



TOWN OF NEWTOWN
PLANNING & ZONING COMMISSION

MINUTES

REGULAR MEETING

Council Chambers

3 Primrose Street, Newtown, CT 06470

October 17, 2019 at 7:30 p.m.

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

Absent: Don Mitchell

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

Mr. Swift called the meeting to order at 7:30 p.m., in Chairman Mitchell's absence.

Public Hearings

Application 19.22 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 plans titled "13 Hawleyville Road LLC, 13 Hawleyville Road (Route 25), Newtown, Connecticut" dated 9/3/19 revised 9/17/19, and supporting documents submitted to the Land Use Agency 9/5/19, 9/19/19, 10/10/19, and 10/17/19.

Dainius Virbickas of Artel Engineering, Brookfield, introduced himself as speaking on behalf of the applicant. 13 Hawleyville Road was once part of a larger lot that now contains apartment buildings to the west. This property originally received an approval for the construction of a diner; now, an approximately 5,300 square foot convenience store is being proposed along with 8 fuel islands (16 total fueling spots) and 30 parking spaces. The configuration of the driveway and road access off Route 25 would remain the same as it was for the diner, with a long driveway off Covered Bridge for inbound vehicles only. Grading would be implemented to level the area of the building and parking lot, with landscaping berms along Route 25. Since the impervious surface for the gas station is less than what was approved for the diner, the stormwater management system is slightly oversized. The site will utilize water from the water company and the municipal sanitary sewer.

Mr. Virbickas submitted a new set of plans which incorporated comments from the Fire Marshal (adding a hydrant) and the Design Advisory Board (enlarging and dressing up the canopy over the fueling islands).

Maura Newell Juan of Seventy-Two Architects, Danbury, presented renderings of the building and canopy. She quoted the Hawleyville Center Design District (HCDD) regulations and displayed images of barns in Newtown, both of which heavily influenced this project. The building will be oriented to the street with a monitor roof and an implied second story, in keeping with the HCDD regulations. There will be a full-width covered porch and the building will have a combination of clapboard, board and batten, and vertical siding. It is handicap accessible. Ms. Juan displayed renderings of the northbound and southbound views from Route 25.

Michael O'Rourke of Frederick Clark Associates, Fairfield, stood in for Michael Galente, the traffic engineer who authored the traffic report for this site. Mr. O'Rourke stated that compared to the

previously approved diner, this gas station would generate an addition 80 trips weekday mornings, 130 trips weekday evenings, and 160 trips on Saturdays. He stipulated that the data came from the Institute of Transportation Engineers and that the report represents a conservative analysis. Traffic count data collected on the site in May indicated that the peak hours would be 7:30-8:30 a.m. and 4:30-5:30 p.m. on weekdays, and 11 a.m. to 12 p.m. on Saturdays. The last three years of traffic accident data in the area included no fatalities and was mostly limited to property damage. Construction is expected to take about one year. Mr. O'Rourke explained that on the advice of the Building Department and Land Use Agency, the traffic analyses took into account three nearby construction projects. The exit from the site would be controlled by a stop sign.

Mr. Swift asked for the total number of trips this proposal would generate, rather than just the additional trips Mr. O'Rourke cited earlier. Mr. O'Rourke reported a total of 160 end-trips weekday mornings (80 trips in, 80 trips out), 179 weekday evenings, and 246 on Saturdays. Mr. Swift also asked how many of those drivers were expected to be coming off Interstate-84. Mr. O'Rourke explained that about 85% of the trips would be southbound, coming from the vicinity of I-84. He went through more specific numbers from the traffic report, differentiating between drivers coming from the vicinity of I-84 and those actually coming off the ramp. Mr. Toby asked a few questions about trip calculation, and Mr. O'Rourke explained that the data from the Institute of Traffic Engineers is nationally-accepted and was used in conjunction with the previously mentioned elements to produce the analyses.

