encourage diversity in housing and affordable housing. Mr. Swift, Mr. Benson, and Mr. Mitchell discussed the Town's Incentive Housing Zone and 8-30g.

The Commission voted as follows:

Donald Mitchell - AYE
James Swift - AYE
Barbara Manville - NAY
Corinne Cox - AYE
Roy Meadows - AYE

The motion to accept Application 19.12 carried, with a vote of 4-1.

Application 19.15 by Town of Newtown, for a Site Development Plan, for a property located at 191 South Main Street and 61 Pecks Lane, for new Police Headquarters, as shown in a set of plans titled, “New Police Headquarters for the Town of Newtown, 191 South Main Street & 61 Pecks Lane, Newtown, CT,” dated 6/28/19, updated 7/15/19 and 7/17/19, and supporting documents submitted to the Land Use Agency 6/28/19, 7/15/19 and 7/17/19.

Scott Mangiagli of Kaestle Boos Associates introduced his colleagues Eric Roise and Greg Wilson speaking on behalf of the project. Mr. Wilson distributed plans. He demonstrated on an illustrated site plan that a sally port would be added on the left side of the building and secure parking on the right side of the building. Mr. Wilson shared that pricing was a large concern during this project, and that alternate plans were produced with that in mind. New architecture would be put out front with a concrete walk adjacent to the parking. The landscaping would consist of a two-tiered planting layer near the front of the building, in addition to a bed with perennials and shrubs in front of the gate separating the public parking from the secure parking. Dead trees at the front of the property will be removed as part of the demolition plan and may increase some visibility. Mr. Wilson explained that two alternates were suggested as a result of the Design Advisory Board meeting: one in which the flagpole was moved further down to create a focal point where the road splits between the sally port and the public parking, and one that included plantings between the sidewalk and the parking area. Mr. Wilson also said the majority of the utilities would be near the back of the building that would then run down to hook up to South Main. Behind the back of the building is a steep slope which would have a low erosion planting mix. He demonstrated on the site plan the fire access route.

Mr. Mitchell asked where the chain link fencing and picket fencing would be. Mr. Wilson explained the only fencing that would not be picket fencing would be the chain link enclosing the dumpster in the back. Mr. Mangiagli contributed that in discussions with Police Chief Viadero, the Chief expressed that the fencing between public and secure parking was more as a signal to direct the public did not need to be high security.

Mr. Mangiagli presented the architectural plan. He explained that the utilities would remain from the original site, but the interior of the building would be gutted and reorganized. The addition would be for the intake of prisoners, the detention area, and some of the evidence room. Mr. Mangiali presented renderings that arose as a result of the Design Advisory Board meetings, noting that price was a limiting factor. The Board had selected aluminum composite material for the front of the building with metal paneling on the back for budgetary reasons.

Mr. Mangiagli went through a letter dated 7/18/19 which he distributed to the Commission addressing each of the six comments that the Design Advisory Board had made.

Ms. Cox asked if the sloped handicap access walk could be shorter. Mr. Mangiagli expressed that they felt it would be better than creating a switchback ramp which would have a sharper grade. Mr. Mitchell expressed that at first when he looked at the lighting on the plan, he was struck that it was not in the style of New England architecture - but, considering the rest of South Main Street, he felt it did reflect the architectural character of surrounding buildings. Mr. Toby was concerned that Kaestle Boos Associates had gone against all of the recommendations of the Design Advisory Board, but Mr. Mangiagli stated that the architects had already made a number of changes between the first and second Design Advisory Board meeting that did not appear in the final list of suggestions. Ms. Cox wondered where the prisoners would be brought in, and Mr. Mangiagli demonstrated on the site plan where the sally port would be. Mr. Mitchell emphasized for the Commission that this application is only a Site Development Plan, not a Special Exception.

Mr. Mitchell opened the floor to public comment.

Bob Mitchell, Chair of Public Building and Site Commission expressed that they had been working on this for approximately a year. He explained that they had an ad hoc committee, as had been done with the Sandy Hook Elementary School, who attended all meetings. There was constant communication with the architects, and Mr. Mitchell shared that the Public Building and Site Commission is very happy with the way the project is coming along.

Charles Zukowski of 4 Cornfield Ridge Road, Newtown, CT thought an emergency access through the 61 Pecks Lane property would be beneficial. Mr. Benson shared that if the Police wanted to do that in the future, it could be approved administratively through the Land Use Agency.

Robert Hall of 5 Nelson Avenue, Newtown, CT shared that he owned property nearby. He described the layout for the South Main Street wellheads as “crazy,” so he asked if the architect and engineer had considered the impact of that on the project. Mr. Benson stated that building is pre-existing and Deputy Director of Land Use Rob Sibley stated in his department review that while it is in the Aquifer Protection District the proposed project does not require an aquifer review assessment. Mr. Hall pointed out that the wellhead protection area is what he was concerned about, not the aquifer. Mr. Benson said that this level of development does not need to be concerned with the wellhead system.

Mr. Swift moved to close the public hearing. Mr. Meadows seconded. All were in favor and the public hearing was closed at 9:47 p.m.

