



TOWN OF NEWTOWN
PLANNING & ZONING COMMISSION

MINUTES
REGULAR MEETING

Thursday, March 4, 2021 at 7:00 p.m.

Zoom Virtual Meeting Participation Information

Thursday, March 4, 2021 at 7:00 P.M.

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

Meeting ID: 915 2882 9315 #

Website: <https://zoom.us/j/91528829315>

Present: Don Mitchell, Corinne Cox, Barbara Manville, Dennis Bloom, Andrew Marone, David Rosen, Roy Meadows

Staff: George Benson, Director of Planning, Christine O'Neill, Clerk

Mr. Mitchell called the meeting to order at 7:01 p.m.

Public Hearing

(continued) Application 21.03 by the Town of Newtown Land Use Agency, for a Text Amendment to §3.01.331-333 of the Town of Newtown Zoning Regulations, so as to (1) eliminate the seven year requirement for detached accessory apartments, (2) eliminate the lot size requirement for detached accessory apartments, (3) increase the detached accessory apartment maximum square footage from 800 to 1,000, and (4) convert detached accessory apartments from Special Exception Use to Accessory Use, as demonstrated on documents submitted to the Land Use Agency 1/26/21 last revised 3/3/21.

Mr. Benson introduced the new version of the text amendment he had recently submitted to the public record. It reflected the changes discussed at last meeting, starting with the switch from 1,000 square feet to 900 sq ft for the max accessory apartment size. Although Mr. Sibley, who wrote the amendment, is not yet back from medical leave, Mr. Benson felt that he would be fine with making the square footage consistent with the Borough Zoning Regulations. The next change was to limit the number of boarders in an accessory apartment to two. Finally, Mr. Benson incorporated the suggestion from member of the public Attorney Bob Hall - subtracting "unlivable space" (vaulted ceilings, staircases) from the total floor area calculation.

Mr. Mitchell felt that areas housing mechanicals should not be considered livable either. Mr. Benson thought the text amendment was already cut down enough, and those mechanicals were rarely situated within the apartment areas. Mr. Mitchell also suggested changing the number of occupants from two people to two adults, in case a young couple has a baby. Mr. Benson mentioned that there is no real way to enforce this.

Mr. Rosen agreed with Mr. Mitchell, saying that he would not want a family having a baby to experience issues keeping their own. Ms. Manville echoed the sentiment.

Mr. Benson asked if the Commission was okay with the new amendment regarding floor area calculations. Mr. Meadows wondered if the language matched with the Building Department's definition, and Mr. Benson said it did. Ms. Cox asked if the current proposal would accommodate sloped roofs, and Mr. Benson confirmed that it would.

Mr. Benson stated that he didn't want this computation to apply to single family homes; it is appropriate for accessory apartments only. That is why he did not place this provision in the "definitions" portion of the Zoning Regulations, and kept it with the other accessory apartment regulations.

Mr. Mitchell invited public comment.

Bob Hall, representing Nick Barzetti of 55 Flat Swamp Road, Newtown, CT, had the Clerk display photographs of Mr. Barzetti's detached accessory apartment. As the Commission viewed the photographs, Atty Hall commented that Mr. Barzetti's apartment will comply to the regulations once this text amendment passed. Mr. Benson asked if the new wording was to Atty Hall's liking, and Atty Hall thanked Mr. Benson for his work. Ms. Cox asked if a kitchen was present in this apartment, and was told that it is set up like a studio apartment with a kitchen as part of a large open space. Mr. Meadows asked if the lower story had a 3-car garage. Atty Hall said the garage was around that size. Mr. Meadows asked what the calculation of the apartment's square footage would be with this new text amendment applied. Atty Hall said he had not done the math yet, but he is very confident that the apartment will now comply. Mr. Meadows explained that the reason he was asking these questions was to use this apartment as an example to see the text amendment in action, as a reasonability test.

Mr. Bloom said that he is all for this text amendment, but he cautioned anyone parking their cars in the garage not to engage in welding or any activity that would endanger the upstairs residents.

With no further comments, Mr. Mitchell moved to close the public hearing. Ms. Manville seconded. All were in favor and the public hearing for Application 21.03 was closed at 7:20 p.m.

