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TOWN OF NEWTOWN
PLANNING & ZONING COMMISSION

MINUTES

REGULAR MEETING

Thursday, November 18, 2021 at 7:00 p.m.
Council Chambers, Newtown Municipal Center
3 Primrose Street, Newtown, CT 06470

Present: Don Mitchell, Barbara Manville, Dennis Bloom, Gregory Rich, Roy Meadows, Corinne Cox

Absent: Andrew Marone, David Rosen

Staff: Rob Sibley, Deputy Director of Planning, Helen Fahey, Clerk

Mr. Mitchell called the meeting to order at 7:05 p.m.

Public Hearings

(Continued)Application 21.26 by Santo Silvestro for a Subdivision located at 18 Platts Hill Road, as demonstrated on a set of plans titled “Overall Site Plan 18 Platts Hill Road Newtown, Connecticut” dated 10/10/21, and supporting documents submitted to the Land Use Agency 10/12/21.

Steve Trinkaus, Licensed Professional Engineer from Southbury CT who is representing owner, Santo Silvestro said at the last meeting a survey map was submitted at the request of the Land Use Department that showed the western lot as a separate lot 4. The western parcel had a 10 ft. wide strip that is being conveyed to the town so now the open space parcel will go all the way to Platts Hill Road. There is no pedestrian or conservation easement necessary anymore because the town will own it. Mr. Trinkaus said that at Mr. Sibley’s request test holes on lot 4 were dug to show a suitable reserve area for the septic system. The Health Department looked at these and the code compliant system is shown on the revised site plans. Mr. Trinkaus said that a strip of land has been provided for potential road widening as required in the regulations. Mr. Trinkaus referred to Ron Bolmer’s review from the last meeting that stated there was nothing to review and agreed with this statement as there is no new construction, no new driveway, no grading and code compliant systems. Mr. Trinkaus also mentioned the revised letter he sent in requesting the waiver to serve all 4 lots. Mr. Mitchell asked if the access way to lot 3 belongs to lot 3 and Mr. Trinkaus said yes. Mr. Mitchell asked what the current access is for the residents along Orchard Hill Road and Mr. Trinkaus said there is a little loop driveway off of Orchard Hill Road. Mr. Mitchell asked if lot 4 has two means of access. Mr. Trinkaus said lot 4 has frontage on Platts Hill Road so at some point in the future if the owners wanted to sell lot 4 the driveway across the open space could be relinquished and a driveway could be put in but right now everything comes in from 18 Platts Hill Road.

*These minutes are subject to the approval of the Commission.
Copies of applications and documents are on file at the Land Use Agency.*

Mr. Sibley shared the staff reviews from himself, the Health Department and the town engineer that had been added to the file earlier in the day. Mr. Sibley said the applicant can choose to verbally address the comments tonight or amend the plans, table the application and come back another time. Mr. Trinkaus addressed comments from the town engineer's review by saying a supplemental map was supplied, nothing is being disturbed and a slope analysis is provided. Mr. Trinkaus respectfully disagreed that the information is incomplete. Regarding the driveway coming across the open space, that already exists and will be simply maintained as that. Mr. Trinkaus said there is no change in the usage or density on the site, the waiver being requested is to serve all of the lots. Mr. Trinkaus responded to Mr. Sibley's comments by saying a wetlands permit is not required because there is no activity within 100 ft. of the delineated boundaries which was supplied by the soil scientist. There are no changes to the impervious cover on site so there is no need for a storm water analysis. There is no cut and fill because nothing is being built, building setback lines are shown on the records subdivision map along with adjacent owners. Mr. Trinkaus asked Mr. Sibley about his comment on 1.1. Mr. Sibley said that individual comment is for map 4 of 5 on the detail sheet. Mr. Trinkaus looked at it and agreed the typo could be corrected. Mr. Trinkaus also asked if the shading mentioned is the piece that's going to be conveyed back to open space between the access way and lot 4. Mr. Sibley said what he is referring to is the shading associated with the property between lot 4 and lot 2. Mr. Bolmer was interested in looking at the entire site for all the road widening including along lot 4. They are looking for that to be marked and specifically to have the recording sheet to reflect exactly what is being offered to the town for road widening. Mr. Trinkaus said road widening across lot 4 can be provided and the erosion note can be changed. Mr. Trinkaus said there was a wetlands mapping note for lot 4. Mr. Sibley said one of the requirements is to have a wetlands mapping within the last 6 months to be marked specifically on the map for a wetlands agent to review. There are no dates associated with the given maps so Mr. Sibley is unaware if anyone has been to that property in the last 6 months. Mr. Trinkaus expressed frustration with receiving the staff comments on the night of the hearing. He said regarding illegal residences, that is why his client was requested to do the subdivision but they are existing residential uses. Mr. Sibley said they are not currently legal residences, because of this the map needs to specifically say that there are no residences currently on these properties. Mr. Trinkaus did not agree with calling the residences illegal, he said non-conforming would be appropriate. Mr. Sibley said it is misleading to the commissioners when the map says existing residence but there is actually no residence that was approved for the specific lot. Mr. Trinkaus said he could put a note about the structures being non-conforming and Mr. Sibley said residential use is conforming. Mr. Mitchell told Mr. Trinkaus that he might benefit from having a discussion with Land Use as he is talking about some technical terms that the commission usually doesn't get involved in. Mr. Trinkaus requested a continuation so that he can address the latest comments.

