



TOWN OF NEWTOWN

PLANNING & ZONING COMMISSION

MINUTES

Regular Meeting

Council Chambers, 3 Primrose Street

July 21, 2016 7:30 P.M.

Present: Mr. Mulholland, Mr. Swift, Ms. Cox, Mr. Mitchell, Ms. Manville (A), Mr. Taylor, Mr. Meadows

Absent: Mr. Corigliano

Also Present: George Benson, Director of Planning

Mr. Mulholland called the meeting to order at 7:35 pm.

Public Hearing

Application 16.08 by **NERP Holding and Acquisitions Company LLC** (for tenant Tractor Supply Company) to amend a Zoning Regulation that was approved November 5, 2015; to permit internally illuminated signs, to correct the area where an outdoor display is permitted, and to correct typographical mistakes as written in red, in the letter "Proposed Amendment to SDD4 Zoning Regulation June 15, 2016".

Attorney Robert Hall, 43 Main Street, gave a brief overview of what the application outlines. He submitted a document titled "Amended Sign Regulations (7/21/16)" which gave a more tailored sign regulation, specific to the Perforated Polyplex material that is being proposed for Tractor Supply. Certain members were concerned that approving these types of internally lit signs in SDD4 before reviewing the Town's sign regulation was putting the cart before the horse. Mr. Mulholland asked to hear from the public.

Chris Russo, Q & R Associates, LLC, representing clients at 111 South Main Street, LLC, spoke about spot zoning. He warned the Commission that creating specific regulations for single lots versus grouping small areas between commercial and residential zones was a risky decision. Mr. Mulholland explained that the creation of the design districts was to allow for specific regulations, and has been doing so for years.

With no other public comment, the hearing was closed at 8:12pm, and group discussion ensued. The Commission wanted to be sure that the proper sign regulation was created or amended first. Mr. Benson assured that they can work together to amend existing regulations within the Town Regulations to include internally illuminated signs with specific limitations. Feeling satisfied with plans to revisit signs in the near future, **Mr. Mitchell presented a motion:**

BE IT RESOLVED by the Newtown Planning and Zoning Commission that the Application # 16.08 **NERP Holding and Acquisitions Company LLC** (for tenant Tractor Supply Company) to amend a Zoning Regulation that was approved November 5, 2015; to permit internally illuminated signs as described in “Proposed Amendment to SDD4 Zoning Regulation, June 15, 2016” and “Amended Sign Regulation, July 21, 2016”.

BE IT FURTHER RESOLVED that the approval shall become effective August 1, 2016.

Mr. Swift made a motion to accept. Ms. Cox seconded. The Commission took a vote:

Mr. Mulholland	YES
Mr. Mitchell	YES
Mr. Swift	YES
Ms. Cox	YES
Ms. Manville	YES

The motion was approved unanimously.

Mr. Mitchell presented a second motion:

BE IT RESOLVED by the Newtown Planning and Zoning Commission that the Application # 16.08 **NERP Holding and Acquisitions Company LLC** (for tenant Tractor Supply Company) to amend a Zoning Regulation that was approved November 5, 2015; to correct the area where an outdoor display is permitted, and to correct typographical mistakes as written in red, in the letter “Proposed Amendment to SDD4 Zoning Regulation June 15, 2016”, is hereby found consistent with the Plan of Conservation and Development and the Comprehensive Plan

BE IT FURTHER RESOLVED that the approval shall become effective August 1, 2016.

Mr. Mulholland made a motion to accept. Mr. Swift seconded. The Commission took a vote:

Mr. Mulholland	YES
Mr. Mitchell	YES
Mr. Swift	YES
Ms. Cox	YES
Ms. Manville	YES

The motion was approved unanimously.

Application 16.07 by NERP Holding and Acquisitions Company LLC (for tenant Tractor Supply Company) for the construction of a 19,097 square foot retail building and associated site improvements to be constructed on a property located at 116 South Main Street, as shown on certain maps entitled “Proposed Retail Building for Tractor Supply and Company” last revised 03/21/16.

Mr. Hall introduced Engineer Jim Cassidy II, of Hallisey, Pearson and Cassidy Engineering Associates Inc. Mr. Cassidy reviewed an alternate design, believing it would complement the neighborhood better. He used the Guilford, CT store as an example with many pictures showing the gambrel store front and cornice molding. Commissioners had a chance to review the design prior to the meeting and asked some questions. Ms. Cox wanted to know if the building could be designed more like a red barn. She was also concerned of the lights for neighboring properties. Mr. Cassidy explained that to style the building like a barn would increase the ceiling height and would become a much larger building. Shields will also be placed on the lighting to direct it away from property lines.

