



**TOWN OF NEWTOWN**  
**PLANNING & ZONING COMMISSION**  
**MINUTES**

**REGULAR MEETING**

Council Chambers  
3 Primrose Street  
Newtown, CT 06470  
May 16, 2019 at 7:30 p.m.

**Present:** Don Mitchell, James Swift, Barbara Manville, Corinne Cox, Roy Meadows, David Rosen

**Absent:** Benjamin Toby

**Also Present:** George Benson, Director of Planning and Land Use and Christine O'Neill, Clerk

Mr. Mitchell called the meeting to order at 7:30 p.m.

**Public Hearing**

**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, revised 5/16/19.**

Mr. Benson shared that he amended the language of the originally submitted amendment after reading comments from the meeting of 5/2/19. He discussed his rationale for choosing 1600 square feet, which he felt was a good compromise that was not too restrictive to homeowners or too disruptive to neighbors. If the Commission wanted to make the square footage smaller, he said, he had no issue with that, but he did not wish to create a situation where homeowners were constantly coming in for special exceptions. Mr. Benson also included language addressing the size of other accessory buildings, such as barns.

Mr. Swift pointed out that “garage” is not defined in the Zoning Regulations. Mr. Benson explained that a term with a common understanding does not necessarily need to be defined. Mr. Swift wondered if people could misuse terminology to sidestep the intention of the regulation. While Mr. Benson acknowledged this was possible, he suggested leaving the interpretation to the discretion of the Zoning Enforcement Officers.

Mr. Swift questioned the size Mr. Benson had specified in the amendment. In response, Mr. Benson passed around an online printout that showed a number of different three-car garage designs with square footage measurements. Mr. Meadows pointed out that in his area of town there is a neighborhood-appropriate four-car garage, and he felt 1600 square feet was acceptable. Mr. Rosen concurred that the 1600 square feet would prevent the “monster garages” that were referenced by the public at the last meeting.

Mr. Mitchell clarified that a property may only have one garage, but may have multiple outbuildings. Mr. Benson added, “we can’t get into limiting the number of structures on a lot.” He reminded the Commissioners that the spirit of this amendment is to prevent the monster garages, not to regulate the number of outbuildings.

Mr. Mitchell opened the floor to public comment.

William Yakush at 17A Butterfield Road, Newtown, CT opposes the regulation due to the 1600 square footage figure. He referenced his own “two bay oversized garage” which is 625 square feet. He suggested limiting what can go over the garage as well. Mr. Yakish explained that his neighbor has two detached garages in addition to the one underneath his house, which he feels is inappropriate in a residential area. He wondered if the regulation would specify the materials used to construct the garage, but Mr. Benson stated that the Commission is unable to regulate that. Mr. Benson also clarified that he did not wish to limit the number of bays, but the overall size.

Peter Paulos of 38 Taunton Hill Road, Newtown, CT shared that he has an upcoming project to create a barn to house farm equipment. He asked if this amendment would limit that. Mr. Benson stated there would be no limitations, but it would require a special exception.

Charles Zukowski, 4 Cornfield Ridge Road, Newtown, CT asked if the regulation could have been included in the agenda posted online, so they could be seen ahead of time on the website. Mr. Mitchell said a complication could be determining which amendments would be long/short enough to include with the agenda. He also explained that they are working with the IT department to make applications more available online.

Mr. Meadows made a motion to close the hearing. Miss Manville seconded. All were in favor and the public hearing was closed at 7:53 p.m.

The Commission decided to vote on this matter after hearing the other applications.

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**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, revised 4/24/19.**

Phil Hubbard of P H Architects stated that there was no additional information to offer, but the Commission had wanted to hear from George Benson. Peter Paulos, also of P H Architects, explained that it was his property and he was happy to answer any questions that may have been posed last meeting.

Mr. Benson offered background and insight. He explained that Mr. Hubbard and Mr. Paulos frequently come to the Land Use office for their projects to make sure they are in compliance with the Zoning Regulations. Mr. Benson felt it was a reasonable request because farms with show horses do require grooms to care for those horses certain months of the year. The way the proposed amendment was written, the only two farms in Newtown it would apply to would be Mr. Paulos’s farm and Red Gate Farm.

