

Planning and Zoning Regular Meeting

Council Chambers 3 Primrose St

September 20, 2018 7:30 pm

These minutes are subject to the approval of the Commission at their next meeting. All related documents are available in the Land Use Department.

Present: Donald Mitchell, James Swift, Barbara Manville, Corinne Cox, David Rosen

Absent: Benjamin Toby, Robert Mulholland

Also Present: George Benson, Director of Planning and LeReine Frampton, clerk

Mr. Mitchell opened the meeting at 7:33 pm

Mr Mitchell opened the public hearing for Application 18.24 by MD57 Castle Meadow LLC, for a nine lot subdivision located at 57 Castle Meadow Rd, Newtown, CT as shown on a set of plans titled "Sunset Ridge, Newtown, CT, 57 Castle Meadow Road, a Subdivision Plan" dated July 18, 2018, revised August 31, 2018.

Larry Edwards, engineer, 227 Stepney Rd, Easton presented for the applicant.

29.2 acres on Castle Meadow to become a nine lot single family subdivision. This is a R2 zone requiring 2 acres of usable land for each lot. There will be 720 feet of road in the center of the lot off Castle Meadow. Lot 1 contains the existing residents and buildings.

There are 2 areas of wetlands – one by Castle Meadow and one in the rear of the lot. There is no activity in the wetlands and the application to inland wetlands has been approved.

In response to correspondence with Mr Sibley dated September 10th (attached):

They have applied to Health Dept. Storm drainage analysis is in the package. There is an infiltration system for roof runoff. Details for erosion control are in the package. They are in compliance for DEP. 30,000 gallon tank for fire suppression at the beginning of the road. Environmental impact report is in the package. House and barn are historical and they are not disturbing those buildings which are located on lot 1. They have changed minimum squares to conform to zoning regulations. If needed, they will investigate and include run off into their catchbasin. Lot #2 is a pull out area. Change to 18 pipe. Bond estimate included in package. Revised database.

Applicant wants to pay fee in lieu of open space. Requesting commission to consider this option. Mr Edwards stated that the town gets a better deal with the fee.

Owner wants to have his home on lot 6 with an oversized lot that will not be subdividable due to the purposely planned road frontage for that lot.

Total open space is 4.4 acres of which 3.7 acres must be usable (not wetlands or steep slopes)

Town is getting a 9 lot subdivision and extra taxes paid on the oversized lot with the fee in lieu of, instead of a 10 lot subdivision and open space.

Jet Brook subdivision has 7.3 acres open space which is wetlands and slopes, so has limited public use. The 4.4 acres required for open space would have little access. Mr Edwards will bring a map showing proposed open space to the next hearing. They can do 10 lots with open space but prefer the nine lots with #6 oversized and fee in lieu of.

Commission requested to see drawings showing open space with connection to current open space to try and make trails.

Public Participation:

Residents are notified of the first hearing, after that they have to follow the minutes and agendas for subsequent hearings.

Dan Cologna – 4 Castle Lane – requested clarification

Newtown Forest Association owns other side of the street is that considered open space – yes

Fee in lieu of sounds like a bribe – money is used to purchase other open space which may be more usable

Open space was designed to prevent overcrowding subdivisions, how is fee being used to purchase in another area helping that neighborhood?

Second time he spoke he requested clarification on Mr Edward's map

Don Morrissey – 16 Merlin Lane – spoke for Newtown Forest Association

Does not object to the subdivision just to the fee in lieu of. They would like parcel 8 and 9 to be open space to keep landscape on Castle Meadow and save preserve space for the wildlife. These areas are adjacent to current open space.

Yolie Moreno – 22 Fern Lane

Concerned over where the Pootatuck runs and location to her home. Her home has solitude and people close would ruin that.

Alan Adriani – 79 Castle Meadow Rd

Owner has a right to develop his land. However, people do ride horses through there. He has concern over lot #2, which has a leader that will direct water onto his property. He is worried about his well and yard. He is also concerned for his neighbor's yards. He proposed an alternate drawing with a solution to problem he sees on Lot #2. He submitted drawing to commission and Mr Edwards will review the drawing. – Mr Mitchell advised that revisions are up to the applicant.

