

MINUTES

Newtown Planning and Zoning Commission

SUBJECT TO APPROVAL

Land Use Office
Council Chamber
Primrose Street, Newtown, Connecticut

Regular Meeting
September 3, 2015

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

The meeting was opened at 7.34 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

Nothing was discussed at this meeting.

PUBLIC HEARING

Application 15.03 by NERP Holding Acquisitions LLC.

Due to improper notice by the Land Use Agency, this public hearing will be held on September 17, 2015.

PUBLIC HEARING (Continued)

Application 15.06 by Danziger Homes, Inc. for an Amendment to the Zoning Regulations Article III, Section 2 for Elderly Housing to Permit Single Family Detached Housing with onsite septic and well. Dated July 29, 2015.

This application was continued from the last meeting. Mr. Mulholland asked to hear from the applicant.

Kim Danziger, 5 Stonewall Ridge Road, Newtown, Connecticut distributed additional information including a letter dated September 2, 2015 "Application to Amend Zoning Regulations Article III, Section 2 – Elderly Housing To Permit Single Family Detached Housing with Onsite Septic and Well With Amendments" dated 9/2/15. He summarized last week's presentation. He considered this a revenue generator and that there is a need for this kind of development in town for elderly residents wishing to downsize their living space. He stated that he had received a lot of requests for this kind of housing, but the final decision was up to the Commission.

Mr. Mulholland advised that a considerable amount of work had gone into elderly housing. He was concerned that there was no open space mentioned. To come under the conservation subdivision regulations the site should be in a two acre zone, all slopes and wetlands would be eliminated from the total acreage and 50% of the rest would be given to the town for open space.

Mr. Danziger said that these changes are for the elderly housing regulations, which do not require open space.

Mr. Benson said that he did not think this would fly, although he considered it a good concept. More discussion is required.

Mr. Mulholland asked to hear from the public.

Margerie Kramer, 40 Split Rock Road, Danbury, Connecticut thought Mr. Danziger made some good points. She spent many years on the Conservation Commission working with Ms. Dean of P&Z. Many hours were spent developing conservation subdivision regulations.

Jill Wolowitz, 16 Main Street, Newtown, Connecticut is a realtor said there is a great need for elderly housing in town. She thought this would keep elderly residents in town.

Cathy Bistany, 16 Elizabeth Circle, Sandy Hook, Connecticut agrees stating that many people who moved out of town would prefer to move back if this type of development was available. She thinks it would be very good for the town.

Ken Rubin, 20 High Barlow Road, Newtown, Connecticut has a mother living at Walnut Tree Village, which is an elderly housing development. He is opposed to this application.

Mary Wilson, 12 Whippoorwill Road, Newtown, Connecticut was also on the Conservation Commission said there is a need for open space for everyone. She felt that conservation subdivisions would work very well here.

Rich Reynolds, 36 High Barlow Road, Newtown, Connecticut moved to Newtown because of the open space. He did not like the thought of three bedroom houses on small pieces of land. He asked what would happen if septic failed.

Joan Cone, 32 High Barlow Road, Newtown, Connecticut expressed concern about the open space and the impact on traffic. Mr. Mulholland explained that any application that would come before the Commission for approval would require a traffic report.

Nicholas Shope, 35 High Barlow Road, Newtown, Connecticut has seen Newtown change and would like its uniqueness maintained for his children to enjoy. He felt this type of development would change the tenor of the town. No need to cover every square inch.

William Allen, 23 High Barlow Road, Newtown, Connecticut, at the behest of his wife, researched and found there were currently 34 homes on one acre lots in town. He considered this to be a run around the open space regulations. This is not what Newtown was intended to be.

Christine Reynolds, 36 High Barlow Road, Newtown, Connecticut was concerned about open space.

Bob Reynolds, 34 Black Rock, Newtown, Connecticut considered this an interesting concept and would like to see something that would serve the people of Newtown better.

Martin Sidwell, 7 High Barlow Road, Newtown, Connecticut asked if the town wants elderly housing. Does the town want to make such developments possible or not. He felt there is a need for new regulations and has worked about a year with Mr. Danziger to come up with these regulations. He appreciated there is a need to refine them.

Mr. Mulholland responded that the Commission went to a lot of trouble to create and evaluate conservation subdivisions to answer this kind of question. He noted that builders do not want to build smaller homes, adding that Oxford acquired a golf course with their 30% open space portion of a conservation subdivision. Open space is a standard in town and will remain so. The Commission does not want to give up what most of them worked for.

There were no more comments. The hearing was closed at 8:35 p.m.

DISCUSSION AND POSSIBLE ACTION

Mr. Ruhs was seated in place of Mr. Mitchell who was not present at the last meeting.

Mr. Mitchell read the following resolution:

BE IT RESOLVED by the Newtown Planning and Zoning Commission that the application 15.06 by Danziger Homes, Inc., for an amendment of the Zoning Regulations Article III, Section 2 for Elderly Housing to Permit Single family Detached Housing with onsite septic and well. Dated July 29, 2015

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

BE IT FURTHER RESOLVED that this approval shall become effective on September 18, 2015.

Motion to approve by Mr. Swift. Seconded by Mr. Mulholland.