Mr. Meadows referred to the traffic report and asked for clarification on the "decrease in the level of service from the eastbound offramp." Mr. O'Rourke discussed the A-F grading system used for levels of service, indicating that C is considered an acceptable level. Mr. Meadows pointed out that a portion of the report designated the level of service as F during peak hours, and asked what that meant. Mr. O'Rourke responded by saying a person leaving the site would need to wait approximately 50 seconds to make a turn, but stipulated that this would not impact roadway traffic flow and that the longer wait times mostly applied to motorists making left turns. Mr. Meadows also asked about an 80-second wait time that he saw somewhere in the report. Mr. O'Rourke responded that those wait times are to be expected near an interstate highway and at a stop-controlled intersection (rather than a stoplight-controlled intersection).

Mr. Meadows wanted to know if the traffic report took into account the recently approved extra building in the Covered Bridge apartment complex. After some back-and-forth, applicant Anthony Lucera came forward and asked that the public hearing be continued so that Mr. Galente, who authored the traffic report, could be present to address this concern. Mr. Meadows also wanted to be sure that the report considered the nearby daycare center in full operation. Ms. Cox pointed out that an adjacent parcel of land for sale may be purchased and developed, which would further impact traffic. Mr. Lucera commented that if that happens, he would be grateful for the opportunity to make his case before the Department of Transportation again for a stoplight in the area.

Mr. Swift stated that the deterioration of the level of service from a C to D at the offramp indicates that the proposed gas station would draw considerable traffic off I-84.

Mr. Rosen wondered why the building was so large and why the site had so many parking spaces. Mr. Virbickas displayed a comparison image and indicated that the convenience store would not be too much larger than the diner (estimating an increase of less than 1000 square feet) and clarified that the number of parking spaces is regulation-driven.

Mr. Swift asked if the second story of the building was usable. Ms. Juan replied that part of it may be used as office space, but the building was only given the appearance of the second story to comply with the HCDD architectural guidelines.

Ms. Cox asked about the location of the wetlands, which Mr. Virbickas demonstrated on the map.

Mr. Ruhs asked, in an emergency scenario where the access off Route 25 is blocked from an accident, how emergency vehicles would access the only hydrant on the site. Mr. Virbickas explained that a flat grass shoulder allows emergency vehicles to bypass an accident to access the hydrant, and noted that all fueling stations are equipped with a fire suppression system.

Mr. Rosen wondered about the degree of visibility for residents. Mr. Virbickas explained it was likely that the building could be seen from I-84, Covered Bridge Road, and Grace Family Church, though perhaps not during the summer due to tree cover.

Mr. Swift invited public comment.

Pat Napolitano of 13 Whippoorwill Hill Road, Newtown, CT felt there was no need to put a second gas station in this area. It would create dangerous traffic situations and would not embody the spirit of the HCDD. He pointed out that the traffic engineer's estimation of 50 seconds to leave the gas station seemed understated, since it takes him 3-4 minutes to get off Whippoorwill Hill Road. Mr. Napolitano had further concerns about the neighborhood, water wells and water quality, blasting associated with construction, and air quality. He encouraged the Commissioners to read the Inland Wetlands minutes from the recent approval for this project. He implored the Commissioners to consider the residents rather than just the developer.

Vern Gaudet of 1 Hillcrest Drive, Newtown, CT said that when the HCDD came into effect twenty years ago, residents were told it would encourage shops and not gas stations. He felt the Town was going back on its promise by having approved one gas station and entertaining the approval of a second.

Mike Giudice of 4 Whippoorwill Hill Road, Newtown, CT passed around a satirical Hawleyville poster and displayed a PowerPoint in opposition to the application. He stated that this proposal would be the wrong use, on the wrong property, for the wrong benefit. In September of 2018, a text amendment allowed gas stations 2,000 feet apart in the Hawleyville Design District. He pointed out that there has been a history of developers getting approvals from the Commission and then later coming back to ask for more, which they always appear to get. Mr. Giudice began to speak about Application 18.28 and 19.03, but Mr. Swift requested that he keep his comments specific to his application. He spoke about using the Zoning Regulations to limit special exceptions to development to that which is in keeping with Newtown's character. He also brought up traffic issues and the lack of features like pocket parks and plazas that were called out as ideal in Hawleyville Center Design District.