Mr. Mitchell invited public comment.

Tracey Van Buskirk, president of the Newtown Bridle Lands Association, wanted to bring to everyone's attention that there is a bridle easement on the open space that's between the 2 lots. She wanted assurance that the proposed subdivision would have no negative impacts on the easement. Mr. Mitchell said a legal easement can't be taken away, the bridle association owns it. Ms. Van Buskirk spoke of the GIS map she viewed online and asked what the pedestrian easement that is written on the map was.

Mr. Sibley clarified that the spot being talked about is the pedestrian easement that exists on the small strip of land to access the open space which they are in this proposal offering as road widening to have part of the town property, therefore the easement is not going to be necessary. There will be direct access from the road to the open space so everyone can use it, including horses. Mr. Mitchell thought there was a narrow pedestrian easement that cut all the way across the larger property and Mr. Sibley said that is towards the northern portion of that but the easement being described is along Platts Hill Road.

Anthony D'Ausilio, 26 Platts Hill Road, asked if what is being requested in any way conflicts with the 2005 resolution and Mr. Trinkaus said no. Mr. Mitchell said he hasn't read the resolution, and generally the commission doesn't get involved in property rights between adjacent owners rather they focus on zoning and subdivision regulations. Mr. D'Ausilio asked if zoning regulations have to take this agreement into consideration. Mr. Sibley recapped that this property was affected by an open space purchase with money that was set aside by a bonding resolution in 2005. The property was acquired and so were development rights on a portion of the proposed subdivision property that is why when looking at the map it has sections that say development easements or development rights given to the town. The only place they're allowed to develop is in the open areas that don't have the easement on top of it, so there is no resolution associated with this. Mr. D'Ausilio also pointed out that there is the possibility of having 8 rental properties with this 4 lot subdivision.

Glenn Boyle, Park Lane, asked if a copy of the proposed subdivision map will be attached to the minutes and Mr. Mitchell said the maps on file are available for inspection in the Land Use Department. Mr. Boyle said theoretically each one of the plots in this proposed subdivision could be sold separately in the future. He also asked if it is required that subdivision happen on this property. Mr. Mitchell said he is not aware of any public law that would require anyone to subdivide. Mr. Trinkaus explained the prior owner converted existing structures to residential uses without permits. In order for Mr. Trinkaus's client, who purchased the properties, to keep those uses they have to subdivide them onto separate parcels. His client will be maintaining all the parcels under the same ownership.

Mr. Mitchell moved to continue the public hearing to the meeting of 12/2/21 at 7pm in the Council Chambers. Ms. Manville seconded. All were in favor and the hearing of Application 21.26 will be continued.

Minutes

Mr. Rich requested the word "loose" be changed to "lose" on page 2, paragraph 5, "Heide" be changed to "Heidi" on page 3, paragraph 5 and to remove "Mr. Mitchell said" on page 9 paragraph 4.

Mr. Mitchell moved to approve the minutes from the meeting of November 4, 2021 as amended. Mr. Bloom seconded. All were in favor and the minutes from the meeting of November 4, 2021 were approved as amended.

Director's Report

Mr. Mitchell spoke to the commission about the POCD and what the vision is for Newtown down the line. He discussed Newtown being a commuter town and the push for public transportation. He said if there is mass transit then there will need to be places that people can congregate like parking lots and amenities around the parking lots. Mr. Bloom agreed that there are a lot of topics in the regulations that need to be looked into.

Adjournment

Mr. Meadows made a motion to adjourn. Mr. Bloom seconded. All members were in favor and the meeting was adjourned at 7:54 p.m.

*Respectfully submitted,
Helen Fahey, Clerk*