

3 PRIMROSE STREET  
NEWTOWN, CT 06470  
TEL. (203) 270-4276



**TOWN OF NEWTOWN**  
PLANNING & ZONING COMMISSION

MINUTES  
REGULAR MEETING  
Thursday, December 2, 2021 at 7:00 p.m.  
Council Chambers, Newtown Municipal Center  
3 Primrose Street, Newtown, CT 06470

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

**Absent:** Connie Widmann

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

Mr. Meadows called the meeting to order at 7:01pm

**Election of Officers**

Mr. Meadows opened the floor for nominations for Chairman.

Ms. Cox nominated Dennis Bloom for Chair. Mr. Rich moved to approve the nomination. Ms. Ferguson seconded. All were in favor and Mr. Bloom was elected Chairman.

Mr. Meadows opened the floor for nominations for Vice Chairman.

Mr. Bloom nominated Roy Meadows for Vice Chair. Mr. Rich moved to approve the nomination. Ms. Cox seconded. All were in favor and Mr. Meadows was re-elected Vice Chair.

Mr. Meadows opened the floor for nominations for Secretary.

Mr. Bloom nominated Corrine Cox for Secretary. Mr. Bloom moved to approve the nomination. Mr. Rich seconded. All were in favor and Ms. Cox was elected secretary.

**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, 11/4/21, 11/12/21 and 11/24/2021.**

Steve Trinkaus, Licensed Professional Engineer from Southbury, representing the applicant submitted revised plans. Mr. Trinkaus said he will walk through his responses to the department reviews and he looks forward to

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

closing the hearing. Mr. Trinkaus said he spoke to Laurel in the Health Department and she said the information requested could be provided as a condition of approval. This would include showing a reserve system. In response to Mr. Sibley's comments, a soil scientist report flagged the wetlands on the site. Mr. Sibley requested cut and fill computations but because no site work is being proposed, there are no cut and fill computations. Building setback lines and two abutting property owners to the west of lot 4 were added to the record map. Mr. Trinkaus clarified that the small red cottage on proposed lot 2 and the barn, which has since burned down, on proposed lot 4 were converted by his client to residential use without permits. Mr. Trinkaus responded to the comments to create new driveways for lot 2 and 4 by saying the waiver to allow the existing driveway on Platts Hill Road to continue to serve all 4 uses is being requested because nothing is being changed. Mr. Trinkaus said notes about the non-permitted use on the 2 structures has been added to the supplemental plans and road widening parcel hatching has been clarified on the record map. He shared that wetlands on lot 4 was taken from a record file map. There was an existing note but he and the surveyor moved the notes closer to the wetlands boundary to make it clear. An existing conditions map memo, as requested by Mr. Sibley, has been added as sheet six of the plan set. Mr. Trinkaus also said that a record map has been submitted since day one. Upon approval by the commission, Paul Brautigam will provide a mylar for filing. In response to the lots having a shared driveway, Mr. Trinkaus said his client is requesting a waiver for the existing driveway. While there will be separate parcels, the usage is not changing at all on the site. Mr. Trinkaus said there is no need to create separate driveways, to lot 2 in particular because that lot is right off the existing driveway. A separate driveway would be for lot 3 which has an access way to it. Lot 4 fronts on Platts Hill road. A driveway could easily be put there but Mr. Trinkaus said in his professional opinion there is no need for site disturbance if it is not warranted. A waiver of the archeological assessment is also being requested because in Mr. Trinkaus's experience that is generally designed for when brand new lots are being created and there is evidence of archeological significance in the areas being dug. In this case there is absolutely no site disturbance being done, so the waiver of that requirement is being requested because in Mr. Trinkaus's professional opinion it's not warranted. The other requested waiver is for the setback from the access way to the red cottage. Mr. Trinkaus said Mr. Bolmer had similar comments on the driveways and road widening on lot 4 along Platts Hill Road was added as shown on the maps. Mr. Bolmer asked for a cistern but Mr. Trinkaus doesn't believe this is justifiable because the density is not increasing at all on the site. Mr. Trinkaus said at this point he is more than comfortable standing pat. Comments from Mr. Sibley, Mr. Bolmer and Laurel in Health can still be received after closing the hearing. Mr. Trinkaus mentioned that he met with George Benson and the last page of updated letter shows a conceptual subdivision map that Fulton did about seventeen years ago when he gave the town the open space parcel. The boundaries being requested are relatively similar to what was on that map from seventeen years ago. Mr. Trinkaus also said he will be happy to provide answers to the Health Department's comments as a condition of approval.

