

3 PRIMROSE STREET  
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**TOWN OF NEWTOWN**  
PLANNING & ZONING COMMISSION

MINUTES  
REGULAR MEETING

Thursday, January 5, 2023 at 7:00 p.m.  
Council Chambers, Newtown Municipal Center  
3 Primrose Street, Newtown, CT 06470

**Present:** Dennis Bloom, Corrine Cox, Roy Meadows, Kersti Ferguson, Brian Leonardi, David Rosen, Connie Widmann

**Absent:** Gregory Rich

**Staff:** Rob Sibley, Deputy Director of Planning, Helen Muro, Clerk

Mr. Bloom called the meeting to order at 7:00 pm.

Mr. Bloom designated Mr. Rosen to vote in place of Mr. Rich.

**Public Hearings**

**(Continued) Application 22.26 by Farrell Building Company, for a Special Exception located at 90 Mount Pleasant Road, so as to permit the construction of 200 rental apartments in 10 buildings with associated driveways, parking and Clubhouse as shown on plans entitled “Site Development Plan Approval Drawings, Newtown Commons”, dated 4/28/2022, Rev. 10/17/2022, 11/09/2022 and 12/08/2022 and supporting documents submitted to the Land Use Agency October 17, 2022 and revisions as received.**

Attorney Robert Hall, 43 Main Street, Newtown, representing the applicant, explained the reason for withdrawing the zone change application.

Mr. Meadows asked what the color scheme of the project will be. The Design Advisory Board recommendations and color swatches were shared.

Mr. Bloom invited public comment.

Don Leonard, speaking on behalf of Pat Napolitano, 13 Whippoorwill Hill Road, read a letter in opposition into the record. See attached.

Mark Damico, 7 Tory Lane, requested third party reviews on the traffic study and storm water management plan.

Sherry Bermingham, 42 Main Street, submitted images for the record. See attached.

Michael Ricciardi, 16 Whippoorwill Hill Road, questioned if the sewer has capacity to handle more than just a light industry project on the site.

Karen Martin, 54 Osborn Hill Road, requested the application be sent back to inland wetlands. Ms. Martin questioned where in the Regulations it states the commission has input over colors of projects.

Elizabeth Lincoln, 34 Echo Valley Road, expressed concern with traffic impacting the neighborhood surrounding Whippoorwill Hill Road. Ms. Lincoln recommended moving amenities like the pool and clubhouse to the other side of the project site away from Whippoorwill Hill Road. Ms. Lincoln said she would like to see elderly housing and affordable housing on the site.

Mr. Damico asked if the petition, added to the record last meeting, met the 20% requirement. Mr. Sibley confirmed the petition is part of the record.

Attorney Bob Hall said the only authority for protest petitions is for the change of zone. He said there is no statutory authority for a protest petition against a special exception. Mr. Sibley clarified that it is part of our Regulations. Atty. Hall said he will address this topic at the hearing on January 19<sup>th</sup>.

Atty. Hall referenced a letter from the Public Works Department which states the proposed project has sufficient collection system capacity and waste water treatment capacity available.

Mr. Meadows said he reviewed the recommendations from the Design Advisory Board and is satisfied with their statements.

With no further comments, Ms. Cox moved to close the public hearing on Application 22.26. Mr. Meadows seconded. All were in favor and the public hearing was closed at 7:57 pm

### **Discussion of Subcommittee Actions**

Mr. Leonardi summarized the subcommittee's work for the Commission. Mr. Leonardi said the subcommittee worked to remove the ambiguity of there being no definition of warehouse within the M-2A zone in the Regulations. They also discussed how to evaluate traffic uniformly when a warehouse is proposed and to ensure the property rights of owners in industrial zones where warehouses are permitted are not taken away. Ultimately, the subcommittee came up with a definition that allows storage of materials but excludes materials of concern like gasoline fuels, explosives etc. Buffers were also taken into consideration. The subcommittee tried to apply a definition that allowed for sufficient flexibility while also prohibiting uses that would be consistent with the wishes of residents in town.

Mr. Meadows thanked the subcommittee for their hard work. Mr. Meadows requested the proposed definition under §5.02.280 remain consistent with the rest of the zone and include permitted uses, special exception uses and accessory uses. Mr. Sibley explained that as proposed, §5.02.280 would need to move into the special exception section of Article 5, Section 2 if that is intent. If the intent is for Warehouse/Distribution Center to be a permitted use under Article 5, Section 2 than the wording "special exception" needs to be removed.