Mr. Porco said that Newtown has the largest land mass in Connecticut and it takes a lot of dialogue to see where the town is going. This concept is viable but way too early to give up open space and the beauty around Newtown. There is a need to take a proactive approach as this could change the complexity of Newtown.

Mr. Swift agreed. He appreciated the opening of the dialogue but thought conservation subdivisions would be preferable. This is a good start but open space is very critical.

Mr. Mulholland said that the conservation subdivision regulations were created because of the need for this. Seniors want to stay in town, preferably in smaller homes. He could not support the proposal stating that more work is needed.

Mr. Cogliano agreed with the previous commissioners. He appreciated the beginning of a dialogue on the subject.

Vote:	Mr. Mulholland	No
	Mr. Porco	No
	Mr. Swift	No
	Mr. Mitchell	No
	Mr. Corigliano	No

Motion denied.

PUBLIC HEARING (Continued)

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.

Peter Scalzo, Esq., 2 Stony Hill Road, Bethel, Connecticut asked to have the meeting tabled till the next meeting when they will present a traffic analysis.

Mr. Mitchell moved to continue the hearing till the next meeting scheduled for September 17, 2015. Seconded by Mr. Corigliano. The vote was unanimously approved.

PUBLIC HEARING (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.

Peter Scalzo, Esq., 2 Stony Hill Road, Bethel, Connecticut introduce Mr. Lucera, the applicant, 60 Old New Milford Road, Brookfield, Connecticut.

He addressed public comments from the last meeting. They have added an emergency exit that would be chained off and accessible only to emergency vehicles. The Fire Marshal approved the plans, requesting renumbering of the buildings. As requested by Mr. Porco, they have added green space and picnic area. The diner will be open 24 hours a day. No tractor trailers would be allowed on the property. School bus pick up will be in front of the buildings. The Design Review Board meeting was postponed till September 17, 2015.

Darius Virbickas, P.E. Artel Engineering Corp. explained the adjustments to the plans.

Abigail Adams, Landscape Architect, A-Z Lands Cons. Brookfield, Connecticut detailed the changes made to the landscaping as a result of comments raised at the last meeting. The lighting plan is still in progress. The architect is still working on renderings of the buildings.

Mr. Benson noted that they are currently working on a Hawleyville sidewalk plan, but have not come up with a final design yet. There is a set-aside for a sidewalk.

Mr. Mulholland noted that the property across the street is prime for development, which could result in the widening of Route 25 and an exit opposite this entrance.

Michael Galante, Frederick C. Clark Associates, 41 Ruane Street, Fairfield, Connecticut showed an aerial view of the site. He gave an overview of the State process regarding the request for traffic lights. They meet the standard for a by-pass lane. He submitted new analyses using the worst case scenario. He is waiting for school to resume to observe existing conditions.

Mr. Mulholland thanked Mr. Galante for opening a dialogue with the State. He asked to hear from the public.

Janet McKewan, 10 Hillcrest Road, Newtown, Connecticut was concerned about the school bus procedure and the by-pass lane. She felt this would make a huge change to the neighborhood.

Vern Goddette, 1 Hillcrest Road, Newtown, Connecticut did not like the idea of looking out over a chain.

Tony Napolitano, 13 Whippoorwill Road, Newtown, Connecticut was concerned about traffic congestion.

Jennifer Ballard, 9 Whippoorwill Road, Newtown, Connecticut did not think this an appropriate location for this kind of activity. Safety was her concern.

Amy Cox, 33 Pond Brook Road, Newtown, Connecticut was not opposed in general but was concerned about the effect on Pond Brook and the amount of permeable surface.

Mary Wilson 12 Whippoorwill Road, Newtown, Connecticut also felt the project too large for this location and asked if it could be scaled down. She would like to see the covered bridge maintained.

Mr. Lucera responded by saying that there are plans to rebuild the bridge, details of which will be presented at the next meeting.

Mr. Benson noted that the bridge was built in 1954 by a former owner.

Answering Mr. Mulholland's question about the mix of apartment sizes Mr. Lucera said it is determined by market demand. Most young people just leaving home prefer a one bedroom apartment.

Mr. Corigliano moved to continue the hearing. Seconded by Mr. Porco. The motion was unanimously approved. The hearing was continued till the next meeting schedule for September 17, 2015.

COMMUNICATIONS AND CORRESPONDENCE

Request to P&Z by Toll Brothers via letter dated 7/14/15 asking commission to review a request by a disabled person younger than 55 years old to purchase and/or occupy a home in the Newtown Woods development.

Mr. Benson explained the request and the Commission agreed that he should research the matter and report back to them.

MINUTES

Mr. Swift made moved to approve the Minutes of August 20, 2015 with the following amendments:

Page 3 – Fifth paragraph down – change the date from September 6 to September 3, 2015.

Page 6 – Seventh paragraph down – delete the word “next” before meeting scheduled.

Seconded by Mr. Corigliano. Motion unanimously approved.

ADJOURNMENT

Mr. Pozek made a motion to adjourn. Seconded by Mr. Ruhs The motion was unanimously approved.
The meeting was adjourned at 10:12 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 September 3, 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 15.03 by NERP Holding Acquisitions LLC.

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.