



TOWN OF NEWTOWN
PLANNING & ZONING COMMISSION

MINUTES
REGULAR MEETING
Council Chambers

3 Primrose Street, Newtown, CT 06470
November 21, 2019 at 7:30 p.m.

Present: James Swift, Dennis Bloom, Corinne Cox, Barbara Manville, David Rosen, Nick Cabral, and Andrew Marone

Absent: Don Mitchell

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

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

Public Hearings

(Continuation) Application 19.28 by Grace Family Church, for a Text Amendment to the Town of Newtown Zoning Regulations, § 8.01.611 (sign regulations), regarding signs marking civic, charitable, religious, patriotic, fraternal, or similar organizations, as detailed on documents submitted to the Land Use Agency 10/23/19.

(Continuation) Application 19.29 by Grace Family Church, for an Amendment to a Special Exception, originally granted under Application 15.09, for a property located at 13 Covered Bridge Road, so as to permit signage described and depicted in documents submitted to the Land Use Agency 10/23/19.

In a letter dated 12/4/19, Attorney Rickart on behalf of applicant Grace Family Church asked for a continuation of the hearings for Application 19.28 and 19.29 to the January 16, 2020 meeting, which will take place in the Multipurpose Room of the Senior Center (8 Simpson Street).

Application 19.30 by Hawleyville Volunteer Fire Co. No. 1, Inc., for a Text Amendment to the Town of Newtown Zoning Regulations, Chart VII-1, regarding area, height and yard requirements within the Hawleyville Center Design District, as detailed on documents submitted to the Land Use Agency 11/14/19.

Attorney Robert Hall of 43 Main Street, Newtown spoke on behalf of the applicant. He submitted Tax Assessor cards for all of the parcels in the Hawleyville Center Design District (HCDD) and a GIS map.

Attorney Hall explained that the Hawleyville Volunteer Fire Company (HVFC) obtained a parcel of land from the railroad that contained an abandoned building. The lot is currently .773 acres. The NEMCO property, located at 26 Hawleyville Road, would like to purchase the "peninsula" of land from the HVFC to make the gas station they are building more accessible. The issue is that the HVFC's .773 acre size lot is already non-conforming according to the current regulations, and selling any land will

increase the non-conformity. Changing the minimum lot size to half an acre in the HCDD would allow the HVFC to sell part of their land to the gas station.

Attorney Hall went through all the parcels in the HCDD and demonstrated that they are either already developed, covered in wetlands, and/or pre-existing nonconforming. He noted that 13 Hawleyville Road is not on the map he distributed, which recently came before the Commission for a proposed gas station.

Attorney Hall directed the Commissioner's attention to Chart VII-I in the Zoning Regulations, which details area, height, and yard requirements for all zones, specifically to the HCDD section. He explained that in proposing to reduce the minimum required acreage, he was also proposing to make adjustments to setbacks, percent coverage, etc. in order to be consistent with the other half acre zones.

Ms. Manville asked how large each of the two portions of land to be sold from HVFC to the NEMCO gas station are. Attorney Hall said one section is 2500 square feet, and the other section 5000 square feet; even after both pieces are sold, the HVFC lot will maintain more than half an acre.

Ms. Cox asked if half-acre parcels need sewer and water hookup. Mr. Sibley explained that this is a Health Panel Review question, but sewer does not go that far. He added that Health Panel looks at parcels under half an acre.

Mr. Rosen wondered if an opportunistic developer might subdivide some of the larger parcels within the HCDD with the proposed change. He further asked what the spirit of the one acre lot size stipulation in the HCDD was, inviting Commissioners who served during the creation of the Design District to give insight. Attorney Hall went through the largest parcels and explained that it seemed unlikely any of these parcels would subdivide.

Mr. Swift asked if 13 Hawleyville Road, which had recently been denied for a gas station, had sewer. Attorney Hall replied that it did. Mr. Sibley contributed that the Flood Plain Ordinance eliminates the 13 Hawleyville Road lot for further development. Attorney Hall agreed that it would be very difficult to subdivide that lot.

Mr. Bloom asked about the size of the Fire Department building, and he was wondering about parking. Attorney Hall said he did not know how many parking spaces would be needed to have an event at the hall. On the property that contains the building, there are six bays and a hall. A parcel in front of that has a modest two-family home, he explained.

With no further questions from the Commission, Mr. Swift invited public comment.

Charles Zukowski of 4 Cornfield Ridge Road, Newtown, CT shared that the proposed real estate transaction at the heart of the text amendment seemed like a win-win, though it was cumbersome to have to change the whole HCDD to accommodate it. Mr. Zukowski asked if there was an alternative, such as consolidating the HVFC's lots to create a single, conforming lot.

