

3 PRIMROSE STREET
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TOWN OF NEWTOWN
PLANNING & ZONING COMMISSION

MINUTES
MEETING MINUTES

Thursday, April 6, 2023 at 7:00 p.m.
The Council Chambers, Newtown Municipal Center
3 Primrose Street, Newtown, CT 06470

Present: Dennis Bloom, Roy Meadows, Gregory Rich, Brian Leonardi, David Rosen

Absent: Corrine Cox, Kersti Ferguson, Connie Widmann

Staff: Rob Sibley, Director of Land Use, Helen Muro, Clerk

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

Mr. Bloom designated Mr. Leonardi and Mr. Rosen to vote in replace of Ms. Cox and Ms. Ferguson.

Public Hearings

Application 23.09 by Newtown Children’s Museum d/b/a EverWonder Children’s Museum, for a Special Exception Use located at 11 Mile Hill Road, so as to permit the use of the property for a public children’s museum §4.01.217, as demonstrated by supporting documents submitted to the Land Use Agency 03/17/23.

Mr. Rich moved to hear Application 23.09 first on the agenda. Mr. Rosen seconded. All were in favor.

Attorney Bob Hall and Merredith Christos, Executive Director of EverWonder Children’s Museum represented the applicant.

Atty. Hall handed out an updated diagram that displayed a proposed outdoor play area (see attached).

Ms. Christos informed the Commission that EverWonder Children’s Museum is proposing to move into 11 Mile Hill Road. They will lease the building with the intent to own. At first the museum will occupy only the top floor, which is accessible through the back of the building. The proposal includes building signage, directional signage, and modification of the entrance so as to be handicapped accessible by widening the doorways and adding a ramp. Ms. Christos explained that the outdoor play space is a future plan pending on grants.

Mr. Meadows asked if the proposed signs meet the Town Regulations and Ms. Christos said yes. Atty. Hall spoke about the signage samples provided in the application (See Attached).

Mr. Leonardi asked if the masonry base for the driveway sign shown in the plans is new or existing. Ms. Christos said the base is existing.

Mr. Sibley assured the Commission that the Land Use Department will ensure the applicants comply to all regulations when they apply for their sign permit.

Mr. Leonardi asked how the future outdoor play area will affect the amount of parking spaces. Atty. Hall said the current number of parking spaces exceeds the required amount. Mr. Rosen asked how high the play area fencing will be and how close the nearest parking space will be to the play area. Ms. Christos said they haven't begun any planning on the outdoor play area, but she assumes the fencing will be similar to those used in school playgrounds.

Mr. Rosen asked how close the nearest homes are to the site. Ms. Christos said there are ten homes in a surrounding 500-foot range. Atty. Hall said there is currently a row of buffer trees that will be maintained.

Mr. Bloom invited public comment.

Hearing none, Mr. Meadows moved to close Application 23.09. Mr. Leonardi seconded. All were in favor and the public hearing on Application 23.09 was closed at 7:28pm.

Mr. Leonardi read the following into record:

BE IT RESOLVED that Application 23.09 by Newtown Children's Museum d/b/a EverWonder Children's Museum, for a Special Exception Use located at 11 Mile Hill Road, so as to permit the use of the property for a public children's museum §4.01.217, as demonstrated by supporting documents submitted to the Land Use Agency 03/17/23. 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 April 29, 2023.

Mr. Meadows so moved. Mr. Rich seconded.

The Commission voted as follows:

Dennis Bloom – AYE
Roy Meadows – AYE
Gregory Rich – AYE
Brian Leonardi – AYE
David Rosen – AYE

The motion to approve Application 23.09 carried 5-0.

Application 23.05 by Teton Capital Company, LLC, for a Text Amendment to the Zoning Regulations of the Town of Newtown, to §6.08 and §7.05.100 of the Zoning Regulations so as to permit an outdoor swimming pool, exterior walls not to exceed two hundred fifty (250) feet in a single dimension, 1.5 parking spaces for units with two or more bedrooms, and owners of contiguous business in AAHCDD zoned lots to consolidate lots, as described in documents submitted to the Land Use Agency on 02/16/23.

Application 23.06 by Teton Capital Company, LLC, for a Re-subdivision located at 6 Commerce Road, as demonstrated on a set of plans titled “Church Hill Farm at Deep Brook, An Active Adult Conservation Community in Newtown, Connecticut” dated 02/14/23 and supporting documents submitted to the Land Use Agency 02/16/23.

