

# MINUTES

## Newtown Planning and Zoning Commission

### SUBJECT TO APPROVAL

Land Use Office  
Meeting Room 1  
Primrose Street, Newtown, Connecticut

Regular Meeting  
February 20, 2014

Present: Mr. Porco, Chair Pro Tem Mr. Swift and Mr. Corigliano and Mr. Mitchell. Alternates: Mr. Ruhs seated in place of Mr. Mulholland, Mr. Pozek. And Mr. Taylor.

Also present: George Benson, Land Use Director

Clerk: Ms. Wilkin

The meeting was opened at 7.40 p.m. Notice is made that the entire meeting was taped and can be heard in the Planning and Zoning Office, Municipal Building, 3 Primrose Street, Newtown, Connecticut

### CHAIRMAN'S REVIEW

There was nothing to report.

### PUBLIC HEARING

**Application by Summit Properties Group LLC for an amendment to a special exception as shown upon a certain set of plans entitled "Berkshire Plaza, South Main Street, CT Route 25, Newtown, Connecticut: dated march 2, 2004 and last revised 12/19/13 for property located at 146 South Main Street, and shown on the Assessor's Map 36, Block 2, Lots 53 and 54**

Mr. Porco read the call for the hearing and asked to hear from the applicant.

Mark Lancor, Dymar, 325 South Main Street South, Southbury, Connecticut, representing the applicant, went through the history of the development and explained this application for an amendment to the special exception. This application was formally approved by the Courts in 2007 but there has been no activity on the site since. His client went to Clariss Construction seven months ago. They are now back with minor changes.

Although the footprint of the building remains the same, the second floor area will increase to 10,000 sq. ft. Because there is now a change of use to a medical office, the 75 parking spaces still meet regulations. The revisions have been approved by the Health Department. The traffic permit still holds. Originally a chain link fence was approved on the ridge at the rear of the building. The applicant is requesting a change to an ornamental cedar 6 ft. high fence due to the impracticality of planting trees, which would not survive. The fence will follow the contours of the ledge and incorporate existing trees. In answer to Mr. Porco's question, all setback regulations are met and the septic reserve is more than adequate.

Phil Clark, Architect, Clariss Construction, 153 Main Street, Newtown, Connecticut, explained the design changes of the building. It will be a Colonial style with asphalt clapboard siding. The building height will be under 30ft. The footprint and height remain the same. The use determines the parking.

Mr. Benson read the comments of staff in the file. He advised that no building permit would be issued until the traffic bond is set.

Mr. Porco asked to hear from the public.

Tom Cassin, 9 Cedar Hill Road, Newtown, Connecticut was concerned about the fence and tree buffer. He said there is vegetation on the ridge right now and has been since 1992. He asked why cedars or hemlocks could not be planted.

Paul Fadus, owner of 136 South Main Street, Newtown, Connecticut favors the changes. The site has become an eyesore.

Mr. Lancor reiterated that no trees would be removed. The fence can be straddled around the trees. If there is enough dirt to hold roots of a tree, one will be planted. He could build an 8 ft. fence but this might be worse for the neighbors. He agreed to meet with Mr. Cassin to discuss their options.

The hearing was closed at 8:17 p.m.

Mr. Mitchell moved the following:

BE IT RESOLVED by the Newtown Planning and Zoning Commission that the application by Summit Properties Group, LLC for an amendment to a special exception as shown upon a certain set of plans entitled "Berkshire Plaza, South Main Street, CT Route 25, Newtown, Connecticut" dated march 2, 2004 and last revised 12/19/04 and last revised 12/19/13 for property located at 146 south Main Street, and shown on the Assessor's Map 36, Block 2, Lots 53 and 54

SHALL BE APPROVED

BE IT FURTHER RESOLVED that the Commission finds that the application meets the standards and criteria for a special exception as set forth in Section 11 and the application to be consistent with the B-2 zone.

BE IT FURTHER RESOLVED that the application shall become effective on March 3, 2014.

Seconded by Mr. Corigliano who moved to add the following stipulations:

1. The fence height will be determined by approval of the neighboring property owner, Tom Cassin
2. The trees will be surveyed to determine if some can be saved to help buffer the project.
3. Add trees if a suitable area of ground is found for the trees.

The move to add the above stipulations was seconded by Mr. Swift and approved unanimously.

Mr. Mitchell moved to accept the resolution as amended. Seconded by Mr. Corigliano.

Vote:

Mr. Porco	Yes
Mr. Swift	Yes
Mr. Corigliano	Yes
Mr. Taylor	Yes
Mr. Ruhs	Yes

Motion approved

## **COMMUNICATIONS AND CORRESPONDENCE**

### **Land Use Director's Comments**

Nothing to report.

### **Minutes**

Mr. Pozek made a motion to approve the Minutes of February 6, 2014 as submitted. Seconded by Mr. Ruhs. The motion was unanimously approved.

## **ADJOURNMENT**

Mr. Pozek made a motion to adjourn. Seconded by Mr. Corigliano. The motion was unanimously approved.

The meeting adjourned at 8:32 p.m.