

# MINUTES

## *Newtown Planning and Zoning Commission*

*Land Use Office  
Council Chambers  
3 Primrose Street, Newtown, Connecticut*

*Regular Meeting  
June 16, 2011*

Present: Ms. Dean, Mr. Poulin, Ms. Brymer Mr. Bloom and Mr. Mulholland. Alternates: Mr. Pozek and Mr. Porco. Also present: George Benson, Land Use Director. Clerk: Ms. Wilkin

The meeting was opened at 7.35 p.m. Notice is made that the entire meeting was taped and can be heard in the Planning and Zoning Office, Municipal Building, 3 Primrose Street, Newtown, Connecticut

### **PUBLIC HEARING**

APPLICATION BY NEWTOWN SAVINGS BANK FOR A TWO LOT RE-SUBDIVISION, 32 CEDAR HILL ROAD, NEWTOWN, CONNECTICUT, AS SHOWN ON A CERTAIN MAP ENTITLED "RESUBDIVISION MAP, RESUBDIVISION OF PARCEL "A" PREPARED FOR NEWTOWN SAVINGS BANK, #32 CEDAR HILL ROAD, NEWTOWN, CONNECTICUT" DATED MAP 10, 2011, SCALE 1" = 60', ASSESSOR'S MAP 30, BLOCK 13, LOT 21

Ms. Dean read the call for the hearing, then read the correspondence in the file. She asked to hear from the applicant.

Michael Buturla, P.E. and Landscape Engineer, Huntington Co., 143 Sherman Street, Fairfield, Connecticut, representing Newtown Savings Bank, described the application. The property consists of 9.9 acres with some wetland. 6.8 acres will be dedicated to open space. Both lots conform to regulations. Both houses will be serviced by individual new septic systems and municipal water. Issues raised by the Health Department have been incorporated in revised plans dated June 15, 2011 that were submitted. There will be a 30 ft strip to service the open space. In answer to a question of Mr. Porco, Mr. Buturla said there would be no storm drains, and everything is allowed by the Health Department.

Charles Spath, Huntington Co. and Stuart Somers LLC, 1211 Main Street South, Southbury. Connecticut added that everything meets health codes. He submitted an affidavit of mailing.

Ms. Dean asked to hear from the public.

Greg Matthews, 10 Megan Circle, Newtown, Connecticut asked if there would be any blasting. He noted that there was a lot of contamination on the property.

Mr. Buturla answered that they are not certain how much, if any blasting will be necessary. If required it will be done within all pertinent regulations.

The hearing was closed at 7:52 p.m.

**DISCUSSION AND ACTION**

Ms. Brymer moved the following:

BE IT RESOLVED by the Newtown Planning and Zoning Commission that the application by Newtown Savings Bank for a two lot re-subdivision, 32 Cedar Hill Road, Newtown, Connecticut, as shown on a certain map entitled "Resubdivision Map, Resubdivision of Parcel "A" prepared for Newtown Savings Bank, #32 Cedar Hill Road, Newtown, Connecticut" dated Map 10, 2011, revised 6/15/11, scale 1" = 60', Assessor's Map 30, Block 13, Lot 21

SHALL BE APPROVED, with the following stipulations.

- 1. That the Conservation Commission approves the open space.

That prior to filing the record maps in the Newtown Land Records:

- i A bond in the about of \$2,400.00 shall be submitted to secure the lot pins.

- li The applicant/developer shall permanently field mark the conservation easements, assess easements on every lot prior to the issuance of a building permit to permit potential homebuyers to visually identify the easement areas.

- lii The applicant/developer shall permanently field mark and blaze a trail within the access way to the open space land prior to the issuance of a building permit to permit potential homebuyers to visually identify the access area. The Conservation Commission's agent shall specify the marker type and locations for the markers and will assist with locating the trail.

- lv The applicant shall record, on the land records, the executed conservation easements and access easement for each lot along with the subdivision map.

BE IT FURTHER RESOLVED that the application is consistent with the Subdivision Regulations and the F&R-1 zone.

BE IT FURTHER RESOLVED that this approval shall become effective on June 27, 2011.

Seconded by Mr. Bloom

Vote:	Ms. Dean	Yes
	Mr. Poulin	Yes
	Ms. Brymer	Yes
	Mr. Bloom	Yes
	Mr. Mulholland	Yes

Motion approved.

**DISCUSSION AND POSSIBLE ACTION**

DISCUSSION AND POSSIBLE ACTION CONCERNING APPLICATION BY DAUTI CONSTRUCTION FOR A CONDOMINIUM COMPLEX, 95 AND 99 CHURCH HILL ROAD, NEWTOWN, CONNECTICUT, AS REMANDED TO THE PLANNING AND ZONING COMMISSION BY THE COURT

Chris Smith, Esq., Shipman & Goodwin LLP, One Constitution Plaza, Hartford, Connecticut, representing the applicants, who were present and available for comment, respectfully requested approval of the application.

