

# MINUTES

## Newtown Planning and Zoning Commission

### SUBJECT TO APPROVAL

Land Use Office  
Council Chamber  
Primrose Street, Newtown, Connecticut

Regular Meeting  
November 19, 2015

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

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 15.08 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.**

Darius Virbickas, P.E., Artel Engineering Corp, Brookfield, Connecticut submitted a letter from the applicant, Tony Lucera stating that he is willing to install and build a traffic signal at his own expense if authorized by the State DOT. He distributed and submitted a Drainage System Maintenance Schedule that is already in the Engineering Report. He submitted a letter dated November 19, 2015 indicating changes made to the plans following comments from the Inland Wetland Commission and public. The changes were explained with the aid of the overhead screen.

8:00 - It is noted that Mr. Mitchell joined the meeting.

Mr. Virbickas continued. He indicated that a 140 ft. long, 6 ft high privacy fence was planned as requested. The landscape plans were also modified. The covered bridge would be built by York Bridge Manufacturing similar to one shown. The bridge will have two lanes for traffic and a 5 ft walkway.

Mr. Porco asked how detention basins could be cleaned every six months without disturbing the surrounding landscaping. Mr. Virbickas stated that generally there is very little accumulation.

Mr. Mulholland noted questions raised at previous meeting(s) regarding the size of the project. He asked if a marketing study has been done to justify so many units. Mr. Virbickaus stated that the owner seems confident that they would all be occupied. The application complies with regulations. Mr. Benson stated that the staff has spent a considerable amount of time on this application.

Mr. Mulholland asked to hear from the public.

Theresa Curry, 4 Hillcrest Drive, Newtown, Connecticut requested the privacy fence to be erected before construction begins.

Kristen Roberts, 6 Whippoorwill Hill Road, Newtown, Connecticut asked for the hours of the diner. She was concerned about the needs of the neighbors and their quality of life.

Brian Atherton, Real Estate Planner, 7 Black Walnut Drive, Newtown, Connecticut stated that there is a steady demand for apartments in Newtown. He considered this a good project and apartments should easily be rented. It will also benefit the tax base.

Mr. Virbickaus agreed to erect the privacy fence prior to construction. He thanked the Commission and staff for their time, understanding and efforts and asked for approval.

Mr. Mitchell made a motion to close the hearing. Seconded by Mr. Swift. The motion was unanimously approved. The public hearing was closed at 8:45 p.m.

Discussion and decision on this application will occur once the Inland Wetland Commission has rendered their decision.

A recess was called.

The meeting reconvened at 8:55 p.m.

## **PUBLIC HEARING**

**Public Hearing 15.12 by Architectural Glass Industries LLC for a Special Exception Amendment for construction of a 2,600 square ft. addition to the existing building, relocate parking spaces and site utilities with continued current light industrial use for property located at 9 Turnberry Lane, Newton, Connecticut, as shown on a certain map titled "Architectural Glass Industries, LLC. Revised Site Plan 9 Turnberry Lane (Lot 10) Newtown, Connecticut" dated September 25, 2015**

Mr. Mitchell read the call for the hearing and Mr. Mulholland read the correspondence in the file.

Darius Virbickas, P.E., Artel Engineering Corp, Brookfield, Connecticut submitted green proof of mailing replies. The applicant is looking to expand due to business expansion. They want to make things run more efficiently. He went through the changes in parking, which still meet regulations. The septic is still acceptable. Outside lighting will not change.

Mr. Mulholland questioned the increase in volume on the septic. The number of employees has risen from 6 originally to 24 currently. He also questioned the parking spaces, which he considered inadequate unless the staff works in shifts.

Mr. Virbickaus said the septic volume is adequate and approved by the Health Department. He does not have the employee information available.

There were no members of the public present to address this application.

Mr. Mitchell made a motion to continue this hearing in order to get clarification regarding the number of employees. Seconded by Mr. Corgliano. The motion was unanimously approved.

## **DISCUSSION AND POSSIBLE ACTION**

**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.**

Mr. Mitchell made a motion that no action can be made on this application until the Inland Wetland Commission submits their decision. Seconded by Mr. Porco. The motion was unanimously 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.**

Mr. Mitchell recused himself from this application. Mr. Pozek will sit in his place.

Mr. Mitchell read the following resolution:

BE IT RESOLVED by the Newtown Planning and Zoning Commission that the 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, as depicted on as map entitled "Exit 10 Commercial Design District, Newtown, Connecticut" dated June 9, 2015. 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

SHALL BE APPROVED.

The application 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 December 4, 2015.

Mr. Swift made a motion to approve the resolution. Seconded by Mr. Mulholland.

Mr. Benson advised that the work on Edmund Road should take place within a year or two. The entire project is contingent on the road going in. The Commission discussed whether or not drive throughs should be allowed throughout the town. It was agreed that this should be discussed further at a future date.

Mr. Corigliano made a motion to change the resolution to include the following change to the Regulation 2.03.710 Drive Through Windows

- (10) Any vehicular traffic that will visit a restaurant with a drive through facility must access the site via a road controlled by a traffic signal.

Seconded by Mr. Pozek. The motion was unanimously approved.

Mr. Corigliano made a motion to approve the application as amended. Seconded by Mr. Pozek.

Mr. Mulholland	Yes
Mr. Porco	Yes
Mr. Swift	Yes
Mr. Corigliano	Yes
Mr. Pozek	Yes

Motion approved.

### **COMMUNICATIONS AND CORRESPONDENCE**

On behalf of the entire Commission, Mr. Mulholland thanked Mr. Porco and Mr. Pozek for their expertise and input throughout their tenure on the Commission. The numerous debates have all benefited the town.

### **MINUTES**

Mr. Mitchell made a motion to approve the Minutes of November 5, 2015 as submitted. Seconded by Mr. Pozek. The motion was unanimously approved.

### **ADJOURNMENT**

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

The meeting was adjourned.

**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 December 3, 2015 at 7:30 p.m. in the Common Council Chamber, Newtown Municipal Center, 3 Primrose Street, Newtown, Connecticut

**Public Hearing 15.12 by Architectural Glass Industries LLC for a Special Exception Amendment for construction of a 2,600 square ft. addition to the existing building, relocate parking spaces and site utilities with continued current light industrial use for property located at 9 Turnberry Lane, Newton, Connecticut, as shown on a certain map ntitled "Architectural Glass Industries, LLC. Revised Site Plan 9 Turnberry Lane (Lot 10) Newtown, Connecticut" dated September 25, 2015**

Donald A. Mitchell  
Secretary

November 19 , 2015.