Application 23.07 by Teton Capital Company, LLC, for a Special Exception, for a property located at 6 Commerce Road, so as to permit §2.01.551 Multiple Family Housing, as demonstrated on a set of plans titled “Church Hill Farm at Deep Brook, An Active Adult Conservation Community in Newtown, Connecticut” dated 02/14/23 and supporting documents submitted to the Land Use Agency 02/16/23.

Application 23.08 by Teton Capital Company, LLC, for a Site Development Plan, for a property located at 6 Commerce Road, so as to permit the construction of a 171-unit multifamily development, as demonstrated on a set of plans titled “Church Hill Farm at Deep Brook, An Active Adult Conservation Community in Newtown, Connecticut” dated 02/14/23 and supporting documents submitted to the Land Use Agency 02/16/23.

Attorney Peter Olson, Land Use & Conservation Council, Bethel, CT, William Donahue, Project Principal, Teton Capital Company, LLC, Greenwich, CT, John Parry, Project Architect, J. Randolph Parry Architects, PC, Riverton, NJ, Jason Edwards, Civil Engineer and Surveyor, J. Edwards & Associates, LLC, Easton, CT, and Matthew Popp, Landscape Architect, Environmental Land Solutions, LLC, Norwalk CT represented the applicant. (See Presentation Attached).

Attorney Olson gave an overview of the land involved in the application as well as the transaction between Teton Capital Company, LLC and the Town of Newtown. The property involved in the application originally consisted of 3 parcels of land. Atty. Olson said the Town has recorded a lot line revision and consolidation map that merged the land and reorganized it as 2 parcels. The proposed development is solely on parcel 1 which consists of about 14 acres. Parcel 2 will be preserved as open space in perpetuity under a conservation easement. The Town signed the applications as the owner of the property and has owned the property since it acquired the property from the State of CT in 2004. Teton Capitol has a contract with the Town of Newtown for the purchase of this 14 acre parcel pending approvals that would allow for the construction of 171 units of multifamily 55+ age restricted housing. The Newtown Economic Development Commission approved the agreement for sale of the land to Teton Capital as well

as the Board of Selectman. A proposal of a new zoning district, to cover the land was brought before The Planning & Zoning Commission where it was approved last year. The new zoning district is called the Active Adult Housing Conservation Design District. Atty. Olson explained the history of the parcel. In 2003 the State of CT authorized the transfer of this parcel near Commerce Road on the condition that the parcel be used for Economic Development. In 2010 the Town sought and were granted approvals from the Wetlands Commission and P&Z Commission for a technology park. In 2018 and 2019 the Town sought approval from the army corps. of engineers to allow road construction through the wetlands. Atty. Olson discussed the current four applications before the Commission. He said the purpose of the text amendment is to revise some of the terms of the AAHCDD because having detailed out the plans that are submitted today there were several aspects of the district that should be amended to make a better project. First is to allow an outdoor pool, second to allow the horizontal runs of the buildings to run without 4 ft. offsets and third, to reduce the parking requirements of the development to 1.5 spaces per 2 bedroom or more unit in order to decrease the impervious coverage associated with the project but still provide ample parking for the type of use. Finally, to clarify that the consolidated lot provisions of §7.05.100 apply to the AAHCDD. The intention of the resubdivision is to divide Parcel 1 into 2 smaller parcels so that the larger building is in separate ownership from the smaller buildings because many of the smaller buildings will be individual ownership. Atty. Olson said an application is pending before the Wetlands Commission; the March 22 public hearing was continued to April 12.

Bill Donahue, founder and managing partner of Teton Capital Company, said the bedrock principal for Church Hill Farm is to provide maximum value to Newtown with minimal adverse impact. This will be done by preserving as much open space as possible, provide diverse housing options for seniors who want to stay in Newtown, help the town responsibly fulfill a state mandate to use this property to generate significant Economic Development for Newtown and finally to create an active adult community in harmony with the environment and its neighbors. The proposed plan can be measured against 4 goals in Newtown's POCD: housing, economic development, open space, and conservation & natural resources. Mr. Donahue reviewed the sustainable development practices being utilized in the project. Mr. Donahue described the five design principals that have been followed from the start of this project: design build & operate a sustainable community, phase construction and minimize future disturbance by building the larger buildings, the clubhouse & most civil infrastructure in phase 1, provide diversity of housing types, allow for flexible space use and possible future expansion of the clubhouse as residents age in place and to be a good neighbor.