Mr. Mitchell pointed out that the proposed amendment would be more restrictive than what the regulations currently allow for recreational vehicles, just with a longer allowed occupancy period.

The Commission wondered if the dwelling in question would be a recreational vehicle or a more permanent home. Mr. Hubbard shared that the dwelling would be a “Tiny Home” on wheels, which

could be transported. Miss Cox asked if this was like Granny Pods, but Mr. Benson replied that Granny Pods were on foundations whereas the Tiny Home would be on wheels.

Mr. Paulos explained that these high-end show horses travel abroad and require much more attention and care than a typical horse. The farm has 16 such horses. Ms. Cox wondered if there would be 16 Tiny Homes, then, but Mr. Paulos stated that they already have accessory apartments housing some of the farm employees. Ms. Cox didn't understand why the applicant couldn't just use a recreational vehicle. Mr. Paulos replied that they did not want motorhomes.

Mr. Benson referred to the Zoning Regulations, which define Recreational Vehicle as "a portable, primarily temporary living accommodation towed on wheels, transported on a truck or having its own propulsion, which may or may not contain running water, bath facilities, a flush toilet, appropriate sanitary connections or cooking facilities." The broadness of this definition is why he recommended that terminology in the proposed amendment.

Mr. Paulos also pointed that this is seasonal, dependent upon the horse shows.

Mr. Meadows wondered about sewage/sanitary management. Mr. Paulos said the Tiny Home is not hooked up to any wastewater system. He has been working with CCA Engineering to tie into the existing septic system with the horse stable. This is what Mr. Paulos plans to do during the time the Tiny Homes would be there, and could cap off the sewage tie-in when it was not in use.

Miss Cox wondered if the extra employee could just live in the accessory apartment that already existed. Mr. Mitchell reminded her that the Regulations already limit the number of people who can live in those apartments.

Mr. Swift asked why Granny Pods weren't enforceable, and this was. Mr. Benson replied that in the case of Granny Pods, 1) the Zoning Enforcement Officer would have had to make a determination about the health/level of disability of an individual, and 2) when the individual recovered from the sickness, a permanent structure would remain on the property. Mr. Benson asserted that the Granny Pod State regulation was poorly written.

Mr. Swift rejoined that they couldn't enforce this, either, because they could not go into the home. Mr. Benson replied that this was the case for 90% of the regulations.

Mr. Hubbard pointed out that the current regulations allow for a four-week occupancy of a recreational vehicle; the proposed amendment, which extends the period to six months for the special case of the horse grooms, is no more or less enforceable by that logic.

Mr. Mitchell asked if the sewage hook-up options would be the same for the four-week and six-month occupancy, which Mr. Hubbard and Mr. Paulos confirmed.

Mr. Swift asked if the Tiny Home was going to be towed off the property when it was not occupied. Mr. Paulos said it was dependent upon a number of factors and that he was not sure of the horses' schedules going forward.

Mr. Meadows stated the regulation ought to be general enough to apply to another Newtown farm with a similar situation. Mr. Benson pointed out that the term "recreational vehicle" could refer to a camper or

any other registered transportable dwelling. Mr. Meadows suggested that there are some parts of the amendment that mention the word “trailer” but should say “recreational vehicle.” He also suggested the language confining the vehicle to the “rear yard” should also offer “side yard” as an alternative.

Ms. Cox wanted to clarify the definition of recreational vehicle to include Tiny Homes, because it was not intuitive a Tiny Home would fall under that definition. She and Mr. Swift wondered if they were calling a home a recreational vehicle. Mr. Benson said he couldn’t possibly define every potential dwelling on wheels, and that a Tiny Home on wheels is a camper trailer registered with the State of Connecticut. The Commission debated this matter at length.

