

MINUTES

Newtown Planning and Zoning Commission

SUBJECT TO APPROVAL

Land Use Office
Council Chamber
Primrose Street, Newtown, Connecticut

Regular Meeting
November 5, 2015

Present: Mr. Mulholland, Mr. Mitchell, Mr. Swift and Mr. Corigliano. Alternates: Mr. Pozek seated for Mr. Porco 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

Nothing to report for this meeting.

PUBLIC HEARINGS (Continued)

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 NERP 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))

Mr. Mitchell read the call for the hearing.

Mr. Mulholland read the correspondence in the file noting that this hearing is for a zone change only. Any potential application for use on this property would have to come back to the Commission for approval. He asked to hear from the applicant.

Robert Hall, Esq., 43 Main Street, Newtown, Connecticut, representing the applicant provided an Affidavit of Mailing. He gave the Commission the option of approval this either as an overlay zone or special exception.

Jim Cassidy, P.E., Rocky Hill, Connecticut presented the application with the use of a topographical and GIS maps. He stated that the regulations allow for a variety of proposed set-ups. The eventual proposed use is primarily for farm and horse equipment. The outdoor display of large equipment

minimizes the size of the building. He explained the parking, landscaping, lighting and signs, details of which are in the file.

Mr. Mulholland advised that issues such as signs and lighting should be addressed when the actual application comes before the Commission.

Kevin Solli, P.E., 1428 Monroe Turnpike, Monroe, Connecticut advised that they installed a traffic reporter strip to determine the driveway location. Because it is a relatively straight road, there are few reported accidents. The traffic report is in the file. Traffic to this location would be higher on weekends, which offsets the weekday peak traffic. They plan on having a dedicated left and right lane exit.

Mr. Hall added that he considered this to be complimentary to the businesses across the street.

Mr. Mulholland asked to hear from the public.

Barbara O'Connor, 36 Little Brook Lane, Newtown, Connecticut looks forward to having this type of business in town. This would increase the tax base. She urged approval of the zone change.

Lara Sampaio, 120 South Main Street, Newtown, Connecticut with her husband Oscar lives next to this site and felt this would drastically decrease the value of her home. Mr. Sampaio was concerned about traffic.

Chuck Newman, owner of Planters Choice, 140 Huntingtown Road, Newtown, Connecticut noted the need for this type of business. All farm supply stores have moved away. He currently uses Tractor Supply in New Milford. There has been an influx of small farms recently. Thinks this will benefit the entire town.

Dianna Davis, 42 Orchard Hill Road, Newtown, Connecticut currently goes to New Milford for supplies and would love to see this come to Newtown.

Brian Nadro, 121 South Main Street, Newtown, Connecticut felt this would affect his quality of his life. He signed a petition along with other residents in the area.

Chris Russo, Esq., 1 Post Road, Fairfield, Connecticut, representing NAPA Auto Parts across the street stated that this is not in accordance with the Plan of Conservation and Development (POCD). He distributed and submitted copies from "Newtown's History and Historical Ezra Levan Johnson" dated 1917. He stated that this does not encourage historic preservation. He also stated that the traffic report does not include the approved traffic signal.

Answering a question from Mr. Pozek regarding how many houses could be built on the property, Mr. Benson was not sure but it would involve more driveways.

Mr. Russo concluded by saying that he did not feel this fits in with the area that is currently zoned residential.

Thomas Marks, Southbury resident, owner of Guneva Drive property, 117/119 South Main Street asked about delivery vehicles and how long the lease would be. He felt once vacated this would be a difficult building to take over.

Donna Reese, 23 Apple Blossom Road, Newtown, Connecticut asked to have her name removed from the Petition submitted, which she had not signed.

Mr. Mulholland stated that in light of this discrepancy, the entire Petition is to be voided and removed from the file.

Brian Atherton, 7 Black Walnut Drive, Newtown, Connecticut thinks this fits in perfectly with Newtown. It has his full support.