Lindsey Shellman – 7 Jet Brook Rd

Just purchased home and moved in. They bought the home for peace and quiet while enjoying the wildlife.

Ken Esposito – 5 Jet Brook Rd

Where was owner building his house on Lot #6?

Commission asked Mr Edwards if he wanted to address anything brought up by the public. Mr Edwards requested to come back next month with drawings as requested by commission and with answers to concerns of the public.

Ms Cox made a motion to continue the hearing on October 18, 2018 at 7:30pm at this location. Seconded by Mr Swift. approved

Mr Mitchell explained that there is only one notice that goes out. It is up to the public to follow the process. Once there is nothing more to present by applicant or the public the hearing is closed. That is the end of the testimony and the evidence will be considered before a decision is made.

Director of Planning Report

Mr Benson addressed the Newtown WSA Water Pollution Control Plan draft which is attached. He questioned the location of Taunton Pond West. Item B page 2 references Conservation Committee and should be Inland Wetlands Committee.

They do not want to extend sewers, just keep to areas currently served. Borough goes to our treatment plant and Exit 9 goes to the Danbury plant.

Approval of minutes was postponed until next meeting pending verification.

Mr Meadows moved to adjourn with Ms Manville 2nd.

Meeting adjourned at 8:43.

Respectfully submitted,
LeReine Frampton, clerk

Original
Any comments to WSA by 10/2/18

Newtown WSA Water Pollution Control Plan – draft revision 9/13/2018

(Resources: 2008 DEEP Guidance, CGS, D. Grogins ltr 9/24/14)

690-96 Authority; purpose; establishment of plan

- A. The Newtown Water Pollution Control Authority was established as an agency of the Town by Ordinance 56, adopted by the Legislative Council on May 7, 1980, in accordance with Section 7-246 of the Connecticut General Statutes, and redesignated as the Water and Sewer Authority ("WSA") by Ordinance 56A adopted by the Legislative Council on April 7, 2004.
- B. The WSA has prepared this Water Pollution Control Plan to designate and delineate the boundaries of areas to be served by Town sewers and areas where sewers are to be avoided and to describe the policies and programs to be carried out to control surface water and groundwater pollution control problems.

690-97 Facilities Plans

- A. The Interim Design Report by Fuss & O'Neill set out the design parameters for the construction of the sewerage system to serve the state and town properties in the central area of Newtown. The treatment plant was designed and constructed for a 20-year average daily flow of 932,000 gallons per day and the sewers were designed and constructed for the ultimate 40-year average daily flow of 1,864,000 gallons per day.
- B. The Newtown Facilities Plan of 1992 identified potential ultimate sewer service areas in the Sandy Hook riverside communities, South Main St, and Taunton Pond West. These areas were dropped from the final design when it was determined that septic repairs and controls on future development would be a more cost-effective solution. ?
- C. By agreement the state and town each have access to a share of the plant capacity. As flows from either party increase to near their allotted share of capacity that party may request the loan of unused plant capacity from the other until the combined flows approach the system limits at which time the plant may be expanded.
- D. A separate sewerage system was built in the Hawleyville area of the town to encourage economic development, not to meet any environmental need. By agreements with the towns of Bethel and Danbury up to 150,000 gallons per day of sewage may be pumped through Bethel to the municipal treatment plant in Danbury.

690-98 Designation and delineation of SSAs

Sewer service areas are shown on maps originally approved June 2015. Updated maps will be filed with DEEP and the Town Clerk.

690-99 Policies and objectives

- A. All areas outside of the designated sewer service areas are sewer avoidance areas. It is the intention of the WSA not extend sewers into Sewer Avoidance Areas unless mandated by the DEEP or recommended by the Newtown Health District for environmental reasons or requested by the Town as a municipal improvement in accordance with Section 8-24 of the Connecticut General Statutes.
- B. The WSA will continue to participate in the mandatory review process of the Health Panel Review Panel along with members of the Health District, ~~Conservation Committee~~ *Inland wetlands*, and Planning and Zoning Commission to control activities in sewer avoidance areas that may exacerbate hydrogeologic conditions on the site.
- C. As an aid to town planning agencies the WSA will provide periodic reports on available sewer capacity in all sections of the sewerage systems.

