

MINUTES
Newtown Planning and Zoning Commission

SUBJECT TO APPROVAL

*Land Use Office
Council Chamber
Primrose Street, Newtown, Connecticut*

*Regular Meeting
June 19, 2014*

Present: Mr. Mulholland, Mr. Porco, Mr. Mitchell and Mr. Corigliano. Alternates: Ruhs seated for Mr. Swift, Mr. Pozek and Mr. Taylor
Also present: George Benson, Land Use Director
Clerk: Ms. Wilkin

The meeting was opened at 7.33 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

Mr. Mulholland asked the Commission to attend a special meeting on the Sandy Hook Elementary School scheduled for 7:30 on July 31, 2014. They were to advise Ann Mazur of their availability.

DISCUSSION AND POSSIBLE ACTION

Review of approval of Stop and Shop application to amend a special exception to allow outside storage lockers adjacent to the store for pickup of groceries by customers for property located at 228 south Main Street, Newtown, Connecticut

Mr. Mulholland advised that there were serious concerns raised with the Land Use Office regarding certain violations of the agreed procedures.

Mr. Keith Mozer, Stop & Shop, 1084 Hancock Street, Quincy, Massachusetts, Construction Manager in charge of the project was available to address these concerns.

Mr. Mitchell stated that some reports on how the operation has been conducted have been a concern of the Fire Marshall due to vehicles parking in the fire land to pick up their orders instead of parking in the pre-assigned parking spaces. Also the delivery truck has been dropping off the orders by stopping in the fire lane instead of at the rear of the building as agreed.

Mr. Mozer stated that all parties concerned so these issues would be corrected. Should there be any future violations the store manager should be contacted.

The Commission advised that the tent signs in front of the building are misleading, and regular shoppers frequently use the pre-assigned parking spaces because of their proximity to the front of the store. This matter will be reviewed in thirty (30) days, at which time the store manager would be asked to address the Commission.

PUBLIC HEARING

Application by the Town of Newtown Economic Development commission for a proposed amendment to the town of Newtown Zoning Regulations at Article V, Section 3 Section 5.03.470, pertaining to Special Exception uses in Industrial Zone M-2A, as contained in a certain document entitled "Proposed Amendment to the Town of Newtown Zoning Regulations" dated June 4, 2014

The hearing was opened at 7:50 p.m.

Mr. Mitchell read the call for the hearing.

Elizabeth Stocker, Director of Economic and Community Development for Newtown, representing the Economic Development Commission addressed the Commission.

This matter was originally heard at the May 1, 2014 meeting as a permitted use. The application was withdrawn and now comes before the Commission as a special exception. She summarized her presentation referring to the traffic study of Frederick P. Clark Associates. The zones in Hawleyville were consolidated to M-2A zone in January, 1963. Since then sports facilities as been added to the uses. An inquiry for a storage facility was received in March, 2014 and is still active. She went through the traffic report's trips by use and size. The site is on State Routes 6 and 25 and is close to 184. She noted that property in the area has continued to maintain their value.

Mr. Mulholland said that the Commission thought this was an approved use in the industrial zone and by making it special exception it gives them flexibility to turn applications down.

Mr. Mitchell felt the use should fit in with the neighborhood and did not consider a distribution center fitting in with what was already allowed, such as a hotel or sports center.

Ms. Stocker stated that she was part of the team when the original regulations were set up. At the time they discussed what would be best for the town. The M-2A zone has a minimum of six acres which could be divided into six one-acre lots. This is part of the entire Hawleyville development. She did not think this use would affect potential walking trails and the neighborhood.

Mr. Porco considered this the worst use he had ever heard. There is no north-south infrastructure, only Route 25. This use would require a lot of truck use. He said that this is the largest piece of land in Hawleyville and needs more discussion.

Mr. Corigliano who missed the previous meeting, asked why are we proposing this change before an application has been received.

Ms. Stocker said that the inventory of office space in Town is huge right now. They are trying to attract corporate headquarters and/or research and development offices as are a lot of towns. The problem with Newtown is the terrain, which is hilly. Flat property is preferable. This gives the EDC the opportunity to compete.