Miss Manville reminded the Commission that the whole reason this text amendment was being put forth was to permit occupancy for six months rather than four weeks in the special case of horse grooms.

Mr. Mitchell opened the floor to public comment.

Michael Stern of 8 Saw Mill Ridge Road, Newtown, CT was concerned about potential future abuses of the proposed amendment elsewhere in Newtown. He pointed out that the applicant was proposing this amendment to not have to pay for other boarding options, which was not an appropriate reason to pass a town-wide regulation. Creating a precedent for allowing longer occupancy of recreational vehicles, Mr. Stern stated, could be troublesome in the future, citing his neighbor with a motorhome that he would not wish to see occupied for a long period of time.

Mr. Swift wondered if, for instance, Planters Choice came in with a similar situation, would they be permitted to house employees onsite in recreational vehicles. Mr. Mitchell replied that this show-horse farm had a very specialized use, and Miss Manville referenced 8.11.131(b), which specified that the property in question must be greater than fifteen acres and must be used for the training of horses for competition.

Mr. Stern wondered what the limitation would be for additional employees to be housed in accessory structures. Mr. Mitchell stressed that the heart of the amendment was moving from a four-week occupancy to a six-month occupancy. Mr. Benson also mentioned that when they passed the earlier regulation regarding housing for farm employees, they sought to limit the number of accessory apartments.

Mr. Swift asked if this Tiny Home had been placed on top of a trailer in order to be transported. Mr. Hubbard clarified that the Tiny Home itself was licensed vehicle with the State of Connecticut.

Miss Manville made a motion to close the public hearing. Mr. Meadows seconded. All were in favor and the public hearing was closed at 8:36 p.m.

Miss Manville read the resolution into the record:

*BE IT RESOLVED by the Newtown Planning and Zoning Commission that 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, revised 4/24/19:*

*(b) In Farming and Residential zones, on lots greater than 15 acres used for training of horses for COMPETITION on lots having at least fifteen (15) acres, not more than two farm employees may occupy one recreational vehicle for a period or periods not exceeding 6 months within a calendar year in the aggregate. One such recreational vehicle is allowed on the property provided that:*

*(1) such recreational vehicle shall be actively registered with the appropriate motor vehicle authorities,*

*(2) any such recreational vehicle shall be located on the lot on which the principal use is conducted or on a different abutting lot under common ownership or control with that of the principal use user that is not used for dwelling purposes,*

*(3) no such recreational vehicle, whether occupied or not, shall be located closer than 100 feet from the travel portion of any public street or closer than 50 feet from any lot boundary line unless it is located on an adjacent lot under common ownership or control as provided herein,*

*(4) Recreational vehicle shall be located in the side or rear yard.*

*(5) occupancy shall commence only with an approval from the Zoning Enforcement Officer and the Newtown Health Director.*

*(6) such recreational vehicles shall comply with all other applicable statutes, ordinances and regulations. – SHALL BE APPROVED.*

*BE IT FURTHER RESOLVED that it shall become effective June 8, 2019.*

Mr. Mitchell made a motion to accept. Mr. Meadows seconded.

Mr. Swift asked if there are only two properties this applies to. Mr. Benson confirmed that is currently the case. Mr. Mitchell clarified for Miss Cox that the regulation would allow for two grooms to occupy one recreational vehicle, but that the applicants intended to use it for one.

The Commission voted as follows:

Donald Mitchell - AYE  
James Swift - AYE  
Barbara Manville - AYE  
Corinne Cox - NAY  
Roy Meadows - AYE

The motion to accept Application 19.08 passed four to one.

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**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.**

Mr. Benson explained that for this application, the Land Use Agency had already administratively approved the apartment portion; the Commission is only making a determination on the use of the dance studio.

Larry LePere of Solli Engineering introduced himself as speaking on behalf of the applicant, Paul Russo. The building in question had been used as offices and a bowling alley in the past; the applicant is contracted to purchase the property and would like to renovate the interior into a dance studio. Mr. LePere detailed several pre-existing non-conformities on the property. The intention of the applicant was to have a dance studio in the downstairs of the building, and an apartment above it for the couple that will run the studio.