Mr. Sibley spoke about the definition of Warehouse/Distribution Center in §01.02 of the draft amendment that reads, "storage or bulk storage of flammable liquids or gasses is prohibited". Mr. Sibley wanted to be sure the interpretation of what the subcommittee is hoping for shows in the definition.

The Commission requested that Mr. Sibley edit the wording of §5.02.280 and the Warehouse/Distribution Center definition within §01.02 of the text amendment and bring it back for another discussion.

### **Approval of the Minutes**

Mr. Meadows moved to approve the minutes of December 1, 2022 and December 15, 2022. Mr. Rosen seconded. All were in favor and the minutes of December 1, 2022 and December 15, 2022 were approved.

### **Adjournment**

Mr. Rosen moved to adjourn. Mr. Meadows seconded. All members were in favor and the meeting was adjourned at 8:17 p.m.

*\* Please note any amendments or corrections to these minutes will be reflected in the subsequent meeting's minutes when the minutes are approved by the Commission.\**

*Respectfully submitted,  
Helen Muro, Clerk*

1/5/23 P& Z meeting

I have spoken of the dangerous traffic issues and also the very real possibility of well contamination to homes on Whippoorwill Hill Road several times. There is now a third issue, but first I would like to backtrack just a little to the Flood Water system that Farrell plans to employ. Whippoorwill residents are sure it is inadequate and wonder if this company really has concerns for the neighborhood surrounding this development? I've not heard one word from Farrell about our safety or wellbeing, only the amenities this project will deliver for them and their tenants. Why do they not talk about the trash etc. that will eventually wind up in the wetlands, because that surely will happen too?

Are the 80% of 2 bedroom apartments for the standard rentals and the 20%, one bedroom apartments for the low income renters? As for the traffic, one last thought. What happens when a loaded trailer truck is stopped in the middle of the hill for a school bus? As we saw when we were demonstrating against the Wharton warehouse, the traffic on Rt. 25 in Hawleyville was all the way up to exit 9 and onto 84. That intersection is rated F by the state as one of the worst traffic areas. If they extended the alphabet it would probably wind up in the middle of it. That is how bad this section is.

As for school buses: they cannot enter private property, and even if they could, just how are they going to get back out onto Mt Pleasant road and the kids to school on time? As it is, stopping in the middle of the hill to pick up, and let off children is a risk due to the cars racing over the top of the hill at over 50 MPH.

Now let's talk about the wonderful tax money that Farrell will bring into the town. What they left out, like every other presentation of traffic, flood waters, and school buses, was the fact that most of the surrounding properties will be affected. Property owners will lose a substantial amount of their value in their homes, translating to a great deal of lost tax revenue for the town. More importantly, many of the residents will lose home valuation on their properties. Farrell does not tell you this or care as I see it.

If the P&Z board votes against changing the zone so that an appropriate light industrial business comes in as was designed, all these major issues go away.

No 24/7 365 days a year of major traffic issues, no 400/500 cars and residents 24/7, no property value losses for a few hundred residents and no danger to school children. A light industrial business usually does not operate 24/7 365 days a year. Also millions of gallons of water will not be wasted every day.

Summary –

### **Unchecked traffic from this facility.**

A false, lower number of vehicles suggested by Farrell group, data pulled off the shelf that is far from the traffic on Mt. Pleasant road. No mention of the F rated intersection a few hundred yards from their proposed entrance.

### **Tax revenue.**

They tell us what they will pay but have not said how much of a loss the surrounding home Owners will endure in property values. Therefore, the town can expect to lose more in tax revenue from existing

properties then it will take in from the proposed apartments. Also the cost of town services has been avoided by the Farrell team. More tax losses to the town. I believe that part of the P&Z mandate is to protect the financial welfare of its residences.

### **Well Contamination**

They do not speak of this issue nor have they presented a maintenance schedule that can reasonably be expected to be carried out, in my opinion. Also, who will provide oversight to this maintenance schedule? 5 Million dollars should be put in an escrow account for 5 years until it is determined whether our well water has been contaminated or not.

### **Fuel**

One more question that has never been asked; what type of fuel is to be used to heat this facility? And what danger does it pose?

Patrick Napolitano









