



**TOWN OF NEWTOWN**  
PLANNING & ZONING COMMISSION

MINUTES  
REGULAR MEETING  
Council Chambers

3 Primrose Street, Newtown, CT 06470  
November 7, 2019 at 7:30 p.m.

**Present:** Don Mitchell, James Swift, Roy Meadows, Corinne Cox, David Rosen

**Absent:** Barbara Manville, David Ruhs, Benjamin Toby

**Also Present:** George Benson, Director of Planning, Christine O'Neill, Clerk

Mr. Mitchell called the meeting to order at 7:31 p.m.

**Public Hearings**

**(Continued) 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.**

Larry Edwards of L. Edwards Associates, 227 Stepney Road in Easton, CT, presented on behalf of the application. This hearing was continued from last meeting because the Conservation Commission had not yet made a recommendation regarding the Open Space. Between last meeting and this one, the Conservation Commission submitted a letter recommending that the Planning and Zoning Commission require a Fee In Lieu Of (FILO) rather than the Open Space. Mr. Edwards advocated for accepting the Open Space instead, because he felt it was valuable land for wildlife and because a significant financial burden would be placed on the applicant if he needed to provide the FILO. He pointed out that the first criterion for Open Space in the subdivision regulations is to protect significant features on the property and habitat for wildlife, which he felt this land did.

Mr. Mitchell asked if the abutting property had been developed. Mr. Edwards replied that it cannot be divided any further, but that it was unlikely to become Open Space unless it were donated.

Mr. Edwards reminded the Commission that in the past he has argued both for and against the FILO, but he feels the applicant has a strong case here for the Open Space. He also expressed that the subdivision regulations encourage an agreement between the Commission and the applicant, rather than one forcing the other's hand.

Mr. Swift pointed out that the Town doesn't want to acquire small, disconnected parcels. Mr. Benson said it does not necessarily have to go to the Town and it could be made a conservation easement instead. He concurred with Mr. Edwards that FILO constitutes a gray area in the regulations in terms of whether or not it can be forced upon the applicant.

Mr. Edwards pointed out that a subdivision in an R-3 zone makes the FILO cost-prohibitive.

Mr. Meadows asked if the applicant had considered a corridor up the east portion of the property instead. Mr. Edwards said that they were willing to reconfigure the Open Space if the Commission wished.

Mr. Whelan, the applicant, expressed that he is concerned about the cost of the FILO. He pointed out that, according to the subdivision regulations, the FILO seems to be designed as a way for the developer to get more land; Mr. Whelan made a decision to offer the Open Space instead.

The Commission felt that they would need to continue the hearing to the next regular meeting, so that they could walk the site and determine whether or not there was value in accepting the proposed Open Space.

Mr. Swift made a motion to continue to the hearing for Application 19.26 to the next regular meeting of November 21, 2019. Mr. Meadows seconded. All were in favor and the hearing for Application 19.26 was continued.

**(Continued) 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 last revised 10/11/19, and supporting documents submitted to the Land Use Agency 9/5/19, 9/19/19, 10/10/19, 10/17/19, and 11/5/19.**

Anthony Lucera spoke on behalf of 13 Hawleyville, LLC. He explained to the Commission that, at the request of the Fire Marshal, he will be putting an alternate hydrant on the property. He had also heard concerns about visibility voiced at the last meeting, so he submitted an image for the record that showed the linear distance to the site line from various neighboring properties.

Dainius Virbickas of Artel Engineering distributed a new utilities plan. He showed the position of the proposed alternate hydrant on a projected display.

Mr. Mitchell - who indicated that although he was not at the last meeting, had listened to the audio - inquired how many underground tanks there would be. Mr. Virbickas replied that there were two, one of which had a dual compartment. Ms. Cox asked where the foam extinguishers would be. Mr. Virbickas stated that the canopies all have fire suppression systems.

Mr. Mitchell explained that although he initially had concerns about pollutants, the fact that this project had received approval from the Inland Wetlands Commission and an examination of the plans assured him that there are systems in place to catch any pollutants before they hit the waterways.