Mr. Bloom asked if Mr. Trinkaus said something about the Fire Marshall and Mr. Trinkaus said he did not. He said Mr. Bolmer mentioned it in his letter that they should talk to the Fire Marshall about the suppression tank, but he did not have a chance to reach out to him. Mr. Trinkaus reiterated that new structures are not being created.

Mr. Bloom asked if the homes are legal. Mr. Trinkaus said the home off Orchard Hill was existing and fully permitted as is the larger house off Platt Hill Road. The back barn according to his client was permitted. He said his client said she has seen permits online. The two that are not permitted are the one bedroom cottage as shown on proposed lot 2 and the former barn on lot 4 where the 2 bedroom apartment that burned down was.

Ms. Cox asked if this property is going to be used as an airport and Mr. Trinkaus said the property has an FAA approval as a grass strip. Crossing the airstrip with a driveway would void out the FAA approval. Ms. Cox questioned the noise level and Mr. Bloom said the airstrip has already been approved.

Mr. Bloom asked Mr. Sibley what is still missing from the application. Mr. Sibley said he is happy to review what has been submitted. He still doesn't see evidence of the fire tank that the Fire Marshall required to be placed on the property in October. Mr. Sibley said he will read through the comments and be able to give a final interpretation of what's been provided. The engineer will also have the opportunity to respond to what's been submitted.

Mr. Bloom asked if anyone had more comments and Mr. Trinkaus said he is comfortable with the commission closing the hearing.

Mr. Rich moved to close the public hearing on Application 21.26. Ms. Cox seconded. All were in favor and the public hearing was closed at 7:21pm. No vote was taken.

**Application 21.28 by Robert Sherwood, for a Zone Change, for a property located at 35 South Main Street, so as to change the Zone from R-1/2 to South Main Village Design District #11 (SMVDD11) as demonstrated on a set of plans titled, "Town Walk Residences on South Main, Newtown CT" dated November 7, 2021 and documents submitted to the Land Use Agency dated received November 16, 2021.**

**Application 21.29 by Robert Sherwood, for a Text Amendment to the Zoning Regulations of the Town of Newtown, for a new South Main Village Design District (SMVDD11) located at 35 South Main Street, so as to permit the construction of a three-story residential building for apartments as described in documents submitted to the Land Use Agency dated received November 16, 2021.**

**Application 21.30 by Robert Sherwood, for a Site Development Plan, for a property located at 35 South Main Street, so as to permit apartments located within the South Main Village Design District, as demonstrated on a set of plans titled, "Town Walk Residences on South Main, Newtown CT" dated November 7, 2021 and documents submitted to the Land Use Agency dated received November 16, 2021.**

Robert Sherwood, Landscape Architect, said 35 South Main Street is a part of the South Main Village Design District (SMVDD). He also has the chance to purchase 16 Borough Lane. It will continue to be a single family residence which he will be renovating. Mr. Sherwood shared an aerial view of 35 S. Main which showed the existing home, barn and two car garage. Across the street is Modzelewski's Motors, to the south is Chintz-N-Prints, a strip mall and to the northeast is Queen Street and Borough Lane. Mr. Sherwood is proposing to create a zone within SMVDD that allows for residential apartment use. He showed a rendering of the building and said he went before the Design Advisory Board (DAB) but will be going back. The rendering shared was the first run of the colors, materials and textures that will be used. The front yard setbacks will be 50ft along both South Main Street and Borough Lane. The side and rear yard setbacks will be 25ft. Parking will be located around the back of the building with the main entrance located off of South Main. Mr. Sherwood said the Fire Marshall requested an emergency access connection to Borough Lane and he is preparing to show DAB a solid gate instead of what usually is just a chain to protect neighbors along that road. He said there will be 12 garage parking units in the back of the property. A total of 54 parking spaces will be provided including those 12 garage units. The building will be 3 stories and consist of 27 units that are a mix of 1, 2 and 3 bedrooms. The parking spaces are 9x20 and meet all the standards for parking including providing handicapped spaces. A sidewalk will wrap around the entire building that connects with South Main Street sidewalks. There will be green space in the front with an opportunity for outdoor seating and more green space in the back for walking pets etc. Mr. Sherwood said he plans to landscape quite heavily along the perimeter of the property with different types of evergreens planted at 10ft tall. To the back of the property along 16 Borough Lane, a 6ft high board on board solid fence for privacy is shown. Mr. Sherwood said the Fire Marshall asked for a hardened surface to the left hand side of the building facing from South Main Street. Mr. Sherwood plans on using reinforced grasscrete so trucks can drive on it in case of an emergency. The Health Department also requested a

