

*MINUTES*  
*Newtown Planning and Zoning Commission*

*Land Use Office*

*Special Meeting*  
*November 8, 2011*

*3 Primrose Street, Newtown, Connecticut*

Present: Ms. Dean, Mr. Poulin, Ms. Brymer, Mr. Bloom and Mr. Mulholland. Also present: George Benson, Land Use Director, Conservation Commission Chairman Mary Wilson and member Marj Cramer, Economic Development Commission consultant Bob Rau, one member of press. Clerk: Ms. Mazur.

The meeting was opened by Mrs. Dean at 2:08 p.m.

**CONTINUATION OF PUBLIC HEARING**

**“Application by the Town of Newtown Planning and Zoning Commission for amendments to the Town of Newtown zoning regulations at Article VIII, Section 8.15 and the Town of Newtown subdivision regulations at Article V, Section 5 concerning Open Space Conservation Subdivisions, as contained in certain documents entitled “Newtown Zoning Regulation Amendment of OCSC Section 15” dated September 30, 2011 and last revised October 25, 2011 and “Article V Open Space Conservation Subdivisions” dated September 30, 2011 and last revised October 25, 2011.”**

Mrs. Dean noted that the proposed amendments were referred to the three regional planning agencies and that a response was received from the Greater Bridgeport Regional Planning Agency.

Mr. Benson explained the revisions that were made to the proposed amendments since the October 6, 2011 P&Z meeting:

Zoning Regulations:

8.15.600 - 10% more lot development would be allowed in the Open Space Conservation Subdivision (OSCS) than in a conventional subdivision.

8.15.800 - the minimum lot size would be 35,000 square feet.

Mr. Poulin would like the phrase “may have a meeting” changed to “shall have a meeting.” Mr. Benson noted that this language is in the zoning regulations but not in this regulation. He said that since this item is not on the agenda for this meeting it will be discussed at another meeting to add in section 3.10.100 of the subdivision part of this proposed amendment.

Mr. Mulholland would like the criteria of “four lots with a shared driveway” that was changed to “two lots” be revised to “three lots.” Mr. Benson said that the Road Ordinance says that the Town must plow

“three or more lots,” so that the Town would not have to plow these driveways. Mrs. Brymer noted that if three lots could have a shared driveway, if two of the houses have a generator, they could face each other in the driveway. Mrs. Dean suggested that the Fire Marshal could be asked to reduce the size of the road width down from twenty two feet.

Mrs. Brymer noted that she has grammatical changes that she will forward to Mr. Benson. Mr. Poulin noted that it is difficult enough to get two people to agree to a shared driveway, let alone three or more.

Chart VII-1. Delete Note 4 under Minimum Lot Area for OSCS, “Ten (10) times the Lot Coverage” and Note 11 under percentage of lot area “a. building alone %.”

#### Subdivision Regulations:

5.02.100 Delete proposal to limit parcels to minimum of 20 acres. Any parcel within an R-1, R-2 or R-3 zone is eligible for an OSCS. Mr. Mulholland expressed concern that someone with a small parcel who wanted higher density of lots than presently allowed could apply for OSCS. Mr. Benson noted that 50% of the parcel must be given to the Town as open space in an OSCS, so this would actually limit the size of the parcel to about eight acres. Mr. Poulin was concerned that the regs should not say that the requirement of 50% of open space is a guideline, or people might offer a lesser percentage for open space. Mrs. Dean said that if a parcel is offering 45% as open space and P&Z agrees with this, the Commission would have the discretion to accept this percentage and applicants would have the discretion to offer less than 50%. Each application would be on a case by case basis.

5.04.130. “solar energy” changed to “use of renewable forms of energy.”

5.05.200. Common driveways “four (4) ” change to “two (2).” Mr. Benson again noted that the Road Ordinance says that the Town must plow “three or more lots.”

5.05.400. “Concrete” added before “sidewalks.” Mr. Benson researched regulations in other towns and found that this is a universal definition of sidewalks.

5.07.600 Open Space for communal areas. Mr. Benson reported that Larry Edwards had requested that a minimum of two “(2) acres or” be added to “5%” of the open space be designated for communal space. The Commission agreed to one “(1) acre or 5%.” Also to be added is “for the exclusive use of the residents of the OSCS.” The 5% does not have to be contiguous. Mr. Benson noted that the 5% would include among other things any water structure or water system in the subdivision.

5.07.800 The deeded owner would be responsible for maintaining designated open space.

Mrs. Dean asked to hear from the public.

Marj Cramer, 38 Huntingtown Road, asked if the sidewalks could be gravel or any other impervious surface. Mr. Benson said no. Mrs. Dean said that a gravel sidewalk in a subdivision near her has grown grass and could be confused with a lawn belonging to a homeowner.

Mary Wilson, 12 Whippoorwill Hill Road, noted that an amendment to the regulations could be considered if in the future an applicant would like a sidewalk that is other than concrete.

Mr. Bloom would like to see lower curbs in an OSCS. Mrs. Dean noted that this would have to be a revision to the Road Ordinance and have to be discussed with the Fire Marshal, Town Engineer and Public Works Director. Mrs. Brymer noted that perhaps a sidewalk ordinance is desirable for the Town. Mrs. Dean would like to see sidewalks in all subdivisions.

Robert Rau, 12 Lake Road asked how it is determined if there will be individual communal wells or septic. Mrs. Dean said that the Health District would determine this. She also noted that a community septic would require state approval.

Ms. Brymer moved the following:

**Be it Resolved by the Newtown Planning and Zoning Commission** that the application by the Town of Newtown Planning and Zoning Commission for amendments to the Town of Newtown zoning regulations at Article VIII, Section 8.15 and the Town of Newtown subdivision regulations at Article V, Section 5 concerning Open Space Conservation Subdivisions, as contained in certain documents entitled “Newtown Zoning Regulation Amendment of OCSC Section 15” dated September 30, 2011 and last revised October 25, 2011 and “Article V Open Space Conservation Subdivisions” dated September 30, 2011 and last revised October 25, 2011 .

**Shall be approved:**

**Be it Further Resolved** that the amendments are consistent with the Town of Newtown Plan of Conservation and Development.

**Be it Further Resolved** that the amendments shall become effective on November 14, 2011.

Seconded by Mr. Mulholland

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

Motion approved.

### **ADJOURNMENT**

Ms. Dean made a motion to adjourn at 2:53 p.m. Seconded by Mr. Bloom. The vote was approved unanimously.