Michael Galante of Frederick Clark Associates, the project’s traffic engineer, had missed the last meeting and therefore wanted to go through the traffic report in detail. The hand-counts of traffic were done this past May and subsequently combined with data from the Connecticut Department of Transportation (DOT). Mr. Galante stated that there were concerns at the last meeting as to whether or not the daycare facility was operational during the data collection; he confirmed that it was. What had not been accounted for was the recently-approved gas station, which is now included in the updated traffic study.

Mr. Swift asked which would generate more traffic: the currently proposed gas station or the previously approved restaurant. Mr. Galante said the gas station.

Mr. Galante displayed a number of tables with data regarding traffic counts, accident reports, peak hours, upcoming developments, generated trip ends, and levels of service. He pointed out that the data demonstrates there are not significant accidents occurring near this site.

Ms. Cox asked if school buses would be accounted for, and Mr. Galante explained that the model does include a provision for trucks/buses.

Mr. Galante explained that a passby credit is allowed by nationally-accepted traffic calculation guidelines, which indicates that people stopping at a gas station are already on the road for another trip. The traffic calculation guidelines said the passby credit could be between 65-75%, but in order to be conservative in these projections, Mr. Galante used a 20% passby credit. He continued to explain in detail how the numbers in the report were arrived at.

Mr. Meadows asked about traffic coming off Interstate-84, and how those projections were created. Mr. Galante explained those numbers were generated by looking at the ramps and using DOT data to create distribution patterns; the State will ultimately review those numbers and will either accept or change them.

Mr. Swift asked if 70% of trip generation for this gas station would come off I-84. Mr. Galante confirmed that this was the case. Mr. Swift asked how the 20% passby credit would be applied. Mr. Galante explained that the passby credit was taken from Route 25, not from the Interstate.

Ms. Cox wondered how the drivers coming off I-84 for gas would be able to make a turn out of the gas station to get back on the highway. Mr. Galante went over the levels of service (A being the least delay, F being the longest delay) and how they applied to this site. The off-ramps for I-84 are already at levels of service from D to F. The addition of the gas station will add to these delays, though Mr. Galante explained the additional delay would not be significant because it would only increase by approximately six seconds.

Mr. Galante pointed out that in spite of requests for a stoplight in the area, the DOT does not consider there to be enough volume to grant it. Ms. Cox was especially concerned with exiting the gas station itself. Mr. Galante said that the gas station's exit lane is sixteen feet at the head, which will effectively function as two lanes. He conceded that there will definitely be a significant delay for drivers turning out of the gas station, but that delay would be limited to the gas station patrons and would not impact the drivers on the road. Mr. Galante did point out that development of the land across from the Covered Bridge apartments may render a traffic light necessary in the DOT's eyes.

Mr. Galante said that the shoulders that exist on Route 25 function as bypass lanes, which can mitigate the impact of those waiting to turn into the gas station.

Mr. Meadows asked if a level of service F wait-time was 50 seconds, and if that number was an average or a median. He wondered if the curve was bell-shaped or skewed. Mr. Galante explained that the varied delays for a vehicle could be just a few seconds after stopping at the stop sign, or could wait closer to a

minute and a half. He described the curve as “normal.” The model does not take into account aggressive drivers and is somewhat conservative. The timing of the peak hours also impacts the wait times.

Mr. Rosen asked if there is a correlation between delay time and accident rates. Mr. Galante said an increased volume does not necessarily increase accidents, but that the answer is highly dependent on the intersection. DOT does not look into that relationship.

Mr. Meadows referenced the traffic report and said he had trouble visualizing the text in the report regarding the shoulders of Route 25 being used as bypass lanes. Mr. Galante explained that if someone on the road wants to make a left turn, a driver behind them could use the shoulder to pass the turner. Mr. Meadows also pointed out that the daycare center was only operating at 75% capacity back in May when the traffic data was taken, and asked how that would impact the levels of service B or C that the site currently had. Mr. Galante did some verbal calculations and concluded that the level of service in front of the daycare would not change significantly, especially because of the traffic light at that intersection.