John Parry, project architect, provided details on the project. Mr. Parry said the site is challenging due to the grades flowing down into deep brook, protection of the trout fishing area, crossing the wetlands, the rock on the site and the aquifer under the rock. From the beginning, Mr. Parry and Mr. Donahue wanted to build a sustainable community meaning they will seek to reduce consumption of nonrenewable resources, minimized waste and create healthy productive environments. Mr. Donahue said they are striving to maximize green space by limiting the parking to underneath the buildings and building up to limit the footprint area. An organic garden

is proposed between the campus and the sanctuary. Mr. Parry said preservation of existing walking trails and bike paths are key points, as are being sure not to create light pollution during the evening hours by ensuring dark sky compliance. The 171-unit development consists of rental apartments, for sale condos and townhouse units. The project will be built in 3 phases. Phase 1 will create two 4 story buildings along with the community clubhouse. The buildings will have below grade parking, elevators and fire stairs. The roofs will be flat to accommodate solar panels. Electric vehicle charging stations are planned throughout the campus. The 14,000 sq. foot clubhouse will have pet washing stalls, bike storage, resident storage lockers, service to the building, and an emergency generator on the lower floor. The ground floor will have a café & bar, theater, demonstration kitchen, as well as access to the pool and 1st floor apartments. The second floor will have a virtual golf simulator, fitness & exercise studio, a creation studio and a roof deck that connects the 2 second floor wings. The clubhouse is designed to expand to meet the needs of the community. Phase 2 consists of the construction of two, 3 story condos with parking under the building. The third phase consists of 19 townhomes, with 2 car garages. The townhomes are proposed to be built on a slab foundation in order to alleviate removal of rock. Mr. Parry said the four story building is proposed at the highest point of the site and the townhomes at the lowest point because it protects the sensitive trout brook. 4x8 decks help to break up the length of the building. Mr. Parry said the small facades of the building are facing the sanctuary property to have the least visual impact on the sanctuary.

Jason Edwards, project engineer, said access to the site is via the existing driveway off Commerce Road that was approved by the Wetlands Commission back in 2010 and built in 2019, 2020. Mr. Edwards said the road was designed the road for school buses to be able to access the sanctuary and turn around and include a parking area for the sanctuary. Mr. Edwards said the property is in the Aquifer Protection District. He said many different soil tests have been done throughout the site so they have a very good profile of the soil at this point. Mr. Edwards said a hydrogeology report has been provided to demonstrate no negative impact on the aquifer. Mr. Edwards said a series of connected pipes eventually terminate into a hydrodynamic separator that discharges into a water quality basin. Mr. Edwards said 100% of the water quality volume is being treated through the hydrodynamic separator and again through the water quality basin which is all in accordance to DEEP guidelines. Mr. Edwards noted that comments from the Town Engineer have been addressed, he also noted that they have a detailed erosion control plan in accordance with the DEEP standards. Mr. Edwards said the project is served by sanitary sewers. The public water, gas and electric lines will all be underground and come through Commerce Road.

Matthew Popp, Landscape Architect, reviewed the landscaping plan. Mr. Popp said 45 Larger growing native shade trees like Red Maple, Sugar Maple, Pin Oak, Swamp White Oak and Lindens are all proposed. They will provide shade over the asphalt to reduce thermal pollution. Mr. Popp said 111 small flowering trees such a Chad, Red Bud, Yellow Wood as well as meadow plants are also proposed throughout the site. 140 Holly Trees, Red Cedars and Spruce trees are proposed plus an additional 125-130 Arbor Vitae's for screening. Mr. Popp said screening is mainly proposed in 3 locations: along the western portion of the site, along the south

property line and between the units at the lower end. Low level lighting is proposed. Mr. Popp said along the access road, 14 foot high lights spaced further apart are proposed but in the main body of the site the light height drops down to 12 feet. Mr. Popp said that will mainly act as accent lighting where the road intersections are. He said the lights are downward pointing and dark sky compliant. Mr. Popp said there are also a couple small bollards around the clubhouse proposed.

Mr. Bloom invited public comment.

Brian Sharkany, 1 Lovells Lane, spoke against the project and in favor of the site remaining open space.

Tracy Van Buskirk, 18 Poverty Hollow Road, said she felt the project is too intense for the site.

Mike Switser, 120 Hanover Road, spoke against the project and in favor of developing the vacant buildings in the Fairfield Hill Campus.

Dr. William Glass, 19 Pine Tree Hill, spoke against the design, scale and location of the project.