Peter Olson, attorney for Land Use and Conservation Counsel, located at 275 Greenwood Avenue in Bethel, spoke on behalf of NEMCO, the company operating the gas station at 26 Hawleyville Road. Attorney Olson said that the text amendment is the most viable option to effect this transaction. There does not appear to be a hardship worthy of a Variance, and the consolidation of the two lots as Mr. Zukowski mentioned would constitute a significant loss of a public asset. Attorney Olson added that as a

result of this sale of property, NEMCO would not change anything about the approved site plan submitted for their gas station. He stated the following reasons that the Commission should approve this text amendment: 1) this would bring many HCDD lots into conformity and reflects the real size of many of the lots, 2) single family homes are not permitted in the HCDD, which means a developer could not subdivide the land to get a bunch of houses out of a single parcel, and 3) this would not impede commercial development in the area, which is one of the primary objectives for the HCDD.

Mr. Swift asked if NEMCO would need to come back to the Planning and Zoning Commission to modify the gas station's approval. Attorney Olson said they may add some pavement for parking, though he did not think it was necessary to come back to the Commission. Attorney Hall agreed that adding parking spaces (which would only amount to seven or eight spaces anyway). Mr. Swift asked what the current configuration of the lot is. Attorney Olson said it is currently paved, with parking spaces used for events.

Cliff Beers of 38 Saw Mill Road, Newtown, CT introduced himself as the President of the HVFC. He said that they acquired the piece of property in case the company had an opportunity for expansion. It is currently used for parking, but the corner of the lot that they are trying to sell is not being used for anything.

Mr. Swift agreed with Mr. Zukowski that it is unfortunate to have to change the Zoning Regulations for this transaction to occur. The fact that single family homes are not allowed assuaged the Commission's fears that the HCDD could become overdeveloped.

Ms. Manville made a motion to close the public hearing. Mr. Bloom seconded. All were in favor and the public hearing was closed at 8:12 p.m.

Ms. Manville said that changing the zoning would bring a number of other properties into zoning compliance. Mr. Swift shared that he was hesitant about changing the setbacks, though Ms. Manville pointed out that adjusting the setback from 25 feet to 35 feet would be in line with the R-1/2 zone.

Mr. Rosen asked if this would impact the potential development of 13 Hawleyville Road. Mr. Sibley said the percentage of the lot that can be covered by the building would increase to be in harmony with the smaller lot size. It also would change the setbacks for 13 Hawleyville Road.

Ms. Manville asked if 13 Hawleyville Road would be able to subdivide based on this text amendment. Mr. Sibley explained that there are many different scenarios to consider, though he added that this 5 acre property would be fairly difficult to subdivide.

Mr. Swift wished to keep the setback as is, but accept the other proposed changes. Ms. Manville and Mr. Bloom wished to reduce the setback as proposed.

Mr. Swift appointed Mr. Rosen as the alternate to vote in place of Mr. Mitchell.

Mr. Swift asked if Mr. Sibley had input. Mr. Sibley said that as someone who must interpret and enforce regulations, he would wish to keep area, height, and yard requirements consistent with other zones (that is, since the Sandy Hook Design District is a half-acre minimum lot size and has no setbacks, it would make the most sense for HCDD to also eliminate the setback).

Ms. Manville read the following resolution into the record:

BE IT RESOLVED that Application 19.30 by Hawleyville Volunteer Fire Co. No. 1, Inc., for a Text Amendment to the Town of Newtown Zoning Regulations, Chart VII-1, regarding area, height and yard requirements within the Hawleyville Center Design District, as detailed on documents submitted to the Land Use Agency 11/14/19 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 December 28, 2019.

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

The Commission voted as follows:

David Rosen - AYE
James Swift - AYE
Corinne Cox - AYE
Dennis Bloom - AYE
Barbara Manville - AYE

The motion to approve Application 19.30 carried unanimously.

Director's Report

Referral from the Town of New Fairfield, Amendment to Section 3.1.1 (G)

Mr. Sibley explained that New Fairfield is proposing to amend its definition for Short Term Rental, regarding certificate of insurance. His opinion was that it did not impact Newtown.

Minutes

Ms. Cox made a motion to approve the minutes from November 21, 2019. Mr. Swift seconded. All members were in favor and the minutes from November 21, 2019 were approved.

Adjournment

Mr. Rosen made a motion to adjourn. Mr. Swift seconded. All members were in favor and the meeting was adjourned at 8:30 p.m.

*Respectfully submitted,
Christine O'Neill, clerk*