Mr. Mulholland asked to hear from the public.

Pat Napolitan, 13 Whippoorwill road, Newtown, Connecticut was opposed to the application. He has spoken to many people in the area and no-one wants it. His concerns included toxic emissions and

noise from trucks. He felt it would have a negative impact on home values in the area. He submitted a hand drawn map of the area showing the proximity of surrounding houses.

Verna Gardette, 1 Hillcrest Drive, Newtown, Connecticut noted that the traffic did not separate potential truck traffic.

Jen Ballard, 9 Whippoorwill Road, Newtown, Connecticut would prefer to see a community-based use. He sent a letter to Mr. Benson which is in the file.

Alan Roberts, 6 Whippoorwill Road, Newtown, Connecticut is opposed. He appreciated that people are allowed to build on their property but hopes the Commission is mindful of the residential houses surrounding this site. He was concerned with wetlands.

Mr. Mulholland stated that wetland is always a consideration when considering a development. The object is to sell this piece of property. The EDC would like to talk with people. P&Z does have total control on whatever is put in. It would have to meet extensive regulations.

Ms. Stocker thanked the neighbors for coming out. The role of the EDC is to try and generate revenue for the community. She agreed that this use would generate truck traffic. There is a time limit on idling trucks and vehicles do beep, which can be a condition imposed on use. The traffic report is sorting out truck traffic that will be addressed when a formal application is received.

Mr. Mulholland added that lights, noise, etc. have to be addressed when an application is received. There are also regulations on truck storage. Quality of life can be applied to any use. Buffers and protections are always considered with approvals.

Mr. Porco said that once a warehouse type building is erected, it could be difficult to re-sell if the building becomes available.

The hearing was closed at 9:04 p.m.

DISCUSSION AND POSSIBLE ACTION

Mr. Corigliano agreed with Mr. Porco that limiting the building to a single use could result in a building without potential. He does not support the application.

Mr. Mitchell is not satisfied that this is consistent with this particular zone. He expressed concern about the neighbors. He also does not support the application.

Mr. Mulholland said that sidewalks should blend in with the area.

Mr. Ruhs agreed with the preceding comments and also does not support the application.

Mr. Taylor felt this would put a strain on the immediate area and roads. He would rather protect the neighbors than rush into a development.

Mr. Porco respected Ms. Stocker's efforts. This is a viable use of the property. He was concerned about traffic since there are no plans to improve the infrastructure in the area.

Mr. Mulholland said that this is a very desirable piece of property for the uses already on the books. Agrees that this might be a problem. With the cancellation of the widening of Route 84 it will be a very difficult property to sell.

Mr. Mitchell read the following:

BE IT RESOLVED by the Newtown Planning and Zoning Commission that the application by the Town of Newtown Economic Development Commission for a proposed amendment to the Town of Newtown zoning regulations at Article V, Section 3, Section 5.03.470 pertaining to a Special Exception uses in Industrial Zone M-2A, as contained in a certain document entitled "Proposed Amendment to the Town of Newtown Zoning Regulations" dated June 4, 2014

SHALL BE APPROVED

BE IT FURTHER RESOLVED that the amendment is consistent with the purpose and intent of the Town of Newtown Plan of Conservation and Development.

BE IT FURTHER RESOLVED that the amendments shall become effective on June 20, 2014.

Mr. Mulholland moved the motion. There was no second.

Mr. Mulholland the following motion:

BE IT RESOLVED that the above application be denied. Seconded by Mr. Corigliano.

Vote:	Mr. Mulholland	Yes
	Mr. Mitchell	Yes
	Mr. Porco	Yes
	Mr. Corigliano	Yes
	Mr. Ruhs	Yes

Motion to deny is approved.

COMMUNICATIONS AND CORRESPONDENCE

Land Use Director's Comments

Mr. Benson thanked the Commission for arranging to attend the special meeting on July 31, 2014. He suggested that commissioners take some time to come into the office to see the file.

Mr. Mulholland noted that there appeared to be no engineering problems due to the fact the use and footprint had not changed.

Minutes

Mr. Pozek made a motion to approve the Minutes of June 5, 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 9:25 p.m.