transfer switch for the generator so common space hallways will be lit, HVAC will work and the elevator will function in cases of prolonged power outages or emergencies. Mr. Sherwood spoke about the drainage and grading plan. He said there is a 6-8ft topography change so the left hand side of the building will get lowered and some fill will get added to the right hand side. Mr. Sherwood said the town engineer had nothing to say about drainage. Mr. Sherwood said there will be more residential style landscaping with evergreens, shrubs, deciduous flowering tree and things of that nature. Mr. Sherwood noted there will not be light pollution going onto any properties. The project will use underground storm water galleys, the property is going to pitch from north to south. So, if it needs to overflow it will overflow at the corner into the drainage system.

Mr. Rich asked Mr. Sherwood to respond to the memorandum from Ron Bolmer. Mr. Sherwood said he has to sign the plans, add driveway width markings, show site lines, and some of the planting looks like it's over onto 16 Borough Lane and he will own that lot. These issues will be addressed.

Ms. Ferguson asked what kind of housing it will be and Mr. Sherwood said the apartments will be market grade. Five of the units will be in the incentive housing zone which means the units will be 80% of the median income of the town.

Mr. Bloom asked if a traffic study needed to be conducted. Mr. Sibley explained that the state will require a traffic study if there are 200 trips or more per day. The commission can ask for a traffic study if they feel the flow will change the character of that area.

Mr. Sibley explained that this application process is part of the South Main Design District which comes in three parts. The first is creating a zone change then adopting new text associated with the zone that is unique to the property. The regulations allow applicants to do this so that the commission can consider unique situations for every property. The third part of the process is the site development plan. That is the nuts and bolts of the application and what is described in the text regulation. Mr. Sibley said his reviews were similar to Ron Bolmer's. Mr. Sibley understood there was going to be minor revisions to the plans so he held off on commenting because everything seemed sufficient to what was described in the proposed regulations.

Mr. Leonardi asked what buildings currently exist as he wanted to get a better sense of the increase in population in the proposed development area. Mr. Sherwood said there is one, two family residence on 35 S. Main Street. In the back there is a large barn that is really just a foundation at this point and a detached garage. There is another single family residence on 16 Borough Lane which Mr. Sherwood will be purchasing. 16 Borough Lane is not a part of this application but it will be renovated. Mr. Leonardi asked for the unit breakdown and Mr. Sherwood said 13 one bedroom, 12 two bedrooms and 2 three bedrooms.

Mr. Bloom invited public comment.

Roger Connor of 66 Queen Street said he has concerns with a huge influx of new residents to that area. He said there are significant drainage issues with his property and the one to the north/slightly west of his. Mr. Connor said 54 parking spaces is a concern for him and others as is light pollution, large dumpsters and the presence of vermin. He said a 3 story residence building is unprecedented in that area, he is not aware of anything like this in the center of town so he is opposed.

Cathy Suhoza of Laurel Road said she is not opposed to change but is opposed to this application because of traffic and severe water issues. Ms. Suhoza's biggest issue is traffic. She said it can take 10 minutes sometimes to make a left out of Laurel Road especially around 5pm and 8am. Ms. Suhoza said a 3 story building will be visible from her house. Ms. Suhoza said she is opposed to this kind of development because it is too much for the location.

Wally Thomas, 15 Borough Lane, said the positive to this application would be removing the buildings that have been allowed to be blight but everything else is negative. The building would bring extremely high

density. Mr. Thomas mentioned school age kids that could potentially live in the apartments which would mean school busses at commuter times. He said when making a left out of Borough Lane you can sit there for minutes so adding 54 cars to come out of that lot would make it worse. Mr. Thomas questioned if guests came over where would they park, down Borough Lane? Mr. Thomas also had concerns with the height of the buildings, he said once peak is added it could be 45 ft which is excessively high. He said lighting will be an issue coming from all the apartment windows. Mr. Thomas said this proposal is way over density and taking away views, he said there is nothing good here. Mr. Thomas brought up Fairfield Hills Campus and all the room that exists there for apartments. He said 35 S. Main should be a residential property.