Kim Macy, 45 Huntingtown Road, Newtown, Connecticut supports the project, adding that it is a needed business in Newtown.

Mr. Hall said that the lease duration is considered a private matter, but the New Milford location has been in operation in excess of ten years.

Mr. Cassidy added that to date no-one has moved out of any of their other location. There is ample space for additional parking on the side of the building. Initially there would be one delivery every day. Once set up the deliveries would be down to once a week, except for special UPS/FedEx deliveries. Their distribution center is in Maryland.

Mr. Solli said that the traffic light will help existing vehicles. Any other use would require another traffic report.

Mr. Hall went on to explain the blank spaces in the details. Final numbers would be part of the actual application. He thanked the Commission for their consideration.

The hearing was closed at 9:45. A recess was called.

The meeting reconvened at 9:54 p.m.

DISCUSSION AND POSSIBLE ACTION

Mr. Mulholland repeated that this application has nothing to do with any potential use of this property. That would be addressed at the time an application is submitted. He noted that a lot of time and effort has gone into this application.

Mr. Mitchell was not comfortable with the secondary uses.

Mr. Benson advised that if anything changes the applicant would have to come back with another conceptual plan. This would be unique to this site.

Mr. Mulholland said that this is the type of economic development being encouraged in Newtown.

Mr. Mitchell read the following resolution:

BE IT RESOLVED by the Newtown Planning and Zoning Commission voted to approve the application by NERP Holding and Acquisitions Company, LLC (for tenant Tractor Supply company) for an amendment to the zoning regulations to establish a Special Development District #4 pursuant to Section 6.06.400 of the zoning regulations, for property located at 1106 South Main Street, Newtown, Connecticut depicted on a map entitled "Due Diligence Site Plan – Option #5, Prepared for NERP Holding and Acquisitions, LLC of property located at 116 South Main Street, Newtown, Connecticut"

dated August 21, 2014, with revision dates of 3/17/15, 2/13/15 and 2/6/15 (revising zone to SMVDD (South Main Village Design District) Approved effective November 20, 2015.

BE IT RESOLVED by the Newtown Planning and Zoning commission voted to approve the application by NERP Holding and Acquisition Company, LLC (for tenant Tractor Supply Company) for a zone map change from R1 to South Main Village Design District (SMVDD) Overlay Zone, for property located at 116 South Main Street, Newtown, Connecticut, depicted on a map entitled "Due diligence Site Plan – Option #5, Prepared for NERP Holding and Acquisitions, LLC for property located at 116 South Main Street, Newtown Connecticut" dated August 21, 2014, with revision dates of 3/17/15, 2/13/15 and 2/6/15 (revising zone to SMVDD (South Main Village Design District. Approved effective November 20, 2015.

Is consistent with the purpose and intent of the town of Newtown Plan of Conservation and Development.

BE IT FURTHER RESOLVED that the application shall be approved.

BE IT FURTHER RESOLVED that the amendments shall become effective on November 20, 2015.

Moved by Mr. Mitchell. Seconded by Mr. Corigliano

Vote:	Mr. Mulholland	Yes
	Mr. Mitchell	Yes
	Mr. Swift	Yes
	Mr. Corigliano	Yes
	Mr. Pozek	Yes

Motion approved.

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.

Kevin Solli, P.E., 1428 Monroe Turnpike, Monroe, Connecticut went through the area with the use of aerial maps and site plans. There are only two sites where a drive-through restaurant could go. Claris Construction is part of this application. They want to put the property back on the tax roll. He read and submitted four letters from residents in favor of the proposal. Also a Petition signed by 60 residents who would like to see this happen.

Mr. Mitchell felt this deserves its own stand-alone consideration. How would it would be controlled?

Mr. Stollli said that this would be an overlay zone that would not change the underlying zone.

Mr. Mulholland asked why are they requesting a design district. He was concerned about the new use.

