

MINUTES

Newtown Planning and Zoning Commission

SUBJECT TO APPROVAL

Land Use Office
Council Chamber
Primrose Street, Newtown, Connecticut

Regular Meeting
October 1, 2015

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

The meeting was opened at 7.35 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 REPORT

A reminder that Application 15.03 by NERP Holding and Acquisition Company, LLC. was continued to October 15, 2015.

PUBLIC HEARINGS (Continued)

Application 15.07 by Solli Engineering, LLC for a Regulation Amendment Application to establish a Commercial Design District surrounding the southerly side of Exit 10 at Interstate 84 in Newtown, Connecticut. This regulation amendment will enable the commission to allow additional uses within the CDD, subject to additional performance standards and design review. Dated August 5, 2015.

Mr. Mitchell recused himself from this hearing due to the fact that he is an abutter. Mr. Pozek was seated in his place.

Kevin Solli, P.E., Solli Engineering, 2428 Monroe Turnpike, Monroe, Connecticut summarized changes as a result of comments at the last meeting with the aid of an aerial and zoning map of the site. The overlay zone covincludes zones M4 and B2 and would allow for a restaurant with drive through only if it had a traffic light at the exit. He went through each individual lot by size. Only two meet the criteria: 3 Edmond Road – 30 acres, only eight acres would be available for development due to wetlands 57A Church Hill Road – 5 acres.

Mr. Benson asked for a continuation in order to ascertain how many lots can go into the property and cover all bases.

Mr. Solli read and provided the relevant regulations. This overlay zone cannot be applied to another part of town. If approved, developers would have to come before the Commission with an application.

Mr. Mulholland asked to hear from the public.

Lincoln Sander, 211 Walnut Hill Road, Sandy Hook, Connecticut was not opposed to the overlay district, but did not want to see a drive through restaurant. He did not consider it good for Newtown.

Kevin Braun, owner of 56 Church Hill Road, Newtown, Connecticut is not sure how it helps existing owners. He did not think it would have a negative effect on his property. He did not want to see a drive through.

Brian Atherton, 8 Black Walnut Road, Newtown, Connecticut, a realtor said that, as a former representative of MacDonalDs, in his opinion they would not be interested in this site. As a father of two small children, he would like to see a drive through where he could pick up a coffee.

Jean Sander, Walnut Tree Hill Road did not understand the reason for the overlay.

Mr. Solli will continue working with Mr. Benson to address final matters.

Mr. Mitchell made a motion to continue the hearing till the next meeting scheduled for September 15, 2015. Seconded by Mr. Corigliano. The vote was unanimously approved.

Application 15.09 by Grace Family Church Inc., property located at 9 Covered Bridge Road for the construction of a 24,900 square foot church with associated access drive (over existing driveway parking grading utilities and drainage. Previous approval was granted for the same use (different configuration) in 2007. New application dated June 19, 2015.

Anthony Lucera, applicant, submitted a letter requesting a continuation due to the fact that Inland Wetland has not submitted their decision yet. However, the traffic consultant was present to explain their updates,

Michael Galante, Frederick P. Clark Associates, Inc., 41 Ruane Street, Fairfield, Connecticut had analyzed the data and explained how the proposed by-pass lane would work. Once approved, a request for a traffic light would be submitted to the State.

Mr. Mulholland asked what effect there would be on the intersection if there were two roads to the diner. What would the residents do in the event of an accident at the intersection?

Mr. Galante said the application goes before the Police Commission next week.

No one from the public wished to address this issue.

Mr. Mitchell made a motion to continue the hearing till the next meeting scheduled for September 15, 2015. Seconded by Mr. Swift. The vote was unanimously approved.

Application 15.08 by Covered Bridge Newtown, LLC, property located at 13 Hawleyville Road and 9 Covered Bridge Road for an Amendment for a Special Exception for the construction of 4,160 square foot diner with necessary site improvements and construction of 10 residential affordable housing units in six buildings with necessary site improvements for a residential community under the IHZ Overlay Zone. Dated August 5, 2015.

Anthony Lucera, applicant, submitted a letter requesting a continuation due to the fact that Inland Wetland has not submitted their decision yet. However, the architects were present to explain their updates,

Darius Virbickas, P.E., Artel Engineering Corp, Brookfield, Connecticut explained the modifications suggested by the Wetland Commission. They have not yet received the conceptual drawing of the bridge, which will be part of the next presentation.

Mr. Mulholland wants confirmation directly from the Wetlands Commission.

