



TOWN OF NEWTOWN
NEWTOWN PLANNING AND ZONING COMMISSION
MINUTES

Regular Meeting
February 15, 2018 at 7:30 PM at The Alexandria Room in Edmond Town Hall
45 Main Street, Newtown, CT

These Minutes are subject to Approval by the Planning & Zoning Commission

Present: David Rosen, Benjamin Toby, Bob Mulholland, Roy Meadows, Corinne Cox, James Swift and Barbara Manville

Also Present: Robert Sibley, Deputy Director of Planning & Land Use, Lynn Kovack, Clerk
Mr. Swift opened the meeting at 7:31 PM

PUBLIC HEARING

The meeting began with Ms. Manville reading the following Legal Notice:

NOTICE IS HEREBY GIVEN that the Town of Newtown Planning & Zoning Commission will hold public hearing commencing at 7:30 PM on Thursday, February 15, 2018 in The Alexandria Room at the Edmond Town Hall, 45 Main Street, Newtown, CT on the following applications:

Application 17.21 by 79 Church Hill Road, LLC., for a Zone Change Application for a property located at 79 Church Hill Road, Newtown, CT, from Business and Professional Office Zone to Incentive Housing Overlay Zone-10 to accommodate mixed development use, as outlined in the application and supporting documents received to the Land Use Agency on December 11, 2017.

Application 17.23 by 79 Church Hill Road, LLC., for a special exception Application for a property located at 79 Church Hill Road, Newtown, CT to construct a mixed use development consisting of a 2-story Commercial building with a footprint of 8,760 square feet and a 2-story Commercial building with a footprint of 20,180 square feet; as well as 6 Incentive Housing buildings consisting of 224 units, clubhouse facilities, parking, and necessary site improvements, with requests to modify/reduce a setback from street provision and parking requirements, as permitted by the Zoning Regulations, as outlined on a set of plans titled "Incentive Housing Overlay Development, Hunters Ridge, 79 Church Hill Road, Newtown, CT" dated November 10, 2017, received December 11, 2017

Application 18.02 by 79 Church Hill Road, LLC., for a Zoning Amendment to the Town of Newtown Zoning Regulations to amend 3.03.400(b) and 3.03.610 of the Incentive Housing Overlay Zone as outlined in the application and document titled "Exhibit A", submitted to the Land Use Agency January 12, 2018.

Copies of the above applications and related documents are on file and available for public inspection in the Land Use Department, Newtown Municipal Center, 3 Primrose Street, Newtown, CT

Dated at Newtown, CT this 23rd day of January, 2018.

Christopher J. Smith, Esq. with Shipman & Goodwin LLP out of Hartford introduced his team which consists of:

James R. Swift Professional Engineer/Landscape Architect out of Shelton, CT

Erik Zambell Architect from Greenwich, CT

Matthew J. Popp Landscape Architect/Professional Wetland Scientist

Michael A. Galante regarding Traffic from Frederick P. Clark Associates, Inc. from Fairfield, CT

Christopher J. Smith, Esq., Shipman & Goodwin LLP, Hartford, CT stated he did referrals for certified mailings to Dept of Public Health & Aquarian and not sure if over one of the water supply sheds so sent to them too. Regarding Zone text amendment he sent overnight and knows our staff also did to regional prize and fed ex to get within timeframe for the hearing to go forward this evening. Has notice letters from January 3, 2018 along with certificates of mailings and the subsequent ones when hearing had a problem due to publication he had to send another notice out to everybody and that went out on January 23, 2018 and he has a copy of that as well as certificate of mailings for the record.

He explained they have 3 applications and 1st one if for a Zone Change. The 2nd application if a special exception application for a specific mixed use at the development site permitted under your IHOZ regulations also includes because a small portion of the property and filed aquafor assessment and under it and it will be sent over to the Wetlands and they will address at the March 14, 2018 meeting. They will provide you with the recommendation for you to make an ultimate decision on the Zone Text amendment regarding parking requirements and street set backs. He then went through the Table of Contents of the Packet in Support of the Applications.

