

***Borough of Newtown
Zoning Commission
Newtown, Connecticut***

**THESE MINUTES ARE SUBJECT TO APPROVAL BY THE BOROUGH OF NEWTOWN ZONING
COMMISSION**

Minutes of the Public Hearing and Special Meeting of November 16, 2016

Minutes of the Special Meeting of the Borough of Newtown Zoning Commission on Wednesday, November 16, 2016 at the Lower Meeting Room, Edmond Town Hall, 45 Main Street, Newtown, Connecticut. Chairman Doug Nelson called the meeting to order at 7:20 p.m.

Commission Members Present: Doug Nelson, David Francis, Brid Craddock and Michael Guman.

Commission Members Absent: Lucy Sullivan.

Staff Present: Donald Mitchell, Borough Attorney, and Maureen Crick Owen, Zoning Clerk.

Staff Absent: Jean St. Jean, Borough Zoning Enforcement Officer.

Public Present: 29 members of the public and 1 member of the press.

Public Hearing:

Application of Hunter Ridge LLC for special exception and site plan approvals to develop 29.2 acre parcel into 29 single family detached homes with 20.14 acres being preserved as open space on property located at 41, 43, 45 and 47 Mount Pleasant Road, Newtown.

Chairman Nelson opened the public hearing at 7:20 p.m. and read into the record the legal notice. He explained that the Commission accepted the application in August and per the statutes the needs to be a hearing within 65 days of acceptance. Mr. Nelson explained that the Commission did not have a quorum in October which is why the hearing was being held on this date. Because the November 16, 2016 exceeded the 65 day requirement, the applicant granted an additional 65 day period to the Commission. Chairman Nelson read into the record the letter dated September 13, 2016 from Larry Edwards, the authorized agent for the applicant, granting a 65 day extension of time for the Commission to hold the public hearing and/or act on the applications.

Ms. Craddock read into the record the following letters:

1. Letter dated 10.04.2016 from Fire Marshal Bill Halstead;
2. Letter dated 11.08.2016 from Ron Bolmer, Borough Engineer;
3. Letter dated 10.06.16 from Chief of Police James Viadero; and

4. Letter dated 09.30.2016 from Rob Sibley, Borough Conservation Officials.

Mr. Francis read into the record the following letters:

1. Letter dated 10.06.2016 from Robert Mulholland, Chairman of Newtown Planning and Zoning Commission (Mr. Nelson explained the statute requiring why the Commission had to refer the application to P&Z);
2. Letter dated 11.10.2016 from Donna Culbert, Director of the Health Department; and
3. Letter dated 11.09.2016 from Rob Sibley, Borough Conservation Official, regarding the proposed conservation easement.

Mr. Francis also read into the record the letter from Jacqueline Adams of 54 Mt. Pleasant Road opposing the project.

Ms. Craddock read into the record the letter from Patricia Lawrence of 54 Mt. Pleasant Road opposing the project.

Mr. Nelson gave a brief overview of the residential open space development regulation.

Larry Edwards, P.E., of 227 Stepney Road, Easton, presented the application on behalf of the applicant. Mr. Edwards submitted color renderings of what the proposed homes would look like. Mr. Edwards made the following points about the proposed project:

- The project will have only road frontage on Mt. Pleasant Road.
- Easterly and westerly borders abut other residential homes with a natural buffer to the east of the development and to the west there is a significant buffer.
- The development is concentrated on the higher end of the property with easy access to Mt. Pleasant Road.
- Project will be serviced by public water and sewer; public gas is available and will be utilized by the development.
- Applicant has been granted a permit by the IWC and there is no direct disturbance to any wetlands areas.
- Traffic study has been done which reports that the sight lines are adequate but that some bushes will need to be trimmed which are in the state's right of way.
- An environmental assessment has been done and there is no impact to the wetlands.
- There will be no development on the downside of the property towards the lake.
- 29 units will be built which is the amount allowed under the regulations. They will be single family homes – typically 2 or 3 bedroom units with 4 parking spaces to each unit (2 in the 2 car garage and 2 in the driveway). 2 additional parking spaces have been added for visitors.
- 69% of the property has been dedicated to open space.
- The project has minimum impact to the neighbors.
- The setbacks are 4 times those allowed in a typical R-1 zone.

Mr. Edwards stated that they met with the representatives of the lake association to clarify what the residents of the project would or would not be allowed to do in the open space. He said that the following:

- No more than 1 dock restricted by size (kayaks, canoes – no power only electric).
- No burning of any sort.
- Limit the number of picnic tables to a maximum of four.
- Trail is restricted to 4' wide with a soil surface. Only electric powered golf carts will be allowed on the trail. Golf cart will allow ADA access.
- Portable storage racks to store kayaks and is more attractive than kayaks just lying around.

In closing, Mr. Edwards provided highlights of the project including the storm water management, roads will be 22' wide with curbs, leave existing pond as is, and driveway grading is no more than 5" grade. They are not proposing sidewalks along Mount Pleasant as they would lead to nowhere. The streets are designed as standard subdivision roads. Mr. Edwards submitted a new set of plans to address Mr. Bolmer's comments in his letter.