Mr. Mitchell brought up the previously-mentioned 50-second delay and wondered if people during rush hour would get “antsy” and make riskier moves on the road. As such, he said, there had to be an increase in the risk of an accident. Mr. Swift agreed.

Mr. Mitchell did point out that those coming off the highway for gas would hypothetically be split between this gas station and the other approved gas station in the area. He also wondered if there would be an issue with queuing if a build-up of cars occurred within the gas station.

Mr. Mitchell opened the floor to public comment.

Vern Gaudet of 1 Hilltop Drive, Newtown, CT restated from the last meeting that he had been told no gas stations would be built in Hawleyville. He felt that all the development in Hawleyville with such a small two-lane highway was ridiculous and had potential for accidents.

Pat Napolitano of 13 Whipoorwill Hill Road, Newtown, CT introduced himself as a 32-year-resident of Hawleyville. He had a drawing which he submitted to the public record demonstrating the configuration of the gas station and roadways. In response to the 50-second average wait time that was discussed, he said he cannot even turn out of his street in under a minute. He asserted that the 210 Covered Bridge apartments, the 226 children in the daycare center, and the proposed gas station would make the traffic in the area untenable. Mr. Napolitano asked about the number of tanks and their capacity, and if there would be blasting involved with the putting the tanks in the ground. Mr. Mitchell explained that the Commission does not have any jurisdiction over blasting, and Mr. Benson contributed that the Fire Marshal issues those permits.

Janet McKeown of 70 Hillcrest Drive, Newtown, CT felt that she has been going to meetings in opposition of proposals like this one for five years. The church was approved, then the apartments, then the additional apartment, and the other gas station. She implored the Commission to say no to this application.

Mike Giudice of 4 Whipoorwill Hill Road, Newtown, CT submitted a presentation for the public record. He stated that there is nothing special about a Special Exception if they are given out liberally by the Commission. He went through several potential reasons that this application might be approved, such as the threat of a “worse” development and revenue-chasing, and rebutted each reason.

Mr. Lucera responded to the commenters. To Mr. Napolitano, he explained that there would never be 800 people in the Covered Bridge apartments due to the configuration of bedrooms - it would likely be closer to 400 or 500. Each of the two gas tanks holds 20,000 gallons. He had no rebuttal to Ms. McKeown. To Mr. Giudice, he said he could not imagine people using sidewalks along a highway with cars going 45 mph.

Mr. Benson asked how many children are in the Covered Bridge apartments. Mr. Lucera replied that there are no school-aged children currently. Ms. McKeown stated that she has seen a school bus enter the complex every day. Mr. Lucera responded that he has never seen this and is going to look into it.

Mr. Swift asked how this use fits in with the Hawleyville Center Design District (HCDD). Mr. Lucera explained that besides gas, the proposed establishment would provide a commercial service in the form of a convenience store and coffee shop to the residents in the area. Mr. Swift said that the gas station that is already being built can serve the residents in the area, and it seems that the current proposal would exist exclusively to serve I-84. Mr. Benson reminded the Commission that the zoning regulations were amended to allow two gas stations in the HCDD. Mr. Swift explained that just because it's an allowed use, that doesn't mean that it's appropriate for the HCDD. Mr. Benson said that the amendment to the regulations means it does fit into the HCDD.

Mr. Giudice asked if the default for a Special Exception is yes. Mr. Benson explained that people have an inherent right to develop property that they own. If an application is denied, the Commission needs to give reasons. Mr. Giudice asked if the definition of a Special Exception meant that the proposal does not fit in with the zone; Mr. Mitchell and Mr. Benson explained that Special Exceptions are allowed uses in the zone, but need to come before the Commission rather than a use that can be administratively approved. Mr. Benson said that the term "Special Exception" may be misleading.

Mr. Napolitano referred to the HCDD guidelines and said that they call for shops with possible apartments on an upper floor, pointing out that it was even quoted at the last meeting.

Mr. Galante gave the final comments, stating that the traffic report was produced in compliance with the regulations. The DOT will look at the traffic again after this approval. An apartment typically has half a trip per unit. Mr. Benson asked Mr. Galante to confirm that he had attested there were low accident rates at the intersections, which he did.

