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**TOWN OF NEWTOWN**  
PLANNING & ZONING COMMISSION

MINUTES  
REGULAR MEETING  
Thursday, April 18, 2024 at 7:00 p.m.  
Council Chambers, Newtown Municipal Center  
3 Primrose Street, Newtown, CT 06470

**Present:** David Rosen, Gregory Rich, Roy Meadows, David Landau, Peter Schwarz, Barbara Manville, Don Mitchell

**Absent:** Connie Widmann

**Staff:** Steve Maguire, Deputy Director of Land Use, Amy Coyle, Clerk

Mr. Rosen opened the meeting at 7:00 p.m.

The Commission welcomed Mr. Mitchell as the newly appointed Planning and Zoning alternate.

David Landau was seated for Connie Widmann.

**1. Referral from the Borough**

**Newtown Borough - Text Amendment referral for Borough Zoning Regulations**

The Commission endorsed the Newtown Borough Zoning Regulations Text Amendment for Newtown Borough referral for Borough Zoning Regulations as consistent with the Newtown POCD.

The Commission endorsed as follows:

David Rosen – AYE

Greg Rich – AYE

Roy Meadows – AYE

Barbara Manville – AYE

David Landau – AYE

## 2. Public Hearing

Mr. Rosen read the Legal Notice for:

**Application 24.03 by The Residence at Berkshire, LLC**, for a Subdivision located at 296 Berkshire Road, for a 10-lot conservation open space cluster subdivision and associated roadway as demonstrated on a set of plans titled “296 Berkshire Road, Newtown, Connecticut prepared for the Residence at Berkshire, LLC.” dated 08/01/23, and all supporting documents submitted to the Land Use Agency March 26, 2024.

Mr. Rosen stated the Commission will not be voting on the application.

Mr. Kevin Fowler representing J. Edwards and Associates, LLC, 227 Stepney Road, Easton. Mr. Fowler spoke with the commission and stated the subdivision located at 296 Berkshire Road is a 40-acre cluster subdivision of 10 homes. The open-space property adjoins Newtown and Monroe. The proposed subdivision satisfies the cluster subdivision regulation of the town while minimizing site disturbance and protecting wetland areas and providing maximum size, shape, natural and archeological value to the open space and zoning regulations and provide single family homes consistent with nearby residential properties. Lots features individual sewage disposal locations and well locations. Stormwater will be managed in a manner that satisfies current standards and mitigates potential impacts and development. There will be no disturbance to the hiking trail with the possibility of expanding the hiking trail.

The properties are crossed by two utility easements CL&P and the Iroquois gas pipeline. The parcel is mostly wooded and has several wetlands systems. The proposed lots would all be accessed by way of a road adjacent to the parking facilities of the Town of Newtown. The parcel minimizes disturbance to the wetlands and the existing topography for all lots. The remaining property is open space that exceeds 50% of the parcel. All access for housing sewage, wells and family dwellings are proposed from the roadway. There is 1.9 acres of impervious area, 2 stormwater treatment basins to control runoff rates for all storms up to the one-hundred-year design storm event. The basins provide water quality storage that is based on the CT standards of 1.3 inches of runoff that provides pollutant reduction for total suspended solids, phosphorus and nitrogen removal. There will be 24 inches of bio retention soil mix designed at the bottom of each of the two basins as a filter element and can be planted with water tolerant native plants for improved health. There is direct access to Route 34, which is a state highway with no negative impact. The archeological assessment was prepared by CS of Guilford, CT. two areas were identified on the property with archeological value within the open space and conservation area that will zigzag.

The Commission asked about the open space, storm water, traffic study, site lines, fire suspension tanks, bio retention, materials and who will maintain the open space and preservation of streams.

Mr. Fowler stated the traffic study shows that there will not be any impact in either direction for the 10 house subdivision under state DOT. The traffic study plans have been sent to the DOT and there has not been any response to date.

Mr. Fowler reviewed the archaeological study, storm water report, traffic study, survey maps, environmental report and soil.

Mr. Maguire stated that stormwater basins would be turned over to the town for maintenance. The Conservation Commission meeting on Tuesday, April 23<sup>rd</sup> will review access and abutting open space prior to the following Planning and Zoning meeting on May 2nd.

The Fire Marshall's review stated that two 30,000 gallon tanks are required for fire suppression. Mr. Fowler stated he will research and address the fire suppression locations at the next meeting.

Mr. Fowler stated there is a storm maintenance plan that watches for damage, debris, clogs and makes sure the bio retention soil is not eroding with any kind of pollutants. Routine maintenance is done twice annually. There is a rain garden that will be going downhill and collected in the basin.

Mr. Fowler stated CL&P has not responded to date to as to who needs to maintain the gravel road and it is something that needs to be worked out in the future.

Mr. Rosen opened the meeting to the public at 7:48 p.m.

Neil Baldino, 18 Gelding Hill Road, Sandy Hook. Mr. Baldino is the VP of Candlewood Valley. Mr. Baldino stated the halfway river has steep gradients, boulders and is shaded to create ideal water conditions for wild and native fish reproductions. The canopy is important and needs to be kept intact. It holds a really robust, stable fishery with brook trout. CT has lost 36% of brook trout over the last 30 years and feels it is critical to keep this river as pristine as possible. It also has macro invertebrates with a score of 4 out of 5 which means the river is really healthy due to steep gradients creating a great canopy with cool oxygenated water for fish to reproduce.

Mr. Baldino stated the silt fence should be double fenced due to being super steep and should be routinely checked every 7 calendar days and a full sweep within 24-hours after a main water event. Logs should be kept in the river and are good to keep in a fishery habitat. Biohazards are a concern like fueling stations and would like to minimize blasting and ground disruption during construction.

Joe Hovious, 3 Leopard Drive, Sandy Hook. Mr. Hovious is the current Candlewood Conservation Chair, a retired Registered Professional Engineer with 35-years of experience in environmental work in the state of West Virginia. Mr. Hovious stated Basin #2 is critical due to all previous water flowing across the land being concentrated and discharged into the ground or rip-rap and he wants protection of the open space that was granted to the Town of Newtown to allow public access. Mr. Hovious reviewed the Town Engineer's and Mr. Sibley's department review comments and would like them to be further addressed, he has remaining questions that came up during the inland wetlands discussion regarding the adjacent open space, and requested that a public hearing be kept open to bring particular concerns to the Commissions attention.

Mr. Rosen entered a motion to continue the public hearing. Mr. Rich so moved.  
Mr. Meadows seconded. All in favor and the motion carried unanimously 5-0.

### **3. Approval of the Minutes**

#### **Regular Meeting of April 4, 2024**

Mr. Meadows moved to approve the April 4, 2024 minutes. Mr. Rich seconded.  
All were in favor and the motion carried unanimously 5-0.

### **4. Adjournment**

The Commission had a discussion regarding the timeline of when the POCD draft chapters will be available to review and the timeline to make final comments. The Commission addressed that they would like more public involvement and invited the public and public officials to speak or comment at the upcoming POCD public meeting.

Mr. Rosen requested a motion to adjourn. Mr. Mitchell so moved. Mr. Schwartz seconded. All members were in favor and the meeting was adjourned at 8:33 p.m.

*Respectfully submitted,  
Amy Coyle, Clerk*

*\* 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 \**