Bill Hickok of Whippoorwill Hill Road, Newtown, CT said the traffic is already extreme in the Hawleyville area, and would be even worse with this gas station. He questioned the wisdom of putting two gas stations 2,100 feet apart when there is a regulation saying gas stations must be at least 2,000 feet apart, as it seemed to ignore the spirit of that regulation.

Mr. Lucera thanked the public for their comments and said he would respond at the next hearing.

Mr. Meadows made a motion to continue the public hearing for Application 19.22 to November 7, 2019 at 7:30 p.m. in the Council Chambers. Ms. Cox seconded. All were in favor and the hearing was continued to the next regular meeting.

Application 19.26 by Joseph Whelan, for the Subdivision of a property located at 121 Boggs Hill Road into two single-family residential lots, as detailed on a set of plans entitled “Subdivision Plan, Prepared for Whelan Homes LLC, 121 Boggs Hill Road, Newtown, Connecticut” dated 9/20/19, and supporting documents submitted to the Land Use Agency 9/23/19 and 10/15/19.

Ian Eller of J. Edwards and Associates introduced himself as speaking on behalf of the application. This residential subdivision in an R-3 zone would create two buildable lots (one with some wetlands and steep slopes) as well as Open Space. The driveways would be 40 feet apart with good sightlines.

Deputy Director of Planning Rob Sibley shared that the Conservation Commission has not been able to review the Open Space due to a canceled meeting, and would have a recommendation next Tuesday.

Mr. Meadows asked if the property had iron pins at the boundaries. Mr. Eller said the property was not yet marked. Mr. Meadows asked where the transformer/junction boxes were located on the property, but applicant Joseph Whelan had trouble figuring out what he was talking about. Mr. Whelan explained where this property is in relation to Shepard Road. Mr. Meadows determined he had looked at the wrong property.

Mr. Toby asked if there were any existing trails on the property, to which Mr. Whelan replied no. He mentioned that the Newtown Forest Association has nearby trailways, clarifying that they do not cross this property at all.

Mr. Rosen asked about the distance between driveways. Mr. Eller explained that if the second driveway was pushed farther back, the sightline would be impaired.

Mr. Swift asked for Mr. Sibley’s advice on the Conservation Commission’s lack of response regarding Open Space. Mr. Sibley encouraged him to wait until next meeting so that the Conservation Commission could weigh in.

Mr. Meadows made a motion to continue the public hearing for Application 19.26 to November 7, 2019 at 7:30 p.m. in the Council Chambers. Ms. Cox seconded. All were in favor and the hearing was continued to the next regular meeting.

Director’s Report

Referral from the Town of Easton dated 9/30/19

Mr. Sibley said that some definitions would be changed in the Easton Zoning Regulations regarding wayfinding signage. The Commission agreed that this would have no impact on Newtown.

Minutes

Ms. Manville referenced an email from Mr. Mitchell in which he questioned the wording of the October 3rd minutes regarding an archaeological study for Application 19.24. Clerk Christine O’Neill recounted the conversation between Mr. Mitchell and the applicant that led her to write that sentence. She offered to rewrite that portion of the minutes to include more detail, which she would present to the Commission

for approval at the next meeting. As such, the Commission agreed and tabled the approval of the minutes from October 3, 2019 until the next meeting.

Adjournment

Mr. Rosen made a motion to adjourn. Mr. Meadows seconded. All members were in favor and the meeting was adjourned at 9:11 p.m.

*Respectfully submitted,
Christine O'Neill, clerk*