



**TOWN OF NEWTOWN**  
PLANNING & ZONING COMMISSION

MINUTES

REGULAR MEETING

Thursday, December 17, 2020 at 7:00 P.M.

**Zoom Virtual Meeting Participation Information**

Thursday, December 17, 2020 at 7:00 P.M.

Call-In Number: +1 929-205-6099

Meeting ID: 915 4492 9283 #

Website: <https://zoom.us/j/91544929283>

**Present:** Don Mitchell, Jim Swift, Corinne Cox, Barbara Manville, Andrew Marone, David Rosen, Roy Meadows

**Absent:** Dennis Bloom

**Staff:** Rob Sibley, Deputy Director of Land Use, Christine O'Neill, Clerk

Mr. Mitchell called the meeting to order at 7:03 p.m.

**Public Hearings**

**Application 20.13 by Negreiro & Sons Construction, LLC, for a 16-lot residential Subdivision located at 203 & 211 Berkshire Road, as demonstrated on a set of plans titled “Holly Estates,” Newtown Connecticut, 203 & 211 Berkshire Road, A Subdivision Plan” dated 9/30/20 rev. 11/18/20 and supporting documents submitted to the Land Use Agency 11/19/20.**

Larry Edwards of Edwards Associates, 227 Stepney Road in Easton, CT, with Jason Edwards operating the screen, presented the 72.3 acre parcel located along the north side of Berkshire Road. There is an existing house on the lot (lot 15 on the site plan) with 16 lots total. The Inland Wetlands Commission granted approval to the project. All lots will be serviced from a newly-constructed road except lot 1, which will be serviced directly from Berkshire. Soil testing has been done to ensure septic capacity for all lots. The Health District has not yet submitted their comments on the application. The stormwater management system is compliant with State requirements. There is a single, small wetlands crossing. The property has two fire-suppression tanks. An environmental impact statement, including an archaeological study, has been submitted to the public record, which did not note any significant issues. The Inland Wetlands Commission had no issues with the location of the houses. 37% of the property will be set aside as Open Space.

Mr. L. Edwards reviewed the staff comments: the Fire Marshal recommended approval, while the Town Engineer requested a number of small tweaks such as changing the angles of the driveways and sight line. The plans being displayed at tonight's meeting reflected those changes. Mr. L. Edwards told the Commissioners that they are in the process of receiving approval from the State Department of Transportation (DOT), since Berkshire Road [Route 34] is a State highway.

Mr. Mitchell asked if vegetative growth were to interfere with the sight line on a State highway, would the DOT perform the maintenance. Mr. L. Edwards said there is a sight line easement, and this will be discussed with DOT, but right now it does not appear to be an issue. Ms. Cox wondered if the wetlands expand when it rains. Mr. L. Edwards explained that the contour lines demonstrate a very steep slope down into the wetlands, so expansion into the residents' backyards wouldn't be an issue.

Mr. Meadows asked what the distances of the two sight lines are. Mr. L. Edwards said the requirements are 630 feet for each side. Mr. Rosen was also concerned about growth obstructing the sight lines. Mr. L. Edwards reminded him about the sight line easement. He clarified that the sight lines are not 630 feet yet, but re-grading and tree removal will take place as part of the site work. Mr. J. Edwards used Google Maps to demonstrate a street view and Mr. L. Edwards answered further questions about the sight lines. Mr. Meadows said he would like to see a document that includes all pertinent information regarding the sight lines. Mr. L. Edwards explained that the DOT only requires the sight line map that was currently being displayed. Ms. Cox asked if the driveway could be widened to accommodate better sight lines. Mr. L. Edwards felt that the Commissioners were asking for things that were more within the jurisdiction of the DOT; but Mr. Mitchell rejoined that this Commission does have traffic safety responsibilities. There was some discussion about how the Town may approve one configuration only to have it modified by the DOT. Mr. Mitchell wondered if the sight line requirement took into account tractor trailers. Mr. L. Edwards said yes, the sight line includes tractor trailers making a turn out of the site onto Route 34.

Mr. Swift wondered how common it was for a sight line easement to be required, since this is the first time he was hearing of one. Mr. L. Edwards stated the DOT prefers to have such easements on as many projects as possible. Mr. Swift did not feel the easement would be enough to prevent residents in the future from installing plantings that might grow to obstruct the sight line. Mr. L. Edwards explained it was not much different than a drainage easement, which could be accessed for maintenance purposes. Mr. Swift was not keen to rely on the State to maintain the sight line, but conceded given that the DOT has the final say anyway.

Mr. Swift asked what percentage of the Open Space is wetlands. Mr. L. Edwards said that out of the 27 acres of Open Space, about 21 acres are either wetlands or steep slopes. Mr. Swift wondered where the access was. Mr. L. Edwards replied that this space is not for recreational purposes, but to preserve the wetlands and wildlife. There is 1,000 feet of access on Paugussett Road and a small sliver along Berkshire, but it doesn't lead to anything other than wetlands. Mr. Swift did not agree that Open Space should not allow for recreation. Ms. Cox asked about the access on Berkshire, but Mr. L. Edwards explained that "there is nothing to access" other than along Paugussett. Ms. Cox asked if the northern part of the Open Space connected to any other Open Space, for the possibility of a horse trail, but Mr. L. Edwards explained that it is bounded by development.