Mr. Swift made a motion to close the public hearing. Mr. Meadows seconded. All were in favor and the public hearing was closed at 9:28 p.m.

Mr. Swift read the following into the record:

*BE IT RESOLVED that 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 last revised 10/11/19, and supporting documents submitted to the Land Use Agency 9/5/19, 9/19/19, 10/10/19, 10/17/19, and 11/5/19 IS HEREBY FOUND CONSISTENT WITH THE PLAN OF CONSERVATION AND DEVELOPMENT AND SHALL BE APPROVED. BE IT FURTHER RESOLVED that the approval shall become effective November 30, 2019.*

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

Ms. Cox stated that she lived in Hawleyville and this was not her vision for the area. Mr. Swift felt that the proposed gas station would serve only those coming off I-84 and the traffic generation would lead to dangerous situations. Mr. Meadows expressed that he was also very concerned about the traffic, and that the building appeared out of sync with the neighborhood. Mr. Swift did point out that the Design Advisory Board recommended the design for the building, but Mr. Meadows said they were not obligated to take their recommendations. Mr. Rosen expressed that he was very concerned about public safety and traffic. Mr. Mitchell also felt that traffic was an issue, though pointed out that Hawleyville is supposed to be a business district promoting development. He reviewed the history of development in Hawleyville. He ultimately felt there was a bottleneck of traffic in the area.

Mr. Rosen was appointed to vote in Ms. Manville's absence.

The Commission voted as follows:

Donald Mitchell - NAY  
James Swift - NAY  
Corinne Cox - NAY  
Roy Meadows - NAY  
David Rosen - NAY

Application 19.22 was disapproved unanimously.

The Commission took a ten-minute recess from 9:40 to 9:50 p.m.

**Application 19.27 by GRC Construction, for the Subdivision of a property located at 18 Old Hawleyville Road into two residential lots, as detailed on a set of plans entitled "Subdivision Map, Prepared for GRC, LLC, 18 Old Hawleyville Road, Newtown, Connecticut" dated 4/30/19, 10/3/19, and 11/7/19, and supporting documents submitted to the Land Use Agency 10/8/19 and 10/16/19.**

Greg Carnrick of GRC Construction explained that the property is 4.3 acres that would be divided into two one-acre parcels with the remaining acreage going to the Open Space. The Open Space would connect with existing Town Open Space.

In 2009 a dilapidated house on the property was demolished. Mr. Mitchell asked if the tree clearing had already been done, and Mr. Carnrick confirmed that he would not be cutting down any additional trees unless it was recommended during the construction process.

Mr. Meadows wanted to see the Open Space and the Commission took some time to look at the site plan.

Mr. Benson asked about the installation of a dry hydrant on the property. Mr. Carnrick explained that he also owns the property across the street. After some discussion with the Fire Marshal, it was decided that

since this is a two-lot subdivision a dry hydrant is not required. Mr. Carnrick explained that voluntarily he will be using a pond on a neighbor's property, from whom he has received verbal permission, to install a dry hydrant.

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

Mr. Swift made a motion to close the public hearing. Mr. Meadows seconded. All were in favor and the public hearing was closed at 9:59 p.m.

Mr. Swift read the following resolution into the record:

*BE IT RESOLVED that Application 19.27 by GRC Construction, for the Subdivision of a property located at 18 Old Hawleyville Road into two residential lots, as detailed on a set of plans entitled "Subdivision Map, Prepared for GRC, LLC, 18 Old Hawleyville Road, Newtown, Connecticut" dated 4/30/19, 10/3/19, and 11/7/19, and supporting documents submitted to the Land Use Agency 10/8/19 and 10/16/19 IS HEREBY FOUND CONSISTENT WITH THE PLAN OF CONSERVATION AND DEVELOPMENT AND SHALL BE APPROVED WITH THE FOLLOWING CONDITION: THAT THE FIRE MARSHAL APPROVE THE FIRE SUPPRESSION PROVISIONS. BE IT FURTHER RESOLVED that the approval shall become effective November 30, 2019.*

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

Mr. Meadows verified that the Conservation Commission had recommended the acceptance of the Open Space, which they did in a letter dated October 23, 2019.