Tony Earnshaw, 42 Osborn Hill Road, said the project is not consistent with the POCD.

Jenny Hubbard, 3 Owl Ridge Lane, expressed concern with the impact that the development will have on the native wildlife due to the increase in lighting, traffic, and noise. Ms. Hubbard said there will clearly be a remarkable negative impact. Ms. Hubbard said a densely populated development of this size will cause significant environmental burden to its own, the sanctuary and surrounding properties.

Bob Geckle, 35 Queen Street, said the Town should give the property back to the State for it to become agricultural open space once again.

Deanna Davis, 42 Orchard Hill Road, spoke against the project and in favor of the site remaining open space.

Bill Hubbard, Member of Board of Directors for Catherine Violet Hubbard, said the project is too intense for the site.

Susan Hurtuk, 29 Wills Road, spoke in favor of the site remaining open space and developing the buildings in the Fairfield Hills Campus.

Gerry Nash, 15 Chipmunk Trail, spoke in favor of the site remaining open space.

Priscilla Jones, 5 Meadow Road, asked where the water will go when the digging is done for the underground parking. Ms. Jones asked Mr. Donahue why he picked this specific site for his project.

Joe Hovious, 3 Leopard Drive, member of Trout Unlimited, expressed concerns with the particular developments storm water basins and how the facility will impact the deep brook. Mr. Hovious requested to keep the hearing open to allow the developer to submit revised plans.

Peter Cloudas, 15 Housatonic Drive, speaking as a neighbor and not a member of the Design Advisory Board, requested the Commission send the project back to the Design Advisory Board for better design feedback. Mr. Cloudas questioned if the development represents Newtown well.

Diana Streater, 16 Rose Lane, spoke in favor of the site remaining open space.

Rob Manna, 23 & 19 Commerce Road, questioned if a traffic study had been performed, as well as if there is enough sewer capacity. Mr. Manna asked where the water line will come from. Mr. Manna said there will be extra burden placed on the fire, ambulance and police services. Mr. Manna expressed concerns for potential pedestrian traffic along Commerce Road.

Michael Taylor, 9 Johnson Drive, asked what will happen to the remaining 8 acres, where the emergency access is located. Mr. Taylor questioned how the underground parking will get built and if there will be a big embankment off the back of the site. Mr. Taylor said he has trouble envisioning the residual land impact on the circumference of the site.

Referral

C.G.S. § 8-24 Referral from the Board of Selectmen for approval of appropriation for the following projects: (1) Remediation and replacement of the municipal center roof as authorized in The Capital Improvement Plan. (2) Planning, design, engineering and installation of HVAC system replacements at Newtown High School as authorized in The Capital Improvement Plan.

Commissioner Brian Leonardi moved that the following resolution be adopted:

RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$1,550,000 FOR THE REMEDIATION AND REPLACEMENT OF THE MUNICIPAL CENTER ROOF AS AUTHORIZED IN THE CAPITAL IMPROVEMENT PLAN (2023-24 to 2027-28)

Seconded by Commissioner Gregory Rich.

Roll Call Vote:

AYES

Dennis Bloom
Roy Meadows
Gregory Rich
Brian Leonardi
David Rosen

NAYS

Commissioner Brian Leonardi moved that the following resolution be adopted:

RESOLUTION PROVIDING FOR A SPECIAL APPROPRIATION IN THE AMOUNT OF \$1,200,000 FOR THE PLANNING, DESIGN, ENGINEERING AND INSTALLATION OF HVAC SYSTEM REPLACEMENTS AT NEWTOWN HIGH SCHOOL AS AUTHORIZED IN THE CAPITAL IMPROVEMENT PLAN (2023-24 to 2027-28)

Seconded by Commissioner Gregory Rich.

Roll Call Vote:

AYES

Dennis Bloom
Roy Meadows
Gregory Rich
Brian Leonardi
David Rosen

NAYS

Director's Report

Mr. Sibley said the application for a Warehouse text amendment will be heard at the next meeting. Mr. Sibley said in the next two meetings a food truck text draft will be presented for the Commission to consider if they want to move forward with an amendment.

Approval of the Minutes

Mr. Meadows moved to approved the minutes of March 16, 2023. Mr. Leonardi seconded. All were in favor and the minutes of March 16, 2023 were approved.

Adjournment

Mr. Rosen moved to adjourn. Mr. Rich seconded. All members were in favor and the meeting was adjourned at 9:12 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*