Miss Cox asked about the hours of the dance studio, to which Mr. LePere replied that he didn't know, but would be open to the Commission putting restrictions on it.

Mr. Benson explained that this was a very straight-forward application. Since this building is in the BPO zone, which is a business zone including some apartments, it would be an appropriate use.

Mr. Mitchell had some questions about multiple uses for a personal service establishment. Mr. Benson said the whole point of the BPO zone was to have both businesses and apartments in the same building.

Mr. Mitchell opened the floor to public comment. No one came forward to comment.

Miss Cox made a motion to close the hearing. Mr. Swift seconded. All were in favor and the public hearing was closed at 8:54 p.m.

Miss Manville read the resolution into the record:

*BE IT RESOLVED that 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 SHALL BE APPROVED.*

*BE IT FURTHER RESOLVED that it shall become effective June 8, 2019.*

Mr. Mitchell made a motion to accept. Mr. Swift seconded.

The Commission voted as follows:

Donald Mitchell - AYE

James Swift - AYE

Barbara Manville - AYE

Corinne Cox - AYE

Roy Meadows - AYE

The motion to accept Application 19.06 passed unanimously.

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**Application 19.09 by Aquarion Water Company of Connecticut, for Special Exception Use, for a property located at 126 South Main Street, to construct a potable water pumping station to replace an existing pumping station in the right-of-way at the intersection of South Main Street and Cedar Hill Road, as shown in a set of plans titled, "Aquarion Water Company of Connecticut,**

**Cedar Hill Replacement Pump Station, Newtown, Connecticut,” dated 3/25/19 and a supporting document dated 4/29/19.**

Aparna Phadnis introduced herself as a senior engineer at Aquarion Water Company, and David Lombardo from Tata & Howard.

The current water pump station located underneath the intersection of Cedar Hill and South Main Street is outdated and becoming unsafe. The current pump station lacks the space to address the issues, and the construction it would require would be a disruption to traffic. Aquarion decided it was best to build a new pump station a few hundred feet away, farther from the intersection.

The proposed pump station would be underground with stairway access. Minimal equipment will be visible aboveground and would be compliant with zoning setbacks.

Mr. Lombardo shared that a generator would be visible aboveground, which is a new addition from the current pump station. Two parking spaces and a bituminous walkway would be put in place for the technicians. The access hatch and the pumps (which stick up about a foot), with a small wood-rail fence, would be the only other elements visible aboveground.

Mr. Mitchell asked if the generator would make noise. Mr. Lombardo said that the generator would have a level-2 sound shield enclosure, which is the industry standard.

Mr. Swift clarified that this was not being built in the same spot, which Mr. Lombardo confirmed. Mr. Swift asked about landscaping and land-clearing. Mr. Lombardo said arborvitaes would be planted and that a small amount of brush would be cleared. A landscape plan is available on the submitted site plans.

Miss Cox asked what would happen to the old pump station. Mr. Lombardo said he has spoken to Town Engineer Ron Bolmer and that there are plans to remove the equipment including the electrical box, fill in the area, and put back the former plantings.

Mr. Meadows asked what the aboveground portion of the pumps would look like. Mr. Lombardo said it would be similar to what one would see in a lawn for a residential well.

Mr. Rosen wondered if it was necessary to have parking available. Mr. Lombardo stated it was safer than parking the service vehicle in the lane. Mr. Swift wondered if there was an alternative because he wasn't sure if the parking spots would fit in with the residential character of the area. He suggested pavers. Mr. Lombardo welcomed alternatives to asphalt parking. Mr. Swift asked how long often the technicians would visit it, and Mr. Lombardo replied once a week or possibly less.

Miss Manville asked how long the construction would take. Mr. Lombardo reported that project should take from July to November. The demolition of the current pump station would take place after the construction of the new station had been completed.