The Commission voted as follows:

Donald Mitchell - AYE  
James Swift - AYE  
Corinne Cox - AYE  
Roy Meadows - AYE  
David Rosen - AYE

The motion to approve Application 19.27 carried unanimously.

### **Referral**

**Referral 19.25 from the Newtown Borough Zoning Commission, originally submitted by 19 Main Street LLC, for a property located at 19 Main Street, for (1) an amendment to the Borough Zoning Regulations and (2) an amendment to the Borough Zoning Map, as detailed in documents submitted to the Land Use Agency 9/13/19 and 10/17/19.**

Mr. Mitchell began by stating that is a public meeting and not a public hearing, which means no testimony would be taken. He also stated that the proposal does not need to be entirely consistent with the Plan of Conservation and Development (POCD), it simply needs to find support therein.

Mr. Mitchell explained that if the Commission finds the referral inconsistent with the POCD, it would force a 4/5ths majority vote of the Borough Zoning Commission (BZC) to pass; however, because a

protest petition had already been submitted, having been signed by at least 20% of abutters within 500 feet of the parcel, a 2/3rds majority was already compulsory as per Connecticut General Statutes (CGS).

Mr. Swift asked if the architectural rendering that was submitted with the referral could be considered. Mr. Mitchell said he did not think the rendering or the supposed number of housing units could be considered, since they were not reviewing a site plan.

Mr. Benson read a memorandum he wrote, which he submitted to the public record, stating that “my opinion is that the Borough Zoning Referral #19.25 is in compliance with the 2014 Newtown Plan of Conservation and Development.” His reasons were that the POCD and CGS encourage opportunities for multi-family dwellings, and that the adoption of this proposal will forever eliminate non-conforming commercial uses on this property.

Mr. Mitchell explained that there are references throughout the State’s POCD to creating housing opportunities. Coupled with the State’s declaration of a housing crisis, the importance of housing choices (State and local levels both make mention of rental units specifically) would give the Commission reason to recommend approval.

Mr. Mitchell explained that hypothetically a developer could preserve the Mary Hawley residence and simply update it, thereby preserving a historic use. Mr. Benson pointed out that the current building is not able to be renovated because the amount of money it would take to bring it into building code compliance. Mr. Benson said any developers who looked at the property were only interested in demolishing the whole building.

The current use is pre-existing non-conforming. Right now, the building could be demolished and a commercial enterprise like a restaurant could be constructed due to this status, in spite of the POCD imperative that “Newtown is proud of its central non-commercial Main Street.” Mr. Benson said if this text amendment passes, any future commercial uses would be extinguished in favor of multifamily housing, which would be considered a “less offensive use.”

Mr. Meadows asked if anyone was actively pursuing historical status for the building. Mr. Benson and Mr. Mitchell did not know of anyone pursuing this at the moment.

Mr. Benson cautioned the Commission against getting too into the weeds about zoning questions like the lot’s acreage. Mr. Mitchell stated that the responsibility of the Commission ends with deciding if multifamily housing is appropriate for the Borough; Mr. Meadows confirmed that building design could not be part of considerations.

Mr. Mitchell said that the POCD encourages keeping current density, which a multifamily housing complex does not do, yet the POCD on the local and State levels encourages housing options.

Mr. Swift had some questions about the current non-conforming use. Mr. Mitchell explained that until the current commercial use is intentionally abandoned, such as by the development of the property as residential, this property can continued to be used for commercial uses.

Mr. Swift said the general consensus is that this would impact the character of Main Street. Mr. Mitchell added that this impact is twofold: it eliminates a commercial use, and it increases density.



The Commission spoke about how the threat of a CGS 8-30g affordable housing proposal complicates this decision, and discussed whether or not this was appropriate to consider.

Mr. Swift explained that if he voted to recommend this proposal, it would be to vote against a potential 8-30g proposal. Mr. Benson urged him to keep his decision-making based on the POCD. Mr. Swift clarified that he is not against affordable housing in Newtown in general, it is just not appropriate in this location. Mr. Rosen contributed that this is a bad location because it's in the center of a number of historical buildings.