Mr. Mitchell clarified that Mr. Benson, as the applicant, agreed to amend "two people" to "two adults." Mr. Benson confirmed. Mr. Mitchell read the following into the record:

BE IT RESOLVED that Application 21.03 by the Town of Newtown Land Use Agency, for a Text Amendment to §3.01.331-333 of the Town of Newtown Zoning Regulations, so as to (1) eliminate the seven year requirement for detached accessory apartments, (2) eliminate the lot size requirement for detached accessory apartments, (3) increase the detached accessory apartment maximum square footage from 800 to 900, and (4) convert detached accessory apartments from Special Exception Use to Accessory Use, as demonstrated on documents submitted to the Land Use Agency 1/26/21 revised 3/3/21 as amended 3/4/21 IS HEREBY FOUND CONSISTENT WITH THE PLAN OF CONSERVATION AND DEVELOPMENT AND THE COMPREHENSIVE PLAN, AND SHALL BE APPROVED. BE IT FURTHER RESOLVED that the approval shall become effective March 27, 2021.

Ms. Cox so moved. Mr. Meadows seconded.

The Commission voted as follows:

Don Mitchell - AYE
Roy Meadows - AYE
Barbara Manville - AYE
Corinne Cox - AYE
Dennis Bloom - AYE

The motion to approve Application 21.03 carried unanimously.

Referral

Referral 21.04 from the Town of Newtown Board of Selectmen, for the review and possible action on the Fairfield Hills Master Plan Review Committee's 2019 Recommendations, as detailed in a document titled "Fairfield Hills Master Plan Review Committee (2018) Recommendations" dated 7/19/19 and submitted to the Land Use Agency 1/25/21, consistent with §6.03.230 of the Town of Newtown Zoning Regulations: "Amendments to the approved master plan may be considered by the Commission upon application by the Town of Newtown."

Mr. Benson explained that a review of the Fairfield Hills Master Plan (MP) is performed every five years. Deborra Zukowski, Chair of the Fairfield Hills Master Plan Review Committee (the Committee), will give a presentation as a summary. Mr. Benson explained that there is a lot to go over, so he didn't expect it to be done in a single night; however, once it gets approved, the next step is to create a subcommittee of this Commission to comb through the recommendations and pull out any needed text amendments. Mr. Mitchell contributed that this document fills a similar role to the Plan of Conservation and Development.

Ms. Zukowski began by explaining that the Committee was charged with researching and verbalizing the needs of the community and how they could apply to Fairfield Hills campus. To this end, the Committee held conversations with public input to gather information. The recommendations have links to summaries of these meetings. Moreover, the Committee distributed a survey with 1,825 valid responses, which also strongly guided their findings.

One of the most concerning items that came up during the research was the deterioration and safety risks surrounding the abandoned buildings. People who trespass into the buildings, whether to adventure or to steal copper, could be seriously hurt. It became obvious to the Committee that the buildings either needed to be repurposed or demolished at taxpayer expense.

Another finding was that residents wanted more amenities such as bathrooms and food offerings. Survey respondents also indicated they would like to see more outdoor activities.

The reactions to housing on campus were somewhat contradictory. While many were opposed to housing, many also felt urgency to develop or did not want a taxpayer burden. As a result of the confusion surrounding this topic, the Board of Selectmen held four informational sessions in order to prepare voters for a November 2020 referendum on whether the Town should consider proposals for residential and commercial mixed use in no more than two buildings on campus. On Election Day, a little over half the voters who responded to the referendum voted in favor of considering housing on campus.

Ms. Zukowski moved onto the specific recommendations.

The first recommendation reiterates support for the original vision statement for Fairfield Hills: *“We envision Fairfield Hills as a vibrant sustainable destination where all members of the community can go to enjoy recreational, social, cultural, indoor and outdoor activities. The campus would provide a home for some municipal services and a gathering place for a variety of town-wide events. Small retail stores, restaurants, and professional offices would be nestled harmoniously within a core section of the campus. The well-designed campus would connect the history of the site with its future, with the town maintaining overall control of the property and preserving the campus environment and architectural style.”*

The next recommendation was that, *“The Committee recommends that the plan be modified to allow commercial proposals that include a housing component provided that the proposal is for no more than two existing buildings and that the commercial component is consistent with the vision of the property.”* The Committee discussed pros and cons in detail before coming to this conclusion. Pros included cost avoidance, safety, character, adding to the population, and revenue. Cons included parking, focus on the tenants over other citizens, Town as landlord, and aging infrastructure.

Ms. Zukowski discussed the rest of the recommendations:

- *The committee recommends that the Fairfield Hills master plan review be repeated in 5 or fewer years until the vision is more fully implemented.*
- *The Committee recommends that Cochran [House] move from the fields table to the private development table.*
- *The Committee recommends that a site-use overlay plan should be developed that provides better guidance for potential development of existing buildings.*
- *The Committee recommends that buildings with no potential re-use be razed as soon as possible.*
- *The Committee recommends that there must be dedicated outdoor event space that could include a future structure such as a band shell or gazebo.*

Ms. Zukowski concluded that safety was the number one priority of the Committee, especially in terms of the deteriorating buildings. She reemphasized that the recommendation for housing would only work with careful oversight and thorough community participation at each level of the process.

