



TOWN OF NEWTOWN
ZONING BOARD OF APPEALS

MINUTES
SPECIAL MEETING

Meeting Room 3
3 Primrose Street
Newtown, CT 06470
March 13, 2019 at 7:30 p.m.

Present: Alan Clavette, Jane Sharpe (acting secretary), Joseph Bojnowski, and Robin Buchanan

Absent: Barbara O'Connor, Christina Paradis, Prerna Rao and Ross Carley

Also Present: Christine O'Neill, Clerk

Mr. Clavette called the meeting to order at 7:30 p.m.

Acceptance of Minutes

Miss Sharpe moved to approve the minutes from February 6, 2019. Miss Buchanan seconded. All were in favor and the minutes from last meeting were approved.

Public Hearing

Application 19.03 by 13 Hawleyville Road, LLC, for a Certificate of Location Approval for a gasoline station as required by Section 14-321 through 14-324 of Chapter 250 of the General Statutes, 1958 Revision, as amended, for a property located at 13 Hawleyville Road, as outlined in site plans titled, "Gas Station/Site Location Plan, 13 Hawleyville Road LLC, 13 Hawleyville Road (Route 25), Newtown, Connecticut" dated February 19, 2019.

Dainius Virbickas of Artel Engineering, 304 Federal Road, Brookfield, CT introduced himself as speaking on behalf of the application. Mr. Clavette explained to the public that the ZBA's only concern with this application is if the site is "suitable from a public safety point of view." The property is 3.73 acres located immediately adjacent to the off-ramp of I-84. The site is in the rear of a property that has since been subdivided into 190 apartments and a church. A recent text amendment to the Zoning Regulations allowed for a gas station to be constructed within the Hawleyville Center Design District. This application is part of a multi-step process that also involves approval from the Planning and Zoning Commission, the Inland Wetlands Commission, and the State Traffic Commission.

Mr. Virbickas explained that the proximity of this site to the highway means "vehicular trips would be limited." The church that has been recently constructed is quite removed from the proposed gas station/convenience store. Mr. Virbickas demonstrated on the map that a tanker truck would have ample room to pull in and out of the parking area safely. The location was originally approved by the State Traffic Commission for a diner, so the numbers will need to be adjusted and resubmitted for the gas station.

Mr. Virbickas stated that the building will be "tastefully designed" and "rustic looking."

Mr. Clavette asked why the proximity to the church, as a gathering place, would not be an issue. Mr. Virbickas replied that a large expanse of wetlands and an unbuildable portion of land separate the

church from the site, even though the submitted site plan does not show the location of the church. He further pointed out that this statute may be more applicable to a densely trafficked urban area.

Mr. Clavette asked about safety features for the gas station. Mr. Virbickas explained that they would be following standard industry practices, which require underground storage tanks with double-walled fiberglass. Piping is double-walled as well. Sensors inside the tanks are to be connected to an alarm within the building. Containment buckets in all the dispensers would catch any leakage. On-site records regarding the amount of fuel received and exported would be kept. Valves would shut off if a dispenser were to become disconnected. Positive limiting barriers – grooves on the concrete to contain any spill that may occur – would also be in place.

Mr. Clavette clarified that there is to be no repair activity, just filling. Mr. Virbickas confirmed. Mr. Clavette asked if diesel would be served, and Mr. Virbickas replied in the affirmative.

Mr. Clavette asked what has been granted by the State in terms of traffic safety. Mr. Virbickas replied that for the apartments, church, and the initially-proposed diner a certificate was received. The applicant's traffic engineer will adjust the original calculations and determine estimated traffic flows to a gas station/convenience store, which will be resubmitted to the State Traffic Commission.

No board members had any further questions. Mr. Clavette invited the public to comment on the application.

Patrick Napolitano of 13 Whippoorwill Hill Road, Newtown, CT came forward. Mr. Napolitano read a statement that he subsequently submitted for the record. His statement pointed out that commuter traffic and school traffic from the apartments as well as morning church services will create congestion "with no traffic controls" and that the State turned down a light at that intersection. At the end of the road, Mr. Napolitano said, there is a 226-child daycare center. Further, he asked if there is an issue with the tanks after hours, will the alarm be transmitted to someone's home. He wondered if a study had been done to determine whether this gas station would disrupt the water supply. He also noted that this is not in keeping with the HCDD.

Vern Gaudet of 1 Hill Crest Drive, Newtown, CT came forward. He stated that Hill Crest Drive has had an in-home daycare for thirty years. Mr. Gaudet felt it was not likely that a traffic light would be put in until after an accident has already occurred.

Janet McKeown of 10 Hill Crest Drive, Newtown, CT came forward. She explained that drivers in this area are careless because there is too much congestion and that her neighbor was rear-ended as a result. She commented that she did not understand why it was necessary to have another gas station when one was just approved two-tenths of a mile down the road. She stated that the church is very near to the site.

Mr. Clavette closed the hearing at 8:01 p.m.

The Board discussed the application. Ms. Sharpe brought up the traffic safety issues, and wondered if Planning and Zoning would take them into consideration. Mr. Bojnowski asked if this Board would need to see a traffic study before they would be able to declare it safe, or if they could make it a condition of

their approval. Mr. Clavette explained that whether or not it was made a condition of this approval, Planning and Zoning would require such a study to be submitted. Ms. Buchanan said the exit from the site onto Covered Bridge Road as shown on the map seemed to be a big issue. The other concern was the amount of traffic the site would generate. Mr. Bojnowski mentioned that water supply should not be a consideration for approval, and the Board agreed. Mr. Clavette stated that while he is not concerned about proximity to the church, the traffic pattern is troubling, since “all of a sudden we have a lot of activity in that one little spot.”

“They are right to be concerned, but it is not something that we can directly addressed,” Ms. Sharpe commented. The Board was in agreement.

Ms. Sharpe made a motion to approve the application because the conditions were met regarding the proximity of gathering places and the developer has a plan to install substantial safety measures. Miss Buchanan seconded. The Board voted to approve Application 19.03 as follows:

Alan Clavette – AYE
Joe Bojnowski – AYE
Jane Sharpe – AYE
Robin Buchanan – AYE

BE IT RESOLVED by the Newtown Zoning Board of Appeals that Application 19.03 by 13 Hawleyville Road, LLC, for a Certificate of Location Approval for a gasoline station as required by Section 14-321 through 14-324 of Chapter 250 of the General Statutes, 1958 Revision, as amended, for a property located at 13 Hawleyville Road, as outlined in site plans titled, “Gas Station/Site Location Plan, 13 Hawleyville Road LLC, 13 Hawleyville Road (Route 25), Newtown, Connecticut” dated February 19, 2019 SHALL BE APPROVED. BE IT FURTHER RESOLVED that the application shall become effective April 6, 2019.

Adjournment

Ms. Sharpe moved to adjourn the meeting. Mr. Bojnowski seconded. All were in favor and the meeting was adjourned at 8:13 p.m.

*Respectfully submitted,
Christine O’Neill, clerk*