Mr. Mulholland expressed his concern over losing mature trees on the property. He also wondered if the galvanized surfaces could be painted to be less flashy. Mr. Mulholland and Mr. Swift asked to include more faux barn windows on the sides of the building to break up the monotony of tan blocks. Mr. Cassidy agreed to work with an arborist and the town to try and save the trees along the property line; his apprehension to promise too much was due to the septic, fire and water lines that would have to be installed through the front of the property. He didn't believe that the faux windows would be necessary between the landscaping and outdoor storage that would block road views, but would discuss with the necessary parties.

Chris Russo, Q & R Associates, LLC, began to say that the proposed site plans work against the Plan of Conservation and Development (POCD). Mr. Mulholland interrupted to remind Mr. Russo that the Commission cannot litigate for or against the current lawsuit that is being pursued. Mr. Russo understood and continued on, stating that the design does not encompass the 'New England charm' and falls in comparison to the Berkshire Hathaway property. He also discussed the Wetlands, to which Mr. Benson and Mr. Mulholland reminded Mr. Russo of the diligent work that the Town Engineer, Deputy Director of Land Use, and Inland Wetlands Commission did before approving the project. Mr. Russo wanted to establish that he is representing a small business, and did not want lose the small retail character of Newtown to Tractor Supply.

Brian Nadro, 112 South Main Street, asked for clarification of the landscaping plan. He wanted to know what area of trees would be removed and how his privacy would be affected. He asked for fencing to be placed as a barrier and did not want to see the plantings dying from animals such as deer. Mr. Benson told him that the plantings will have to be maintained to comply with the regulations. The existing landscape on the North side of the property will need to be upset in order to install the curtain drain for Mr. Nadro, but a staggered row of large trees will be planted behind a guard rail.

Mr. Cassidy was presented information from Matthew Darling, NERP Holding and Acquisitions, regarding the questions Mr. Mulholland asked. They agreed to use "Williamsburg Red" on the galvanized surfaces to accommodate a more barn themed look. This updated look will also include the possibility to add barn windows to the sides of the building as the Commission saw fit. They also confirmed working with an arborist and town officials to protect trees that could reasonably be saved. Ms. Cox asked about a fence between the northerly neighbor, and Mr. Mulholland said that P+Z can recommend one to be installed. The applicant agreed. Mr. Cassidy submitted a thumb drive with the plans/PowerPoint for the record.

With no further question or comment, the hearing was closed at 9:34pm. The Commission took a brief recess.

Upon resuming, Mr. Mitchell read a motion:

BE IT RESOLVED by the Newtown Planning and Zoning Commission that the Application # 16.07 by **NERP Holding and Acquisitions Company LLC** (for tenant Tractor Supply Company) for the construction of a 19,097 square foot retail building and associated site improvements to be constructed on a property located at 116 South Main Street, as shown on certain maps entitled "Proposed Retail Building for Tractor

Supply and Company” revised 03/21/16 and 07/07/16, is hereby found consistent with the Plan of Conservation and Development and the Comprehensive Plan.

BE IT FURTHER RESOLVED that the application shall be approved with the following stipulations:

1. The Applicant will use Williamsburg Red on all galvanized surfaces
2. The Applicant’s arborist will work with Newtown’s Tree Warden and Deputy Director of Land Use to save as many significant trees on the lot that are reasonably savable
3. The Applicant will extend the 4’ chain link fence on top of the wall behind the trailer display area on the north side of the lot to a total of approximately 170 feet.
4. The Applicant will work with Land Use concerning the number and placement of barn shutters on the first quarter of the north and south elevation of the development.

BE IT FURTHER RESOLVED that the approval shall become effective August 1, 2016.

Ms. Cox made a motion to accept. Ms. Manville seconded. The Commission took a vote:

Mr. Mulholland	YES
Mr. Mitchell	YES
Mr. Swift	YES
Ms. Cox	YES
Ms. Manville	YES

The motion was approved unanimously.

Mandatory Referral

Mr. Mitchell recused himself as a member of the Borough Zoning Commission. He gave an explanation of the proposed amendments. The Professional Zone located in the Borough of Newtown is approximately a one mile stretch involving a small amount of properties. Allowing mixed use (residential and commercial) would bring more revenue to those properties. Additionally, the proposed definitions are more expansive, to encompass the many professions that exist today. All members agreed that the changes were appropriate, and Mr. Mulholland will send a letter of agreement.

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Ms. Cox asked to specifically include on page 2 that the proposed lights are all LED. **Mr. Swift made a motion to accept. Mr. Taylor seconded. All were in favor.**

Adjournment

With no further business; Mr. Meadows made a motion to adjourn, Mr. Mitchell seconded. The meeting was adjourned at 10:00pm.

*Respectfully Submitted,
Georgia Contois, Clerk*