Sheila Cole of 19 South Main Street, said it is true that traffic is an issue. She mentioned the apartments going in at Fairfield Hills and this proposed application and questioned if the demand to fill these apartments is there or are they just building to build. Ms. Cole said this lot is not the place for apartments.

Carol Ando, Berskhire Road said it seems to her this town is changing zoning to suit builders. She said apartments are going up everywhere and ruining neighborhoods, there is grid lock anywhere you go in town. Ms. Ando said she doesn't think apartments belong there, individual houses do. Ms. Ando said she thinks the nature of Newtown is changing because the zoning has been changed to suit the builders.

Nathalie Bennet, 190 Huntingtown Road has been living at this address for 23 years and said it is unbelievable how much the town has changed since then. Ms. Bennet agreed with the lady before her who said the zoning has changed to suit the builders. Ms. Bennet grew up in Redding and said Redding has remained virtually unchanged because they adhere to zoning laws. She spoke about how Newtown was the place to be if you were into the outdoors, farming and nature. She said the green areas are getting smaller and smaller. Ms. Bennet said she is not opposed to change but this particular lot is zoned the way it's zoned for a reason. She said smaller houses are more appropriate than a 3 story enormous building that takes up almost the entire lot.

Don Mitchell of 8 Budd Drive said that traffic reports are required as part of applications in the SDD. Mr. Mitchell shared that he has been perplexed over the regulations and the distinction between design district and development district. He said this application is in SMVDD. Within that district you can create a development district. Development districts require a change of zone that is only reserved for unique parcels and circumstances. There are a number of findings that have to be discussed which will be brought up in the special exception portion. Mr. Mitchell said the proposal has to fit in with the surroundings in terms of location and size of the buildings. In this case, the location is important because it is the first property outside of the Borough. He said there is a lot of talk in the POCD about developing more housing options so in that respect this application meets that goal. Other goals more specific to the area are protecting the residential character of Main Street and maintaining density of Main Street. Mr. Mitchell said Borough Zoning has gone through great lengths to maintain Main Street's density. He pointed out that just north of Borough Lane adjacent to this property is a series of small, older single family residences. On the other side of Main Street the houses are a little more elaborate and then you get to ram pasture. Mr. Mitchell said in his estimation this application doesn't fit in with the scheme of zoning. He said there are plenty of places in town to grow housing. Mr. Mitchell said he thinks the commission could deny the SDD text amendment and still promote the housing stock in Newtown.

Mr. Sherwood said the building lot is in a transitional space between higher density commercial and residential and this is a good spot to make that transition with a higher density residential component. So for those reasons he sees this building lot as a unique situation outside of the historic main street. Mr. Sherwood said he will address the comments on traffic by providing a traffic report for next meeting.

Mr. Rosen asked if Mr. Sherwood had information on the visibility of the peak of building for residents in the surrounding area. Mr. Sherwood said the building height is 38.4ft to the top peak. Mr. Sherwood will try to get profiles and cross sections of the building for next meeting.

Ms. Cox asked Mr. Sherwood to look into parking if residents have guests and Mr. Sherwood agreed.

Mr. Meadows moved to continue the public hearing to the meeting of 12/16/21 at 7pm in the Council Chambers. Ms. Cox seconded. All were in favor. The hearing of Applications 21.28, 21.29 and 21.30 will be continued.

**Application 21.31 by the Town of Newtown Conservation Commission, for Text Amendments to the Town of Newtown Zoning Regulations to (1) to add the Definitions of Native Plant, Invasive Plants and Native Cultivars to Interpretations and Definitions (2) to add §8.04.100 and §8.04.641-647 as described in documents submitted to the Land Use Agency November 15,2021.**

Mr. Sibley spoke about the history of this text amendment which has been a labor of love by Chair of the Conservation Commission, Holly Kocet. The use of native plants is best practice both for the community and the environment. This text amendment was broken into two parts. First was going to the Board of Selectman and getting a town policy approved and the second step is to create landscaping requirements in the zoning regulations. Mr. Sibley invited Ms. Kocet to speak.

Ms. Kocet, explained that she and other members of the Conservation Commission have put together this native plant resource guide and policy guidelines because native plants are crucial in supporting a healthy ecosystem. Native plants are indigenous to the area, better adapted to the local climate and soils and once established require little watering. Native Plant options exist for every site condition and application plus they are attractive, colorful and contribute to biological diversity. Ms. Kocet said developers can and should use plants that are attractive but also environmentally thoughtful. She said several towns and cities have already enacted policy and regulation changes for native plants.