Ms. Brymer moved the following:

BE IT RESOLVED by the Newtown Planning and Zoning Commission that the application by Dauti Construction LLC for a Mixed Income Housing District (MHDD) Site Development Plan, Amendment to the Zoning Regulations for a new Section 4.27 and Zone Map Change to MIHD, 95 and 99 Church Hill Road, Newtown, Connecticut, Site Development Plan Map entitled "Edona Commons Development, 95 Church Hill Road, Newtown – Connecticut" dated September 15, 2006, revised 1/6/07, pursuant to a court order in the matter of Dauti Construction, LLC v. Planning & Zoning Commission, Superior Court, judicial district of New Britain, Docket No. CV-07-4014556S (June 1, 2009) as upheld by the Appellate Court in AC #31495

SHALL BE APPROVED with the following stipulation:

1. Amendments to the new Zoning Regulation, Section 4.27 and modifications to the affordable dwelling unit design, pursuant to the above court decision shall be instituted.

BE IT FURTHER RESOLVED that the application is consistent with the purpose and intent of the Town of Newtown Plan of Conservation and Development

BE IT FURTHER RESOLVED that the zone change is necessary to maintain consistency between the Zoning Regulations and the Zone Map for the Town of Newtown and that the Commission finds that the zone change is appropriate to the land uses and properties where the change is made.

BE IT FURTHER RESOLVED that the Commission finds that the application meets the standards and criteria for site development plans as set forth in Section 10 of the Zoning Regulations and the application to be consistent with the Mixed Income Housing District (MIHD) zone.

BE IT FURTHER RESOLVED that the amendments are consistent with the Town of Newtown Plan of Conservation and Development.

BE IT FURTHER RESOLVED that this approval shall become effective on June 27, 2011

Seconded by Mr. by Mr. Bloom

Vote:	Ms. Dean	Yes
	Mr. Poulin	Yes
	Ms. Brymer	Yes
	Mr. Bloom	Yes
	Mr. Mulholland	Yes

Motion approved.

Mr. Benson noted that the Town Attorney had no problems with the plans.

### **DISCUSSION AND POSSIBLE ACTION**

APPLICATION BY NAGY BROTHERS FOR A RENEWAL OF THEIR ANNUAL MINING PERMIT AT 12 COLD SPRING ROAD, NEWTOWN, CONNECTICUT.

The staff had no problems with this application. Ms. Dean moved to approve extension of the mining permit. Seconded by Mr. Poulin. The vote was approved.

### **PUBLIC HEARING (Continued)**

APPLICATION BY THE TOWN OF NEWTOWN PLANNING AND ZONING COMMISSION FOR UPDATE TO THE TOWN OF NEWTOWN PLAN OF CONSERVATION AND DEVELOPMENT AS CONTAINED IN A DRAFT DOCUMENT ENTITLED "SECTIONS OF THE WORKING DRAFT TOWN OF NEWTOWN PLAN OF CONSERVATION AND DEVELOPMENT 2010 SANDY HOOK DESIGN DISTRICT DRAFT - HAWLEYVILLE CENTER DESIGN DISTRICT DRAFT - SOUTH MAIN STREET DESIGN DISTRICT DRAFT".

The Commission is in receipt of the latest document, which will be discussed at a future date.

### **COMMUNICATIONS/CORRESPONDENCE**

#### **LAND USE AGENCY DIRECTOR'S COMMENTS**

Mr. Benson advised that he is working on safe routes to schools with an aim of connecting schools with sidewalks. He added that the concepts need to be put in a plan. Mr. Bloom liked the idea and offered to help. Ms. Dean noted that if this is not a part of the POCD there will be no State funding. Sidewalks will only apply to commercial and municipal property.

Mr. Benson advised that he did not have much time to work on the POCD at this time due to the loss of their part time assistant and he will be working on the sidewalks till August. He might be able to get volunteers from Rutgers University.

Mr. Bloom asked about the sign at the Walgreen's Pharmacy. Mr. Benson said that they are within the regulations and he would be willing to discuss this with them, preferring to have documentation backing up the negative comments.

Ms. Brymer stressed the need to keep control on all aspects of the POCD. Mr. Benson said that Kim is working on it.

Ms. Brymer suggested meeting with realtors to discuss conservation subdivisions. Ms. Dean plans to work with Mary Wilson on a fact sheet for distribution.

### **MINUTES**

Mr. Pozek moved to accept the Minutes of June 2 2011 as submitted. Seconded by Mr. Bloom. The vote was unanimous.

**ADJOURNMENT**

Mr. Pozek made a motion to adjourn. Seconded by Mr. Bloom. The vote was unanimously approved.

The meeting adjourned at 8:28 p.m.