Mr. Swift and Mr. Rosen reiterated that they'd prefer pavers to asphalt. Miss Cox also wanted as many plantings as possible. Mr. Lombardo wondered if plantings could be placed in the Town right-of-way, which would better shield the generator from view. Mr. Benson said he would ask Mr. Bolmer about it.

Miss Manville asked if the station was natural gas powered. Mr. Lombardo replied that the station was electrical, and the generator was natural gas powered.

Mr. Mitchell opened the floor to public comment. No one came forward.

Miss Cox made a motion to close the hearing. Mr. Meadows seconded. All were in favor and the public hearing was closed at 9:13 p.m.

Miss Manville read the resolution into the record:

*BE IT RESOLVED that Application 19.09 by Aquarion Water Company of Connecticut, for Special Exception Use, for a property located at 126 South Main Street, to construct a potable water pumping station to replace an existing pumping station in the right-of-way at the intersection of South Main Street and Cedar Hill Road, as shown in a set of plans titled, "Aquarion Water Company of Connecticut, Cedar Hill Replacement Pump Station, Newtown, Connecticut," dated 3/25/19 and a supporting document dated 4/29/19 SHALL BE APPROVED WITH THE FOLLOWING CONDITION:*

*That the bituminous pavement shall be replaced by grass pavers.*

*BE IT FURTHER RESOLVED that it shall become effective June 8, 2019.*

Mr. Mitchell made a motion to accept. Mr. Meadows seconded.

The Commission voted as follows:

Donald Mitchell - AYE

James Swift - AYE

Barbara Manville - AYE

Corinne Cox - AYE

Roy Meadows - AYE

The motion to accept Application 19.09 passed unanimously.

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The Commission returned to Application 19.07.

Miss Manville read the resolution into the record:

*BE IT RESOLVED by the Newtown Planning and Zoning Commission that 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, as shown on a document dated and submitted to the Land Use Agency 4/15/19, revised 5/16/19:*

*"and an accessory use of one Garage with a maximum footprint of 1600 square feet, any larger garage or multiple garages would require a special exception.*

*Other buildings accessory to the one family dwelling larger than 1600 square feet would also require a Special Exception.*



*Buildings to house animals are exempt from maximum footprint of 1600 square feet, also, the barn and all manure pile shall have a 100 foot setback from all property lines.” – SHALL BE APPROVED.*

*BE IT FURTHER RESOLVED that it shall become effective June 8, 2019.*

Mr. Meadows made a motion to accept. Mr. Swift seconded.

Mr. Swift suggested reducing the number to 1200 square feet. The Commission, including Mr. Benson, were in support of the idea. Mr. Meadows did not feel it was necessary to make that limitation, since a reasonable four-car garage would be about 1600 square feet. Mr. Benson reminded Mr. Meadows that those garages would still be permitted, just under special exceptions.

Mr. Swift brought up his suggestion from last hearing that the amendment reference the proportion of the garage to the house. Mr. Meadows felt that was going too far.

Mr. Benson pointed out that Zoning Regulations should not reasonably limit the ability of a homeowner to use and enjoy their property. As such, the Commission felt it was acceptable to keep the original language of a 1600 square foot structure.

The Commission voted as follows:

Donald Mitchell - AYE

James Swift - AYE

Barbara Manville - AYE

Corinne Cox - AYE

Roy Meadows - AYE

The motion to accept Application 19.07 passed unanimously.

*Recess from 9:25 to 9:28 p.m.*

### **Minutes**

Miss Cox wondered if the second paragraph on the third page of the minutes (starting, “Miss Cox asked if Tiny Homes would be removed...”) from May 2, 2019 was accurate. She requested that the clerk check the recording of that meeting, and that the Commission not vote until it had been checked.

Miss Cox made a motion to table the approval of the minutes from May 2, 2019. Mr. Meadows seconded. All members were in favor and the approval of the minutes was tabled.

### **Adjournment**

Mr. Rosen made a motion to adjourn. Mr. Swift seconded. All members were in favor and the meeting was adjourned at 9:30 p.m.

*Respectfully submitted,  
Christine O’Neill, clerk*