Mr. Benson shared his opinion on the report, saying that the Committee did an excellent job. He reiterated that these recommendations would augment the existing MP, not replace it. The amended MP will become a guide to steer the Commission as they make decisions that will impact the campus. Mr. Benson said from his point of view, he would not want to make any changes.

Mr. Mitchell wondered about the "site overlay plan." He thought it might be too cumbersome, with so many layers of decision-making already. Mr. Mitchell also added that small businesses likely will not survive as individual destinations on campus, but residential will add some density to make them viable – so he lauded the inclusion of housing in the recommendations.

Ms. Cox enjoyed the notion of an outdoor band shell. Mr. Mitchell echoed the notion. Mr. Benson said designating an outdoor area for special events was a long-time goal of the Land Use team. This would spare event planners from having to bring their own lighting, bathrooms, and stage.

Mr. Benson said that over the years, surveys have shown confusing and contradictory points of view regarding housing on campus. He was very glad that the Committee had been diligent in untangling the conflicting points of view.

Mr. Rosen inquired about the tight parking near Cochran House and wondered about the logistics of that going forward. Ms. Zukowski said that the issue has been coming up since 2010, and that it is definitely a concern of the Committee. Mr. Benson noted that if anyone comes in with a proposal for Cochran, they will be responsible for designing adequate parking and presenting it to the Commission. He also pointed out the impervious surface limitations, as Fairfield Hills cannot add any more impervious surface than was present when the campus was purchased.

Mr. Benson addressed the earlier comment about "aging infrastructure" concerns. The Town, thanks to the hard work of Fairfield Hills Coordinator Kim Chiappetta, has received a significant grant for improving the sewer loop around campus which will enable the type of development that the Committee is proposing.

With no one coming forward for public comment, Ms. Manville moved to close the public hearing. Mr. Bloom seconded. All were in favor and the public hearing for Referral 21.04 was closed at 7:57 p.m.

Mr. Mitchell explained that the Zoning Regulations call for five specific findings to be made along with the approval of the recommendations. Therefore, he read the following into the record:

BE IT RESOLVED, THE TOWN OF NEWTOWN PLANNING AND ZONING COMMISSION HAS FOUND THAT Referral 21.04 from the Town of Newtown Board of Selectmen, for the review and possible action on the Fairfield Hills Master Plan Review Committee's 2019 Recommendations, as detailed in a document titled "Fairfield Hills Master Plan Review Committee (2018) Recommendations" dated 7/19/19 and submitted to the Land Use Agency 1/25/21:

- (a) is consistent with the FHAR;*
 - (b) will not cause unacceptable congestion or traffic hazards on neighboring streets;*
 - (c) will not substantially impair property values in the neighborhood;*
 - (d) will not create a health or safety hazard to persons or property on or off the campus;*
 - (e) is consistent with the Newtown Plan of Conservation and Development*
- AND SHALL BE APPROVED.*

Ms. Cox so moved. Mr. Bloom seconded.

Mr. Mitchell reiterated that this document is guidance, and he felt it conformed to all the conditions. Mr. Benson contributed that (b), (c), and (d) will continue to be within the

Commission's control as new applications come in. Mr. Bloom, and the rest of the Commission, expressed that Ms. Zukowski and the Committee did a phenomenal job.

The Commission voted as follows:

Don Mitchell - AYE
Roy Meadows - AYE
Barbara Manville - AYE
Corinne Cox - AYE
Dennis Bloom - AYE

The motion to approve the proposed amendments to the Fairfield Hills Master Plan carried unanimously.

Minutes

Mr. Mitchell moved to approve the minutes from the meeting of February 18, 2021. Ms. Cox seconded. All were in favor and the minutes from the meeting of February 18, 2021 were approved.

Executive Session

Although this item was on the agenda, Mr. Mitchell explained that there were no updates.

Adjournment

Mr. Rosen made a motion to adjourn. Mr. Mitchell seconded. All members were in favor and the meeting was adjourned at 8:04 p.m.

*Respectfully submitted,
Christine O'Neill, Clerk*

A recording of the meeting can be found here:

https://drive.google.com/drive/folders/1c88H15DyxcoFrSdi6_0rex1R--vCI1tg