Exhibit A goes over Zone change from Business and Professional Office Zone to Incentive Housing Overlay Zone which is part of our regulations adopted he believes in 2015. The special exception for mixed use 6 buildings with 224 units on 35 acres and 70,000 square feet of Commercial space.

Part of the proposal includes affordable or workforce housing component as provided by the IHOZ-10 Zone provisions of the regulations.

Currently the property is vacant and used to be residential. They would extend sewer to all of the property if permitted to tie into it. Under the plan of housing and Development 2014 update it states that Newtown's housing stock in 2010 consisted of 90.8% SFR compared to 92.8% recorded in 2000. 94% are owner occupied in 2010 which increased from 91.9% owner occupied. Over the past 2 decades the trend has been to "large lot" development which has resulted in acceleration of amount of land consumed by Residential Development on a per house basis.

Mr. Smith went over the Incentive Housing Zone Study and he stated the conclusion is: Newtown has a need for more affordable housing units of various styles to accommodate housing units of various styles to accommodate diverse households. Due to limited sewer capacity, there are only a few locations in Newtown that are appropriate for Incentive Housing Zones and the Overlay Zone Regulations with some design standards that were drafted for the Route 6 and Route 25 areas to permit mixed use developments with Townhouses and/or Garden Apartments at a density of 10 units per acre.

He stated that each unit would have 2 parking spaces and each 5 units would need to have 2 more spaces. For the provision Exhibit A states 1.7 spaces per unit for mixed use development in the IHC. So that has eliminated over 100 spaces for parking. It shows 1.76 proposed spaces per unit which is supported by the data submitted.

Mr. Mulholland asked Mr. Smith if he is prepared to get the engineers answers addressed. The issue is it doesn't meet the 50 foot setback on Walnut Tree Hill Road.

Mr. Swift asked if the number included condos and rentals. Mr. Smith stated he is not sure because study was only done on rentals.

Next to speak was James R. Swift Professional Engineer/Landscape Architect of 102 Village Drive Shelton, CT 06484

He began by stating that half the site would remain untouched. They have plans to hide the trash area/building/loading docks away from sight. There is an Iriquois easement on the property and they can do parking lots over the easements. There is no real issue affecting the pipes per Iriquois and they didn't see any significant issues. Commercial building #2 has retail on the first floor like a restaurant and on the second floor it would be more like doctors office, dentist, etc.

He explained there would be Infiltrator systems. Some buildings will appear as 3 floors and 4 floors from certain areas you look at the property from. They would be able to extend the sewer system up through the site to the residential area along with gas, water and electric are also available for the site. There would be approximately 10,900 cubic yards of excavation to get building to fit into the area and parking and 14,500 cubic yards of fill that is needed for some lower areas. So hope to balance it out with less trucks in and out of property. There will be some retaining areas being used between buildings and that Building 6 would pretty much be on grade. Dirty water would be put through a vortex chamber before going into the storm drains.

With about 57,500 cubic yards for fill in residential fill the excess fill will go to the Commercial area that they needed. No massive amounts of trucks will be in and out of the property because of the balancing of the site or the Town.

There will be temporary sediment control basins. Diversion swails to help with the erosion plan. DEP will be doing inspections on the erosion control. The Commission has drainage calculations and will have 3 watersheds to help with discharge of the water.

Next to speak was Erik Zambell Architect from 330 Railroad Avenue, Greenwich, CT 06830

He began by stating there would be 6 total buildings with 4 having 42 units each and 2 building with 28 units each. Mr. Zambell stated that the project was harmonious with the environment and fit into the village/Town/Site. They used a muted color palette to blend in. Reverse gables. Some additional detail like attached barn work area with barn type door on louvers on the utility room areas with post and timber construction. Also has a split fence detail to hide the condensers on the roof.