Abigail Adams, Landscape Architect, A-Z Lands Cons., Brookfield, explained the changes made as a result of comments raised at the previous meeting. The berm's height has been elevated and a significant amount of shrubs added to provide protection from the traffic headlights on Route 25. Responding to a question posed by Mr. Mulholland, bike racks could be provided at the pool for kids' bikes.

Mr. Virbickas has had no chance to speak with the Fire Marshall regarding the emergency access.

Mr. Lucera said he would ask the Fire Marshall to confirm the request for a vinyl chain that would be snapped while not damaging equipment.

Mr. Virbickas showed the lighting plan that showed no overspill of light off the property. The construction should take between 13 and 15 months beginning with the bridge construction.

Mr. Mulholland asked to hear from the public.

Patrick Napolitano, 13 Whippoorwill Road, Newtown, Connecticut had a sketch of the area to explain his reasons for questions regarding the volume of traffic.

Mr. Corigliano requested a letter from the State for a traffic light. The Commission shared his concern.

Mr. Mulholland agreed, but the Traffic Report indicates that a light is not warranted. They will ask the State anyway.

Mr. Benson said that the applicant could not obtain a building permit without State approval of the road.

Corinne Cox, 31 Pond Brook Road, Newtown, Connecticut submitted form letters signed by residents concerned about the effect this would have on Pond Brook.

Vern Goddette, 1 Hillcrest Road, Newtown, Connecticut was concerned about construction vehicles using the emergency exit.

Janet McKewan, 10 Hillcrest Road, Newtown, Connecticut did not consider this a suitable location for a project like this.

Heather Wilson, 12 Hillcrest Road, Newtown, Connecticut asked how trucks could access the property because of the sharp turn. She felt this was spoiling Newtown.

Bob Raub, 12 Lake Road, Newtown, Connecticut asked if this could be developed the other side of Route 25.

Mr. Mulholland explained that there is a plan for that site with an entrance directly opposite the entrance for this property.

Mr. Galante noted that the speed of traffic is part of the Traffic Report and will be part of the submission to the State. He will send the details to the Commission and Police Commission.

Mr. Mitchell made a motion to continue the hearing till the next meeting scheduled for September 15, 2015. Seconded by Mr. Porco. The vote was unanimously approved.

MANDATORY REFERRAL

Mandatory Referral from the Town of Monroe for an amendment to the text to certain zoning regulations.

The referral Notice RAA-2015-02. File #973 dated September 22, 2015 is for minor modifications to the text of miscellaneous amendments. Under 1.9.12 Prohibited Uses, A was Medical Marijuana Dispensary and B Medical Marijuana Production Facility. The Commission discussed how this could or should be applied in Newtown. Mr. Benson said he would contact Monroe to find out if they had a reason for this prohibition. In the meantime, the Commission unanimously agreed that Mr. Mulholland write a letter to the Monroe Planning and Zoning stating that this Commission has no problem with the changes.

COMMUNICATIONS AND CORRESPONDENCE

Nothing on the Agenda for this meeting

MINUTES

Mr. Mitchell made a motion to approve the Minutes of September 17, 2015 as submitted. Seconded by Mr. Corigliano. The motion was unanimously approved.

ADJOURNMENT

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

The meeting was adjourned at 10.02 p.m.

NOTICE OF CONTINUATION OF PUBLIC HEARINGS

NOTICE IS HEARBY GIVEN that by orders of the Planning and Zoning Commission at its meeting on October 15, 2015, the following public hearings were continued to the regular scheduled meeting to be held on September 17, 2015 at 7:30 p.m. in the Common Council Chamber, Newtown Municipal Center, 3 Primrose Street, Newtown, Connecticut

Application 15.09 by Grace Family Church Inc., property located at 9 Covered Bridge Road for the construction of a 24,900 square foot church with associated access drive (over existing driveway parking grading utilities and drainage. Previous approval was granted for the same use (different configuration) in 2007. New application dated June 19, 2015.

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Application 15.03 NERP Holding and Acquisitions Company LLC (for tenant Tractor Supply Company) for a zone map change from Residential to Special Development District #4 (SDD4); South Main Village Design District (SMVDD) overlap zone; and amendment to the Town of Newtown Zoning Regulations Section 6.06 for property located at 116 South Main Street, Newtown, Connecticut, as shown on a certain map entitled "Due diligence Site Plan – Option #5, prepared for DERP Holding & Acquisitions, LLC for property located at 116 South Main Street, Newtown, Connecticut", dated August 21, 2014 with revision dates of 2/6/15, 2/13/15 and 3/17/15 (revising zone SMVDD (South Main Village Design District)

Donald A. Mitchell
Secretary

October 1, 2015.