The discussion began to drift towards predicting what message would be sent to the BZC, and Mr. Benson reminded them to stick to the POCD.

Mr. Meadows expressed his frustration that he went page-by-page through the POCD and found a virtually equal amount of evidence for and against this referral. Mr. Benson agreed, saying that the POCD is a conceptual document so the decision is ultimately up to the Commissioners as long as they can justify their perspectives. Mr. Mitchell agreed that if you have a position for which you can find support in one part of the POCD, there may be another part in contradiction to that.

Mr. Mitchell felt that because the POCD is riddled with recommendations for providing housing choices, plus the State's strong push for more housing, he would be in favor of recommending approval and letting these proposals play out at the BZC.

Mr. Meadows wondered if the Commission could suggest a different density than what is being proposed. Mr. Benson said the Commission could recommend the BZC look at the density, but shouldn't suggest a specific figure or try to rewrite the proposed text amendment.

Mr. Mitchell said that the Commission's report to the BZC should also list their findings with direct references to the POCD. The Commission began to discuss how they could word their recommendation that the BZC limit the density as much as possible, but Mr. Rosen shared that he was still having trouble with the idea of recommending approval at all. Mr. Rosen felt the character of this proposal didn't fit in with the image of Newtown. Ms. Cox agreed.

Mr. Mitchell came up with the following wording: that the Commission recommends that the BZC "seriously consider lowering the maximum density in the zone from that calculated or provided in the current proposal." He explained that he wrote it in this manner because the text amendment has a formula for calculating the number of units and does not actually say 40, although that is the maximum number of units that could be placed on 19 Main Street.

Mr. Swift read the following resolution into the record:

*BE IT RESOLVED that Referral 19.25 from the Newtown Borough Zoning Commission, originally submitted by 19 Main Street LLC, for a property located at 19 Main Street, for (1) an amendment to the Borough Zoning Regulations and (2) an amendment to the Borough Zoning Map, as detailed in documents submitted to the Land Use Agency 9/13/19 and 10/17/19 IS HEREBY FOUND CONSISTENT WITH THE PLAN OF CONSERVATION AND DEVELOPMENT AND SHALL BE RECOMMENDED FOR APPROVAL. WITH THE FOLLOWING CONDITIONS: THAT THE BOROUGH ZONING COMMISSION SERIOUSLY CONSIDER LOWERING MAXIMUM DENSITY IN THE ZONE FROM THAT CALCULATED OR PROVIDED IN THE CURRENT PROPOSAL.*

*WE ALSO FIND THAT ON PAGE 61, THE HOUSING SECTION OF THE POCD STATES, SECTION 8-23 OF THE CONNECTICUT GENERAL STATUTES ESTABLISHES THE REQUIREMENTS FOR THE HOUSING SECTION OF A MUNICIPAL PLAN OF CONSERVATION AND DEVELOPMENT AS FOLLOWS: "SUCH PLAN SHALL MAKE PROVISIONS FOR THE DEVELOPMENT OF HOUSING OPPORTUNITIES, INCLUDING OPPORTUNITIES FOR MULTIFAMILY DWELLINGS." THIS REFERRAL IS IN COMPLIANCE WITH THIS SECTION OF THE POCD AND THE STATE STATUTE SECTION 8-23.*

*WE ALSO FIND THAT ON PAGE 132, THE BOROUGH SECTION OF THE POCD STATES THAT, "THE 2004 POCD UNDERSCORES THE FACT THAT NEWTOWN IS PROUD OF ITS CENTRAL NON-COMMERCIAL MAIN STREET AND WILL KEEP IT PRESERVED." THIS REFERRAL IS IN COMPLIANCE WITH THIS PORTION OF THE POCD, DUE TO THE FACT THAT CURRENTLY THE PROPERTY LOCATED AT 19 MAIN STREET CAN BE REDEVELOPED AS A RESTAURANT, BAR AND OR INN, ALL COMMERCIAL USES. THIS REFERRAL WOULD FOREVER ELIMINATE THE CURRENT COMMERCIAL USES AND REPLACE THEM WITH A MULTIFAMILY RESIDENTIAL USE.*