690-100 Effective date; amendment of plan; filing

- A. The date of adoption shall be deemed the effective date of this Water Pollution Control Plan. This plan may be amended by the WSA with the approval of the Board of Selectmen. A copy of this plan and any updates shall be filed with the State Commissioner of Energy and Environmental Protection.



TOWN OF NEWTOWN

RICHARD FRAMPTON
FIRE MARSHAL

RECEIVED
SEP 06 2018

BY: gc

September 6, 20198

TO: Zoning Commission

RE: Application 18.24 by MD57 Castle Meadow LLC., for a nine lot subdivision located at 57 Castle Meadow Rd., Newtown Ct. as shown. On a set of plns titled Sunset Ridge, Newtown, Connecticut, 57 Castle Meadow Rd. a Subdivision Plan" dated July 18, 2018 revised August 31, 2018

In accordance with the zoning regulations, a review by the Fire Marshal has been completed and comments listed below.

X Approved as submitted or with the following fire safety requirements.

Fire/Safety: 1. ☒ (1) 30,000 gallon suppression tank to be installed on Palestine Rd. location to be determined by the Fire Marshal

Requirements of Suppression Tanks:

30,000 gallon suppression tank (with the following)

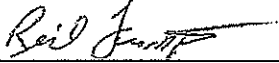
1. Fire suppression tank shall be installed, filled, tested and approved by the Fire Marshal before Certificate of Occupancy is issued.
2. All piping to be schedule 40 PVC.
3. Fire Department will supply final fittings.
4. 6" fill line from tank to nearest catch basin shall be installed with siltation screen, no line exiting tank, drainage system not to run thru the tank.
5. 6" fill line directly into top of tank reduced to 5" STORZ connection with cap & chain.
6. Manhole to be standard 22"
7. Inside of tank shall be sprayed with water proofing.
8. Contractor responsible for initial fill of water.
9. No vents or suction pipes shall be installed thru the manhole cover.

10. As - built drawing of tank must be submitted to Fire Marshal's Office after acceptance.
11. Dry Hydrant to be mounted directly into the top off the tank (Metal Collar for protection).
12. 6" Strainer to be installed 6" off bottom of tank.
13. Schedule Periodic Fire Marshal Inspections though-out construction of tank.
14. Location of Tanks to be approved by Fire Marshal

 Disapproved as submitted.

Approval is withheld until the plans are modified in accordance with the following.

 No Further Comments at this time.



Rich Frampton, Fire Marshal

 9-6-18

Date

3 Primrose Street
Newtown, CT 06470
203-270-4351
Fax: 203-270-4278
Rob.sibley@newtown-ct.gov



Robert Sibley
Land Use Deputy Director

TOWN OF NEWTOWN

Date: September 10, 2018

To: Don Mitchell, Chair, P&Z

From: Rob Sibley, Land Use Deputy Director

RDS

RE: 57 Castle Meadow Road – 9 – Lot Subdivision

I received your request for comments regarding this proposed Subdivision Plan.

As per the Newtown Subdivision Regulations; parcels over 20 acres should consider using the Conservation Subdivision Regulations which are guided by the Newtown Plan of Conservation and Development.

☒ The applicant has an Inland Wetlands permit for this proposal.

☒ The erosion and sedimentation plans are in accordance with state and town regulations.

☒ An initial Archeological Assessment Study Letter of recommendation is required for submission of a subdivision.

In Environmental Report

☒ This site is not within the Town Aquifer Protection District or the State Aquifer Protection Area.

☒ A Forest Practices Permit is not required for this proposed site plan.

☒ The applicant has not provided the CT Natural Diversity Database areas map for Newtown.

Stormwater controls are consistent with the Town of Newtown and 2004 CT Stormwater Guidelines.