There will be minimal lighting. There will be pole lights on each house. There will be some lighting along the street where there are no houses and at the entrance.

Marilyn Alexander, 8 Taunton Lake Drive stated that sewer already goes into the property. And, she stated that the IWC stated the property was "dry". She disagreed with that. Mr. Edwards said there would be no approval from the Sewer Commission until there was a decision from the Borough Zoning Commission.

Attorney Chris Winans, 98 Mill Plain Road, Danbury, attorney for Robert Grossman, 45 Mt. Pleasant Road. He referenced Article 1 of the Borough zoning regulations. He said this project will not lessen the congestion and does not believe that the application complies with Article 1. The prior plan had 14 homes and now this plan as 29 homes. This is more people and more cars which generates more traffic. Because of the traffic increase, it will be an increased drain on police, fire and EMS. With the increase of access to the lake, it invites people to come into the project and create noise and mischief. The property is now dark and rural. Now with permanent lighting the other side of the lake will see lights. And, knowing human nature, the number of picnic tables, kayaks and golf carts will all increase and become an eyesore. Cluster housing is congested. He also spoke about the project in Sandy Hook with 50 units that are not sold as of yet. On behalf of his client, he opposes the development of this project.

Dr. Robert Grossman, 45 Mt. Pleasant, said that it was obvious that 99% of the audience was opposed to the proposal for the reasons that Attorney Winans stated. He disagrees with the traffic study. He said when he approaches his driveway he cannot see the cars coming in the opposite. He said he agreed with all that his attorney stated on his behalf and he opposes the project.

Erin Baker, 50 Mt. Pleasant Road. She asked where the access road would be and Mr. Edwards said it would be right across from their house.

Kathy Hoffman, 31 Taunton Lake Drive, asked if there was only one access road and what about the wildlife and the displacement of same. Mr. Edwards said that there is only one access road and the use of the open space is restricted only to the 29 unit owners. He said vandalism is evident where no one lives and that the owners will be the best police officers for their property. The open space will remain for the wildlife.

Mr. Edwards also addressed Attorney Winans comments while there are more units that the prior project they are smaller size. These units will be 2-3 bedrooms while the prior project was 4 bedroom homes. These types of homes are for people who are looking to downsize but do not want to live in the 55+ communities. Sandy Hook project is an affordable housing project. Mr. Edwards said there are no deals on the table with Toll Brothers. Mr. Edwards also said that the Town will have no responsibility to maintain the road. It will be a private road. He said that there will be very little lighting that can be seen from this project to the other side of the lake. He said there will be 7 residential posts with a timer on them and being 10' high.

Ms. Craddock asked if they were dark sky compliant. Mr. Edwards said yes. Ms. Craddock asked if the Town has responsibility for paving. Mr. Edwards said no the association would be responsibility.

Linda Sobo, 36 Taunton Lake Drive, said she did not receive notice in the mail about the hearing. She said if the project was approved with they be marketing it with the conservation area. And, if this property yields 29 homes doesn't this impact traffic and the lake?

Ben Pilchard, 53 Mt. Pleasant Road, said he lives right next door to the project. His concern is if kids are by the lake making noise, drinking, etc. that they will wander onto his property. He asked if some physical wall could be installed. Discussion took place regarding a planted area vs. a fence. He also said they bought this property to be on a quiet lake.

Kathy Monckton, 17 Diamond Drive, said she did not get written notice of the public hearing. If approved why not put a sidewalk on Mount Pleasant Road? Sidewalks are continually being extended in town. Would the open space be posted as open space? Open space is only for the residents.

David Smith, 55 Mt. Pleasant Road, asked about water runoff. There is a pipe that is not adequate. This is not part of this application and it was suggested by Mr. Nelson that they (Mr. Pilchard and Mr. Smith) have an offline conversation to see if they could come to an agreement with the applicant.

Carol French, Boggs Hill Road, said that an agreement can be done outside of this meeting.

Mr. Edwards said that there will be no pool or amenities in this project.

Jan Roman, 10 Taunton Lake Road, felt that the cluster development was a very good idea and that it adds to the community. She feels the lake is underutilized.

Mr. Nelson asked Mr. Edwards if there was any signage on the entrance to the project. He said at this time no and that they would have to come back for approval of signage.

Mr. Nelson said that the public hearing would remain open so that Mr. Edwards could determine if the mailing was done properly and to have Mr. Bolmer review the plans submitted at the time of the hearing to see if his comments were addressed.

The public hearing is continued to Wednesday, December 14, 2016 at 7:00 p.m. at the Lower Meeting Room, Edmond Town Hall, Newtown.

There being no here being no other business to transact the meeting was adjourned at 9:15 p.m. The next regularly scheduled meeting will be held on December 14, 2016.

Maureen Crick Owen
Zoning Clerk