Mr Zambell stated that the northern entry is where the clubhouse would be. They created the building that lets you come upon it with the barn motif again. You will see a Metal roof, stone and timber more prevalent to the entrance. Clubhouse will have a movie area, fitness area, changing area, pool outside, meeting room and a gathering space with a 4 sided chimney. Dormers are to allow for more natural light into the gathering area. There will be carports, garages, mail house, trash/recycling buildings, etc.

Retail building Building #1 will be closest to Church Hill Road. You will see a tower like structure for the entrance to the upstairs. There is vertical siding with some asphalt architectural shingles, to look traditional to the street front. Building #2 will have retail on the lower level. Building will have approximately 20,000 square feet to divide. There will be 2 entrances to the upper level offices. Will be made to look like an older store built back in the days.

They will get additional renderings that the Commission asked for to have at the next meeting.

Next to speak was Matthew J. Popp Landscape Architect

He stated that with research he found the property was pretty much farmland in 1950. He stated with their plan there would be a Community garden, 2 dog runs, a clubhouse, pool and a fire pit to make more like a Community feel for the people. There will be over 200 shade trees along the parking lot, road and other areas with trees like red oaks. There will be over 150 evergreens planted with mainly spruce and some other trees like magnolia, cherry and oaks along the streetscape area of the property. Along the northern property would be mostly spruce and holly trees. Flowering trees will also be planted which is good for seasonal looks and habitats. There will be a foot trail on the property with marked trees to keep a more natural walkway. Low disturbance for the foot trail.

Site lighting is explained where they will be located and will not affect surrounding homes. The residential area will be lit lighter than the Commercial areas.

Next to speak was Michael Galante from Frederick P. Clark Associates, Inc. regarding traffic

He thoroughly went through the traffic study in the Packet of Support of Applications in Section M of the book. He stated that the DOT counts all state roads every 3 years. Has to get the site plan, drainage and traffic approvals from the State first or can't get approval to start the process. They need to get all this done prior to approvals. Scoping meeting meets with comments and goes over and they answer and then to step 3 of the application. They have 60 days to approve or ask for additional information, etc. It will then go to the police Commission for review. They stated the Applicant would be prepared for light installation if State didn't supply funding.

That concluded the presentation and we went into Public Participation at 9:57PM

PUBLIC PARTICIPATION

Virginia Gutbrod of 4 Walnut Tree Hill Road- She is concerned with the project but especially the Commercial part of it. She showed a couple pictures. ONE was the view out of her front door now which is pretty dark at night and then she showed a picture of the new Lexington Garden project to show that is what she will then see out her front door if the project goes through. She wants to just live in peace. The 1st driveway will face her front door and living room by the first Commercial entrance. She also already has flooding issues with her basement and she doesn't want any additional issues with the basement due to this project. She then pointed out that there is over 541,000 square feet of Available Commercial space right here in Newtown.

Ken Chimeleski of 22 Walnut Tree Hill Road started by thanking the people of WTV (Walnut Tree Village) for coming out to show their support against the project. He stated that WTV is 190 units that are spread out and

on flat ground. There are more units with the new plan just that they are going upwards. There will be 4 driveways that will all empty onto Walnut Tree Hill Road. All on a road no more than a mile long and you want to put 225 more units on the road. It just doesn't make sense. He stated the Wetlands meeting the night before focused on wood frogs and he wanted to know about the humans and how their lives will be impacted. He stated the developer did his job, a good job. The density of the project doesn't work in this area and would be a wonderful project, just not here.

Patty (inaudible) of 23 St. George Place (WTV) She stated she takes offense that the presentation can go on and on, and that the public participation should have their time to talk too. She asked how many applicants live in Town? How many on the board travel on Walnut Tree Hill Road? It is narrow, windy, steep and gets icy. Traffic study doesn't show the bus times, traffic time with the added amount of people. It is a poor project and it is not the best place for it.

Kevin Koeshel of 20 Evergreen Road- he stated he had a petition with over 500 signatures on it that request's a traffic study at the expense to the Developer and the Commission had just asked for that.