Ms. Manville read the following into the record:

BE IT RESOLVED that Application 19.15 by Town of Newtown, for a Site Development Plan, for a property located at 191 South Main Street and 61 Pecks Lane, for new Police Headquarters, as shown in a set of plans titled, “New Police Headquarters for the Town of Newtown, 191 South Main Street & 61 Pecks Lane, Newtown, CT,” dated 6/28/19, updated 7/15/19 and 7/17/19, and supporting documents submitted to the Land Use Agency 6/28/19, 7/15/19 and 7/17/19 SHALL BE APPROVED.

BE IT FURTHER RESOLVED that it shall become effective August 10, 2019.

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

Mr. Mitchell said that the layout looks terrific, especially dealing with the pre-existing building and budget constraints. Ms. Cox agreed.

The Commission voted as follows:

Donald Mitchell - AYE
James Swift - AYE
Barbara Manville - AYE
Corinne Cox - AYE
Roy Meadows - AYE

The motion to accept Application 19.15 carried unanimously.

Application 19.16 by Prithvi Real Estate Management, for a Text Amendment to the Newtown Zoning Regulations, Appendix B – Special Development District #5 and Article VIII, Section 3: Parking, Driveways & Loading Standards, to reduce the required length of parking spaces within the Special Development District #5 from 20 feet to 18 feet, as detailed on documents submitted to the Land Use Agency dated 7/2/19.

Russell Cyr, civil engineer from Solli Engineering, spoke on behalf of Prithvi Real Estate Management. Mr. Cyr explained that this district was created specifically for the Pleasant Paws facility located at 94 South Main Street. The facility received site plan approval last year, and then submitted the plans to DOT, who required them to make an adjustment to increase sight distance. As such they needed to design a retaining wall with a timber rail in the front, which impacted the layout of the parking lot. The applicant is requesting an amendment that would allow 18 feet as the length of the parking spaces instead of 20 feet in the front of the building. Mr. Cyr mentioned that 18 feet is the standard length for parking spots in virtually all neighboring towns.

Mr. Mitchell wondered what percentage of spaces (those in the front of the building) would be shortened. 6 of the 45 would be shortened, or about 13%. Mr. Meadows mentioned that he has vehicles over 18 feet long and was wondering if there was anywhere else on the property they could adjust to maintain the 20 foot spaces. Mr. Cyr explained that they couldn't delete any spaces, due to the Zoning Requirements, and that the only other choice would be an alternate design for the retaining wall with an unaesthetic metal guard rail on top. Mr. Swift recommended labeling those smaller spaces for compact cars only.

Mr. Meadows said the way he understood it, they could lose one parking space and keep the length at 20 feet. There was some discussion as to whether it would be best for the applicant to lose a single space or to shorten six spaces. Mr. Cyr contributed that the applicant would prefer to shorten the spaces rather than lose a space.

Mr. Toby pointed out that he agreed with Mr. Cyr's point that keeping the timber rail in front of the retaining wall is the best option. Mr. Swift and Mr. Rosen both expressed that they think an 18 foot space is adequate for most cars.

Mr. Mitchell felt better about referencing the site plan that Mr. Cyr brought to the meeting in the actual approval. Mr. Benson and Ms. Manville rewrote the resolution as such.

Mr. Mitchell opened the floor to public comment. No one came forward.

Mr. Swift made a motion to close the public hearing. Ms. Manville seconded. All were in favor and the public hearing was closed at 10:15 p.m.

Ms. Manville read the following into the record:

BE IT RESOLVED that Application 19.16 by Prithvi Real Estate Management, for a Text Amendment to the Newtown Zoning Regulations, Appendix B – Special Development District #5 and Article VIII, Section 3: Parking, Driveways & Loading Standards, to reduce the required length of parking spaces within the Special Development District #5 from 20 feet to 18 feet, as detailed on documents submitted to the Land Use Agency dated 7/2/19 and amended site plan entitled “Pleasant Paws Pet Center, 94 South Main Street, Newtown, Connecticut” last revised 7/18/19 SHALL BE APPROVED.

BE IT FURTHER RESOLVED that it shall become effective August 10, 2019.

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

Mr. Mitchell commented that if the applicant wanted to lose a space instead of shortening the spaces, it would need to be an amendment to the site plan rather than a text amendment, which would require a different public hearing. He also expressed his frustration that the DOT makes changes to site plans that have already been approved by the Commission.

The Commission voted as follows:

Donald Mitchell - AYE
James Swift - AYE
Barbara Manville - AYE
Corinne Cox - AYE
Roy Meadows - NAY

The motion to accept Application 19.16 carried 4-1.

Minutes

Mr. Meadows made a motion to approve the minutes from June 20, 2019. Ms. Cox seconded. All members were in favor and the minutes from June 20, 2019 were approved.

Adjournment

Mr. Rosen made a motion to adjourn. Ms. Cox seconded. All members were in favor and the meeting was adjourned at 10:23 p.m.

*Respectfully submitted,
Christine O’Neill, clerk*