Mr. Benson advised that the only way to approve a drive through would be with an overlay zone. He felt this to be the best location. He added that spot zoning is not good. He could not think of any other way to develop this property. It is an appropriate use in Newtown.

Mr. Stolli said it meets the community need without opening up similar establishments all over town. He considered this the right location.

Mr. Mulholland asked to hear from the public.

Lincoln Sander, 211 Walnut Tree Hill Road, Sandy Hook, Connecticut asked if this was desirable for the town. He was concerned about the traffic and saw no benefit to the town.

Mr. Corigliano did not think McDonalds or Burger King would not want to go into such a small space.

Rich Frampton, 6 Pebble Road, Newtown considered it beneficial to the elderly and handicapped.

Rob Manna, owner of 79 Church Hill Road, Sandy Hook, Connecticut thinks this would be more tailored to a coffee shop. Was concerned about safety and questioned the economic benefit.

Robert Hall, Esq., 43 Main Street, Newtown, Connecticut represents a gas station in the area who is not opposed to the application, submitted a letter dated October 15, 2015 proposing a change in acreage. He was concerned that this might prevent his applicant from having a drive through at some time.

Michael Burton, 20 Washington Avenue, Sandy Hook, Connecticut asked for support of the application, stating that this would be far more attractive than the existing vacant lot.

Rick Camejo, 1 Patricia Lane, Newtown, Connecticut is in favor of this application.

Brian Atherton, Certified Real Estate and Market Analyst professional. 7 Black Walnut Drive, Newtown, Connecticut considered this a great step and would like to see drive-throughs but doubts it will happen any time soon.

Mr. Stolli addressed concerns, glad to see positive opinions. He read from the POCD regarding strategic goals and achieving the vision. He considered this application conforms to these.

Mr. Mulholland advised that this is for a zone change only. Any specific plan would need to address the Commission separately.

Mr. Corigliano made a motion to close the public hearing. Seconded by Mr. Swift. The vote was unanimous.

The hearing was closed at 11:22 p.m.

Any Action on this matter will be taken at the next meeting.

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.

The Inland Wetland Commission has yet to approve this and the next application.

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.

Mr. Mulholland noted that the applicant, Tony Lucera, offered to install a traffic light, once approved by the DOT. He is willing to work with the staff. Mr. Mulholland would like to see the wording of his letter state "pay" instead of "install"

Darius Virbickas, P.E., Artel Engineering Corp, Brookfield, Connecticut advised that the matter of the mail boxes has been resolved by splitting the previous one kiosk location to two. He submitted a letter requesting the extension of the hearing until a decision is made by the Inland Wetland Commission.

Mr. Mulholland asked to hear from the public.

Theresa Curry, 4 Hillcrest Drive, Newtown, Connecticut would like a privacy fence from trucks.

Vern Godette, 1 Hillcrest Drive, Newtown, Connecticut asked what would happen if the traffic light is denied.

Janet McKewen, 10 Hillcrest Drive, Newtown, Connecticut considered the project too large, asking if it could be downsized. He problem was traffic.

Corinne Cox, 31 Pond Brook Road, Newtown, Connecticut was concerned about the covered bridge, which she said is listed under covered bridges.

Mr. Mulholland explained that the bridge cannot be repaired. The railroad bed should not be disturbed.

Elmer Cox, 31 Pond Brook Road, Newtown, Connecticut asked where would the people play and walk. He suggested it be reduced in size.

Mr. Virbickas will address the comments at the next meeting.

Mr. Mitchell made a motion to continue this hearing till the next meeting. Seconded by Mr. Swift. The motion was unanimously approved.

COMMUNICATIONS AND CORRESPONDENCE

Nothing at this meeting

MINUTES

A vote on the Minutes of October 15, 2015 will take place at the next meeting.

ADJOURNMENT

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

The meeting was adjourned at 11:58 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 November 5, 2015, the following public hearings were continued to the regular scheduled meeting to be held on November 19, 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.

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.

Donald A. Mitchell
Secretary

November , 2015.