

***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 Meeting of December 14, 2016

Minutes of the Meeting of the Borough of Newtown Zoning Commission on Wednesday, December 14, 2016 at the Lower Meeting Room, Edmond Town Hall, 45 Main Street, Newtown, Connecticut. Chairman Doug Nelson called the meeting to order at 6:52 p.m.

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

**Commission Members Absent:** Lucy Sullivan, Claudia Mitchell.

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

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

**Public Present:** 15 members of the public and 1 member of the press.

Hugh Sullivan, architect, for Lexington Gardens, informed the Commission of modifications to the Lexington Gardens' approval. They were:

1. The HVAC mechanical units for the Newtown Savings Bank building will be screened with shrubbery and fencing.
2. The original 2012 approved site plan had precast concrete wheel stops in all parking spaces in front and rear of each of the three buildings. Mr. Sullivan stated that upon a review of the zoning regulations that precast concrete wheel stops are required when the parking area in front or rear of a building does not have a 6" concrete curb separating the asphalt parking space from the concrete curb or sidewalk. Based upon his review and current site conditions, this condition only occurs at their handicap ADA parking spaces. Mr. Sullivan requested to omit these precast concrete wheel stops from a parking space only when there is a 6" concrete curb. Hence, that means that precast concrete wheel stops will only occur at ADA handicap parking spaces.
3. The Marketplace Restaurant shall occupy the first floor of Building A/B for their new restaurant. Mr. Sullivan stated that they are requesting permission for the location of two new exterior refuse locations, an exterior seasonal patio of approximately 800 square feet, the construction of stone wall flanking the exterior patio, the creation of operable doors and windows to access the exterior patio, an exterior fireplace for the patio, and finally a new roof top chimney like the structure for the restaurant's exhaust

hood. Mr. Sullivan said the roof top chimney would be like they did for the Toro Restaurant.

He also said that they are still making progress on the “Morganti” building.

### **Continuation of 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 7:07 p.m. and read into the record the letter from Ron Bolmer, Borough Engineer, dated November 28, 2016.

Larry Edwards, P.E., 227 Stepney Road, Easton, representing the applicant, gave a summary of what was stated at the public hearing held on November 16, 2016. He stated that the project would contain 29 single family homes on the 29.2 acre parcel but that the homes would be more towards the Mt. Pleasant Road area of the parcel. The development will have 6 picnic tables, 1 dock, storage for kayaks and canoes. The site would be serviced by public water and sewer. There will be an association which will maintain the parcel of land.

Mr. Edwards stated that because he missed mailing to a number of residents within the 1,000 foot radius of the property he issued another set of notices to all for this public hearing.

Christina Wolf, 16 Taunton Lake Drive, asked about the white cylinders on the property. Mr. Edwards said they are test pipes but none are in the wetlands area.

Attorney Christopher Winans, 98 Mill Plain Road, Danbury, attorney for Dr. Robert Grossman, had concerns about the lack of proper notice to all with the first public hearing. He also said that 6 picnic tables will become more, one boat storage will become more ... “we all know how this works”. Sanitation has not been addressed down by the picnic tables. He also said that there will be mischief created by the lake area (picnic tables) and that it is “human nature”.

Dr. Robert Grossman, 45 Mt. Pleasant Road, stated that this is not an age restricted community and that there will be kids with friends on the property creating noise and drinking and where will they go to the bathroom? He also said that when driving from the center of town you cannot see oncoming traffic. And, if there is an accident on Route 84 the traffic is backed up on Mt. Pleasant. He also said that these types of buildings are out of character for the area. He said it does not match the town or neighborhood.

Kevin Gantier, 29 Mt. Pleasant Road, said he is concerned about the noise and he agreed with what Dr. Grossman said. He said he moved to the Borough because it was quiet.

Glen Kessler, 5 The Old Road, objects to the proposal. He is concerned about the traffic the project will cause and the increase demand on services. He also stated he did not receive the notice to the first hearing.

Margaret Hull, 6 Old Castle Drive, asked if there was a restriction on how many boats each residence could have. Mr. Edwards responded with this was not addressed. He said he does not think all residences will have boats.

Christina Wolf, 16 Taunton Lake Drive, asked how many guest parking spots there were. Mr. Edwards responded that each residence will have four parking spots (2 inside the garage and 2 outside the garage) and there will be 12 additional guest parking spots.

Kelly Goodrich, 8 Mt. Pleasant Terrace, said that her mother lives in a condominium complex. She wanted to know how the association would monitor any disturbances. Mr. Edwards said they would call the police.

Christine Wolf, 16 Taunton Lake Drive, asked why this project was not age restricted. Mr. Edwards responded that there is a demand for empty nesters who want to downsize but not move to an age restricted complex.

Glen Kessler, 5 The Old Road, stated that the Town is being taken advantage of by Toll Brothers and what do residents have to do to prevent this.

Chairman Nelson explained the background of the residential open space development regulations and how it came to be.

Margaret Hull, 6 Old Castle Drive, asked if this was better than the alternative.

Mr. Edwards responded by giving the history of the prior application which was a subdivision consisting of 14 single family homes. He said based on similar projects there should be less kids in this development but that no one can guaranty this.

Ms. Craddock stated that 14 houses would have been on septic and that this application the homes are on town sewer and this is environmentally better.

John [unknown last name], 8 Knollwood Drive, stated that the open space is not a benefit to the neighbors and that 29 houses is excessive.

Glen Kessler, 5 The Old Road, stated that 29 homes are too much.

John [unknown last name], 8 Knollwood Drive, asked how is 29 homes less impactful than 14 single family homes. Mr. Edwards disagreed with the resident.

Glen Kessler, 5 The Old Road, stated that this project impacts the general nature of time in that you are changing the character of the town and impacting property values negatively.

Christine Wolf, 16 Taunton Lake Drive, stated that the field is relatively flat. Mr. Edwards said that they will be regarding for the construction of the homes.

There being no further comments or questions from the public or the commission, the public hearing was closed at 7:50 p.m.

**Meeting:**

Ms. Craddock made a motion to approve the minutes of the September 21, 2016 and November 16, 2016 minutes. The motion was seconded by Mr. Francis and unanimously approved.

Mr. Guman made a motion to accept the 2017 meeting schedule of the second Wednesday of every month at 7:00 p.m. at the Borough Office. The motion was seconded by Ms. Craddock and unanimously approved.

Discussion took place regarding the potential expansion of the front of St. Rose Church and a building by the Knights of Columbus building for a food pantry. Discussion also took place about Edmond Town Hall and uses.

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