Mr. Rosen asked if there is an exception for non-native plants that are incapable of reproduction. Ms. Kocet explained that some cultivars are propagated by cuttings. Meaning they are duplicates of the parent plant and lack diversity. She said they are encouraging straight species but not prohibiting cultivars. Mr. Sibley shared that an applicant has the opportunity for exclusion like using existing trees or if the application has a clear reason to use non-native plants. Mr. Sibley said cultivars don't support the wildlife that you would see with native plants and Ms. Kocet agreed. She said many plants are not native species, a lot are from Asia and they do not provide the same benefit here as they would in their country.

Mr. Rich asked why the table on the last page has a minimum of 85% shrubs and not 100%. Ms. Kocet said it is designed to give the designers some leeway.

Mr. Rich asked how this will be enforced. Ms. Kocet said she would be happy to offer help when applications come in. Mr. Sibley explained this text amendment will become part of a site plan approval. The only enforcement could be if plants were used that were not approved in the site plan approval.

Mr. Rich brought up the conversation had regarding the sycamore tree in the Sandy Hook Memorial. Mr. Sibley said this was brought up at the Board of Selectmen meeting as well and any applications approved before this will not be retro activated.

Mr. Leonardi brought up Arbor Vitae's which are often used as buffers and asked if these are native. Ms. Kocet said some species are and some aren't. Mr. Sibley made sure the commission was aware these regulations hold no sway in planting personal gardens. They are only for applications that come before the commission. Mr. Leonardi understood. He said he was looking into what is commonly done in the industry and how this will affect future projects. Ms. Kocet said the hope is for designers to choose native species. There are a lot of

cultivars used in the industry and that is why she is here. To encourage developers to use natives with the hope that home owners will notice and do the same for their properties.

Mr. Leonardi asked if there a minimum percentage of native planting required within a landscape plan. Ms. Kocet said that is based on the type of plant but it is up to the designer of how much they will use.

Mr. Sibley said section 8.04.620 of the text amendment is to be deleted.

Mr. Rich moved to close the public hearing on Application 21.31. Ms. Cox seconded. All were in favor and the public hearing was closed at 8:34pm.

Mr. Bloom read the following into the record:

*BE IT RESOLVED Application 21.31 by the Town of Newtown Conservation Commission, for Text Amendments to the Town of Newtown Zoning Regulations to (1) to add the Definitions of Native Plant, Invasive Plants and Native Cultivars to Interpretations and Definitions (2) to add §8.04.100 and §8.04.641-647 as described in documents submitted to the Land Use Agency November 15,2021. 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 December 25, 2021.*

Mr. Meadows so moved. Mr. Rich seconded

The Commission voted as follows:

Dennis Bloom - AYE  
Roy Meadows - AYE  
Corrine Cox - AYE  
Gregory Rich - AYE  
Kersti Ferguson - AYE

The motion to approve Application 21.31 carried unanimously.

### **Approval of 2022 Meeting Schedule**

Mr. Rich made a motion to approve the proposed 2022 meeting dates (see below). Mr. Meadows seconded. All were in favor 2022 meeting dates were approved.

Thursday, January 6, 2022	Thursday, April 7, 2022
Thursday, January 20, 2022	Thursday, April 21, 2022
Thursday, February 3, 2022	Thursday, May 5, 2022
Thursday, February 17, 2022	Thursday, May 19, 2022
Thursday, March 3, 2022	Thursday, June 2, 2022
Thursday, March 17, 2022	Thursday, June 16, 2022
	Thursday, July 7, 2022

Thursday, July 21, 2022

Thursday, August 4, 2022  
Thursday, August 18, 2022

Thursday, September 1, 2022  
Thursday, September 15, 2022

Thursday, October 6, 2022  
Thursday, October 20, 2022

Thursday, November 3, 2022  
Thursday, November 17, 2022

Thursday, December 1, 2022  
Thursday, December 15, 2022

Thursday, January 5, 2023  
Thursday, January 19, 2023

### **Approval of Minutes**

Ms. Cox moved to approve the minutes of November 18, 2021. Mr. Meadows seconded. All in favor. The minutes from November 18, 2021 were approved.

### **Adjournment**

Mr. Rosen moved to adjourn. Mr. Rich seconded. All members were in favor and the meeting was adjourned at 8:46 p.m.