



TOWN OF NEWTOWN
PLANNING & ZONING COMMISSION
MINUTES

REGULAR MEETING

Council Chambers
3 Primrose Street
Newtown, CT 06470
May 2, 2019 at 7:30 p.m.

Present: Don Mitchell, James Swift, Barbara Manville, Corinne Cox, Benjamin Toby, David Rosen

Absent: Roy Meadows

Also Present: Rob Sibley, Deputy Director of Planning and Land Use and Christine O'Neill, Clerk

Mr. Mitchell called the meeting to order at 7:32 p.m.

Public Hearing

Application 19.06 by Paul Russo, for Special Exception Use, for a property located at 6 Mile Hill Road, to change use to a personal service establishment as a dance studio with residential apartment attached, as shown in a set of plans titled, "Proposed Change of Use, 6 Mile Hill Road, Newtown, CT," dated 4/2/19 and supporting documents submitted to the Land Use Agency 4/4/19.

Upon the request of the applicant, the hearing for Application 19.06 has been postponed to the next regular meeting of Thursday, May 16th at 7:30 p.m. in the Council Chambers of the Newtown Municipal Center.

Application 19.07 by the Town of Newtown, for a Text Amendment to the Town of Newtown Zoning Regulations, to add the following to § 3.01.211: "and an accessory use of garage with maximum footprint of 1600 square feet; any larger structure would require a special exception," as shown on a document dated and submitted to the Land Use Agency 4/15/19.

Mr. Mitchell explained that the amendment limits the normal garage to a three-car garage and addresses larger existing structures that seem to be turning into machine shops and commercial uses. Garages larger than 1600 square feet would require a special exception. Mr. Sibley confirmed that these larger structures have begun to appear in town and, going forward, would only be permitted under special exceptions.

Mr. Swift asked if the wording referred to multiple garages or multiple structures. Mr. Mitchell explained that a second or third garage, whether or attached or detached, would only be allowed by special exception. After some back and forth, it was clarified that an individual can add to their existing garage without obtaining a special exception as long as it remains under 1600 square feet. Mr. Sibley stated that the intent of the text amendment was not to limit the number of possible garages. Multiple structures are allowed - under 1600 square feet, there would be no special exception required, over 1600 square feet, there would be a special exception required. Miss Cox asked why the text amendment was not limiting the number of garages on a property. Mr. Sibley stated that if the Commission wanted to do that, he could bring the proposed amendment back to George Benson, Director of Land Use, to be reworked.

Mr. Swift asked if the size of the house had been taken into account when crafting this text amendment, such as using a percentage. Mr. Sibley replied that it had not.

Mr. Rosen wondered if the text amendment might be reworded to address total square footage of outbuildings. Mr. Sibley explained that the spirit of the proposed amendment was simply to limit the size of each individual garage.

Mr. Mitchell proposed new wording. Mr. Sibley suggested that Mr. Benson be consulted for his opinion on the new wording.

Mr. Mitchell opened the hearing to public comment.

Andrew Philbin of 176 Brushy Hill Road, Newtown, CT, an attorney, explained that he had interpreted the spirit of the amendment to be to limit “monster garages.” He distributed photographs of one such “monster garage,” later identified as 16 Bentagrass Lane, at a size of 7,000 square feet. It had been approved by Health, Building, and the Land Use Departments. His concern is that garages such as this decrease property values and have a negative impact on the character of the neighborhood.

Mr. Mitchell asked if Mr. Philbin was seeking to have the Commission order a reduction in the size of the specific garage in the photographs. Mr. Philbin said he would like to address the regulations going forward, but would be very happy if there was a way to make it retroactive. Mr. Mitchell confirmed that issuing such an order was outside the purview of the Commission.

Rick Tanner of 18 Willow Brook Lane, Newtown, CT lives near the garage on 16 Bentagrass Lane and can see the garage from his bedroom window. He spoke of “real property value destruction” and explained that he has lost trust in Newtown. Mr. Mitchell clarified that the proper recourse is to go to Land Use to submit a Land Use Inquiry form, to which Mr. Tanner replied that it had been done multiple times to no avail. He felt that there was no recourse for him or his neighbors.

Sandra Marsilius of 14 Bentagrass Lane, Newtown, CT bought her house 21 years ago in good faith that her property value would not be destroyed by her neighbors. She is deeply upset that the Town of Newtown has allowed this overly-large structure to be erected.

Charles Zukowski of 4 Cornfield Ridge Road, Newtown, CT felt the characterization of a 1600 square foot garage as a three-car garage was misleading. A three-car garage is more like 700 square feet, he posited.

Rick Tanner asked why this wouldn’t be considered a special exception. He felt that the administrative sign-off that allowed this building to be constructed was done without consideration for the neighbors.

Dawn Tanner of 18 Willow Brook Lane, Newtown, CT said flatbed trucks bringing in antique trucks come into this property every day, making noise. She described the property as shocking.

Since no other public came forward to comment, Mr. Swift made a motion to continue the public hearing for Application 19.07 to the meeting of Thursday, May 16th, 2019 at 7:30 p.m. in the Council Chambers of the Newtown Municipal Center. Miss Cox seconded. All were in favor and the hearing was continued.

Application 19.08 by P H Architects, LLC, for a Text Amendment to the Town of Newtown Zoning Regulations, § 8.11.131, to permit the occupancy of a recreational vehicle for a period of six months within a calendar year, as shown on a document submitted to the Land Use Agency 4/15/19.

Phil Hubbard of P H Architects spoke on behalf of clients on 42 Taunton Hill Road who would like to put a “Tiny Home” (referred to as a “recreational vehicle” in the proposed regulation) on their property to be used by grooms who would train horses for competition. The proposal is to allow occupancy for six months. Mr. Mitchell inquired if the horses would be gone for the remainder of the year, and Mr. Hubbard replied that the grooms and horses have a show in Florida for the other half of the year.

Miss Cox asked if the Tiny Home would be removed from the property after the six months. Mr. Hubbard’s understanding was that it would remain on the property, but unoccupied.

Mr. Swift recalled the Granny Pod proposal that came before the Commission over a year ago, and he explained that it had been voted down because it was “not enforceable.” He was upset because this proposal was coming before the Commission and had been ostensibly endorsed by Land Use when Granny Pods, which was supposed to temporarily house loved ones who were unable to care for themselves, was dismissed as non-enforceable. He felt a big horse farm was being shown preferential treatment in a similar situation.

Mr. Sibley clarified that nothing had been “endorsed” by Land Use, and that Mr. Hubbard had simply brought a text amendment before the Commission for consideration. Since Mr. Hubbard had spoken with Mr. Benson while crafting his application, Mr. Sibley suggested that Mr. Benson be consulted for his opinion.

Miss Cox made the motion to continue the public hearing for Application 19.08 to the meeting of Thursday, May 16th, 2019 at 7:30 p.m. in the Council Chambers of the Newtown Municipal Center. Mr. Swift seconded. All members were in favor and the hearing was continued.

Acceptance of Minutes

Mr. Mitchell made a motion to approve the minutes from April 18, 2019. Mr. Swift seconded. All members were in favor and the minutes were approved.

Adjournment

Mr. Rosen made a motion to adjourn. Miss Cox seconded. All members were in favor and the meeting was adjourned at 8:13 p.m.

*Respectfully submitted,
Christine O’Neill, clerk*