*FOR THE ABOVE REASONS IT IS THE OPINION OF THE PLANNING AND ZONING COMMISSION THAT BOROUGH ZONING COMMISSION REFERRAL #19.25 IS IN COMPLIANCE WITH THE 2014 NEWTOWN PLAN OF CONSERVATION AND DEVELOPMENT.*

Mr. Meadows asked about the part of Mr. Benson's memorandum that "would forever eliminate the current commercial uses and replace them with a multifamily residential use." Mr. Benson explained that an approved zone change would constitute intent to abandon the non-conforming use, making it no longer valid.

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

The Commission voted as follows:

Donald Mitchell - AYE  
James Swift - NAY  
Corinne Cox - NAY  
Roy Meadows - AYE  
David Rosen - NAY

The motion to recommend the approval of Referral 19.25 did not carry, with a vote of 2-3.

Mr. Benson explained that in order to prepare their report to the BZC, the Commission would need to cite portions of the POCD justifying their position. The Commission agreed that character and density are the major reasons behind their decision.

The Commission decided that it was appropriate for Mr. Mitchell to draft the report on their behalf, and run it by the staff of the Land Use Agency before submitting it.

## Minutes

Upon Mr. Mitchell's request, Clerk Christine O'Neill rewrote the section of the October 3, 2019 minutes regarding the archaeological review for Application 19.24. She proposed amending the wording to the following: "Mr. Mitchell asked if Mr. Whelan had submitted an archaeological review to the file. Mr. Whelan said that he had asked Land Use Officer Steve Maguire, who said it was not necessary for this parcel. Mr. Mitchell requested that Mr. Whelan have a memorandum from Mr. Maguire put in the file specifying that an archaeological review was not necessary."

Mr. Meadows made a motion to approve the minutes as amended from October 3, 2019. Ms. Cox seconded. All members were in favor and the minutes as amended from October 3, 2019 were approved.

Mr. Meadows made a motion to approve the minutes from October 17, 2019. Mr. Swift seconded. All members were in favor and the minutes from October 17, 2019 were approved.

## Set Meeting Dates for 2020

The following meeting dates were proposed for 2020.

*Meetings will be held the first and third Thursday of each month at 7:30 pm in the Council Chambers, 3 Primrose Street, Newtown, CT unless the meeting date below has an asterisk or unless otherwise noted on the Agenda.*

*Thursday, January 2, 2020\**  
*Thursday, January 16, 2020\**

*Thursday, February 6, 2020\**  
*Thursday, February 20, 2020\**

*Thursday, March 5, 2020\**  
*Thursday, March 19, 2020\**

*Thursday, April 2, 2020\**  
*Thursday, April 16, 2020\**

*Thursday, May 7, 2020*  
*Thursday, May 21, 2020*

*Thursday, June 4, 2020*  
*Thursday, June 18, 2020*

*Thursday, July 2, 2020*  
*Thursday, July 16, 2020*

*Thursday, August 6, 2020*  
*Thursday, August 20, 2020*

*Thursday, September 3, 2020*  
*Thursday, September 17, 2020*

*Thursday, October 1, 2020*  
*Thursday, October 15, 2020*

*Thursday, November 5, 2020*  
*Thursday, November 19, 2020*

*Thursday, December 3, 2020*  
*Thursday, December 17, 2020*

*Thursday, January 7, 2021*  
*Thursday, January 21, 2021*

*\* Meeting location TBD; will be posted on each Agenda.*

Ms. O'Neill, the clerk, commented that she has been working with the Community Center to secure meeting space for the first four months of the year.

Ms. Cox made a motion to accept these dates. Mr. Mitchell seconded. All were in favor and the meeting dates for 2020 were approved.

**Adjournment**

Mr. Rosen made a motion to adjourn. Mr. Swift seconded. All members were in favor and the meeting was adjourned at 11:03 p.m.

*Respectfully submitted,*  
*Christine O'Neill, clerk*