The applicant has requested that a "Fee in Lieu" of open space be provided. I would recommend that the applicant be required to provide real property open space as required by the subdivision regulations. The Town has adjacent open space to the south which should be linked to the proposed development. The previous subdivision adjacent to the proposed development identified a connection to this area as a reason to create the open space.

☒ An Environmental Impact Report may be required for submission of a subdivision.

Land Use Agency
3 Primrose Street
Newtown, CT 06470
Tel (203) 270-4276
Fax (203) 270-4278
www.newtown-ct.gov



TOWN OF NEWTOWN
CONSERVATION COMMISSION

Date: September 13, 2018

To: Don Mitchell, Chair of Planning & Zoning Commission

From: Holly Kocet, Chair of the Conservation Commission

Re: P&Z Application 18.24 Castle Meadow Subdivision - 9 lots

After reviewing the application for the sub-division at Castle Meadow Road, the Conservation Commission recommends that the Planning and Zoning Commission deny the request for fee in lieu of Open Space.

The proposed has existing adjoining Town-Owned Open Space which was set aside in an earlier approved subdivision. The proposal is across the street from the Newtown Forest Association, Hattertown Pond Preserve. The Conservation Commission recommends the Planning and Zoning Commission require real property as described in the Town of Newtown Subdivision Regulations 4.05.200 Open Space Objectives.

cc: George Benson, Director of Planning
Rob Sibley, Deputy Director of Planning & Land Use

ENGINEERING DEPARTMENT
4 Turkey Hill Road
Newtown, Connecticut 06470
Tel. (203) 270-4300
Fax (203) 426-9968



RONALD E. BOLMER, P.E.
Town Engineer
ron.bolmer@newtown-ct.gov

TOWN OF NEWTOWN
OFFICE OF THE TOWN ENGINEER

DATE: September 14, 2018

TO: Donald Mitchell, Chairman, P&Z

FROM: Ronald E. Bolmer, P.E., Town Engineer *R. Bolmer*

RE: Application 18.24 by MD57 Castle Meadow LLC., for a nine lot subdivision located at 57 Castle Meadow Road, Newtown, CT as shown on a set of plans titled "Sunset Ridge, Newtown, Connecticut, 57 Castle Meadow Road, a Subdivision Plan" dated July 18, 2018, revised August 31, 2018.

I have reviewed the above subject application and offer the following comments:

1. ☒ Sheet SP-1, Subdivision Plan.
 - ☒ A. The minimum square does not fit behind the 50 foot front building setback line on lot 5. This may also be the case for lot 7.
 - ☒ B. There are wetland areas shown in portions of the minimum square for lots 7 and 8. Calculations should be provided verifying that the minimum square contains less than 20% wetlands.
2. ☒ Sheet SP-1, Overall Site Plan and Sheet SP-2, Site Plan.
 - ☒ A. There is an existing Town drain located at the driveway serving the existing barn on lot 1. This drain apparently outlets into the existing ditchline which runs along Castle Meadow Road in front of lot 8. I could not find the outlet of this drain and I feel it may have been buried by the contractor's operations. This drain should be located and accommodations should be made incorporate it into the proposed drainage system.
 - ☒ B. The plans show grading across proposed property lines for lots 2 & 3, and lots 7 & 8. If it is necessary to grade across property lines, grading easements should be given.
 - ☒ C. Lot 2 is to be served by a driveway which exceeds 250 feet therefore an emergency pull-off area will be required. This issue can be addressed when the driveway permit is applied for.
3. Drainage Analysis.
 - ☒ A. The drainage analysis provided determined that the post developed peak storm water discharges will be less than the pre developed peak storm water discharges. One item which needs clarification is that in the storm water report the outlet pipe for the water quality basin is shown as an 18 inch diameter pipe whereas the plans show a 15 inch diameter pipe.

- 4✓ The application does not satisfy section 3.08.100 of the subdivision requirements in that no performance bonding information has been included.

Based on all of the above I cannot recommend approval of this application at this time.

proposed