Mr. Meadows asked if the property was staked. Mr. L. Edwards assured him that a crew could reflag the area for wetlands.

Ms. Cox asked about a black mark in the middle of the map. Mr. L. Edwards said that is a pipe for an intermittent watercourse. The point is to prevent the intermingling of the water that comes off the road from the water in the wetlands.

Mr. Rosen inquired where the new wetlands would be created, as the applicant indicated in their submission. Mr. J. Edwards indicated on the map that it would adjoin the existing wetlands, about 200 feet north along the new road that is to be created.

Mr. Swift asked where the sidewalks were on the site plan. Mr. L. Edwards said that since there are no other sidewalks to connect to, the applicant is requesting a waiver for that requirement.

Ms. Cox asked if there were any existing stone walls on the site. Mr. L. Edwards explained that the area had been extensively farmed, so most of the walls have been removed. The few that remain along the edge of the property, Mr. L. Edwards said, they will try to preserve.

The Commission talked about going on a site walk. Mr. L. Edwards clarified that the wetlands will be flagged, but not the Open Space, given that some of it is in the middle of the swamp. Mr. Mitchell confirmed that the wetlands crossing will be flagged as well.

Mr. Mitchell shared that the sight line was the greatest concern for him, though there does not seem to be an easy solution. Mr. L. Edwards explained that the existing house, which is currently in the way of the sight line, might actually be moved based on the wishes of the applicant.

Mr. Mitchell invited public comment.

Dennis Casey of 23 Paugussett Road, Newtown, CT cited the Plan of Conservation and Development (POCD), which says in several places that agricultural uses should be protected. He said that the Commission has the right to deny the application on those grounds. Mr. Casey asked Mr. L. Edwards where the water from fire hydrants would come from. One of his largest worries is the water table, and how this development will impact his and his neighbors' wells. Mr. Casey also wanted to know what protects him from the Open Space being used by the Town, such as for dumping storm cleanup materials, or being used by citizens, such as for target shooting. The Town of Newtown, Mr. Casey continued, should make every effort to preserve the farming use.

Charles Zukowski of 4 Cornfield Ridge Road, Newtown, CT had some thoughts about extending the right-of-way between lot 6 and 7. Mr. Zukowski gave the following reasons that it should be extended up to the property line.

1. Leave open the possibility for emergency or pedestrian access if another cul-de-sac is built.
2. Emergency access to the cul-de-sacs is important for the whole town, especially with wind and snow storms resulting in blockages that can last for days.
3. With people hiking and jogging around their neighborhood, it would be better if they had two access points rather than only the road out to Berkshire; this would also be safer for joggers and pedestrians by avoiding Route 34.
4. The location is a potential utility quarter, given that there are numerous Eversource substations and circuits nearby. We should leave that area open for opportunities.

With no further public comment, Mr. Mitchell invited the applicant team to respond.

Mr. L. Edwards replied to Mr. Casey saying that the fire suppression tanks are filled by trucks, so they will not impact the water table. Furthermore, his understanding was that the density of the homes on a property this size was adequate to preserve the existing water budget. He explained that he cannot control what happens on the Open Space, so he referred that issue to the Town. Mr. L. Edwards then explained to Mr. Zukowski that if they provided access to the west, there is still no way to build more than 15 lots on a dead end street. He also pointed out that some homeowners prefer to live on cul-de-sacs.

There was some additional discussion between Mr. Casey, Mr. L. Edwards, and the Commission about Mr. Casey's well.

Mr. Swift brought up Mr. Casey's reference to the POCD. He explained that, unfortunately, just because something is in the POCD, that does not mean the Commission has the authority to deny a project on those grounds, as the Commission is bound by the Zoning Regulations. Mr. Mitchell described the POCD as "aspirational."

Mr. Mitchell made a motion to continue the public hearing to the next regular meeting of January 7, 2021 at 7 p.m. via Zoom. Mr. Swift seconded. Mr. Meadows voted in place of Mr. Bloom. All were in favor and the public hearing was continued.

### **Minutes**

Mr. Mitchell and Ms. O'Neill had not had a chance to go over the revisions for the November 19, 2020 minutes. After some discussion, the Commission decided it was best to have Ms. O'Neill compile a document of the proposed changes, send it to the Commission ahead of time, and then vote to accept those amendments at the next meeting.

Mr. Swift made a motion to table the approval of the November 19, 2020 minutes to the meeting of January 7, 2021. Ms. Cox seconded. All were in favor and the minutes were approved.

Mr. Swift made a motion to approve the minutes from the meeting of December 3, 2020. Mr. Mitchell seconded. All were in favor and the minutes from the meeting of December 3, 2020 were approved.

### **Adjournment**

Mr. Rosen made a motion to adjourn. Mr. Meadows seconded. All members were in favor and the meeting was adjourned at 8:23 p.m.

*Respectfully submitted,  
Christine O'Neill, Clerk*

A recording of the meeting can be found here:

<https://drive.google.com/drive/folders/1bIxeGiKAfHs3sTS0WUCmUJZsIS9tuA7M>