Ronald Catalano (President of Board of Directors at WTV) and lives at 82 Haley Lane (WTV). He stated that there are already approximately 120 vehicles going in and out of WTV on a daily basis now including delivery trucks, cars, trucks, mail, visitors, etc. One proposed entrance to the Residential part of the project will be right across from the Haley Lane Entrance and will lead to a dangerous situation for people pulling in and out. Doesn't think it is a good idea.

Jeffrey Nathanson of 24 Walnut Tree Hill Road. He moved in about 2 Years ago. As a young professional who couldn't find a job in Newtown and bought where he would like to raise a family. In the proposed project all 4 proposed driveways you can only make a left when you leave the property. If you want to go North you can't and people are going to start using his property to turn around to get out. The amount of traffic will double on the road. He already doesn't get his mail at night for safety reasons and now he will worry when getting his mail during the day hours too.

Steve Bennett of Walnut Tree Hill Road stated that the Zoning Regulation are a contract with the Town's people and when you change a Zone you are breaking the Contract with the people.

Beth Koeshel of 20 Evergreen Road- She is concerned with the pollution danger to the water supply and traffic will cause danger. She has driven a bus for over 11 Years in Town. The Development is not in character with the area. Newtown doesn't have 4 story buildings. You have Edona Commons, Exit 9 project and most people will have 2 cars per place. She stated that this Development will benefit a small amount of people who don't call Newtown home.

Kinga Walsh of 21 Horseshoe Ridge Road- She stated her concerns on the units being built here and resources in Town. There are over 500 units with this proposal and exit 9 where is analysis on what will happen to our taxpayers. We don't want empty homes and more retail space in which we already have. She said you need to analyze the impact to other roads like Evergreen, Schoolhouse, Horseshoe Ridge, etc. She asks that all elected officials come together and decide when is enough enough and keep Newtown as what it is. Keep the integrity of our Town and property Values, Etc.

Dwayne Jones of 16 Walnut Tree Hill Road stated he lives at the intersection of Haley Lane and Walnut Tree Hill Road and it is a dangerous area with a bad site line issue. He wanted clarification on the fill and trucks going in and out of the project.

Pete Gelderman who represents several individuals who oppose the project. He want to submit a petition and see if it qualifies as a protest petition but has to look into it first. He stated no sewer are available for this site and that they have not even been approved by the sewer district and that sewer has been denied in this area in the past. The regulation requires IHOZ Development that sewers need to be available. Townhouses need to have their own entry and they don't have it. He stated if then garden apartments they would need access to gardens and they have access to parking lots. That provision is in the regulations to make sure that these things don't pop up. He stated that the applicant also stated that half the area will be open and he pointed out that is was due to wetlands. When an applicant comes in you need to modify the development to make it work not modify the regulations.

Sharon Hanson of 15 Evergreen Road- The applicant never stated how far will the setback be off of the property. The Chemicals, pesticides, what will happen to our wells. Are you the Town going to take care of us?

Becky Greenbers of 53 Schoolhouse Hill Road- He feels it is a disservice. She is new to the area. She moved here to get away from what they are trying to do here and there are so many vacant buildings around here. She feels the spot is not suited for here. The applicant showed everything except the back view. You didn't show the garbage, mail, raised parking, etc. and can police and fire handle this amount of things.

Anthony Cascone of 34 Valle Field Road South- he has lived here for 20 years and something this big is going to impact tremendously and for everyone on that road. His Nephew had bought here in the area 3 Years ago and sold his house and left and went to Southbury because of the project.

Rose West of 50 Elizabeth Circle (WTV) Stated it will changed the way she lives and will never have a great feeling about Newtown anymore. What will it do to the value of her home?

All Materials submitted at this meeting are available in the Land Use Department and we will continue this meeting on March 15, 2018 at 7:30 PM in the Alexandria Room at Edmond Town Hall 45 Main Street, Newtown, CT

With no other business Mr. Swift made a motion to adjourn the meeting at 10:58 with Mr. Mulholland(2nd) and all in favor

Kindly Submitted by Lynn Kovack, Clerk