

# MINUTES

## Newtown Planning and Zoning Commission

### SUBJECT TO APPROVAL

Land Use Office  
Council Chamber  
Primrose Street, Newtown, Connecticut

Regular Meeting  
September 18, 2014

Present: Mr. Mulholland, Mr. Mitchell, Mr. Porco, Mr. Swift and Mr. Corigliano. Alternates: Mr. Pozek, Mr. Taylor and Mr. Ruhs  
Also present: George Benson, Director of Planning  
Clerk: Ms. Wilkin

The meeting was opened at 7.33 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

#### **CHAIRMAN'S REVIEW**

Mr. Mulholland congratulated Mr. Benson on his new position, stating that he considered it a good move, having everything under one roof.

#### **PUBLIC HEARINGS**

Mr. Porco made a motion to change the order on the Agenda. Seconded by Mr. Mitchell. The vote was unanimously approved.

**Application by Ten Taunton Lane, LLC for a three lot subdivision, Taunton Lane, Newtown, Connecticut, as shown on a certain set of maps entitled "Subdivision Plans Prepared for Ten Taunton Lane, LLC, Taunton Lane, Newtown, Connecticut" dated April 30, 2014, revised 8/20/14. Assessor's Map 6, Block 4, Lot 15 (portion of)**

Mr. Mulholland read the correspondence in the file.

Mr. Mitchell read the call for the hearing and asked to hear from the applicant.

Dennis McMorreau, Berkshire Engineering and Surveying, 143 Bantam Lake Road, Bantam, Connecticut, representing the applicant submitted proof of mailing to the abutters.

This was a first cut on an existing subdivision with over eleven acres surrounding the existing house. The Health Department approval is in the file. The Town Engineer approved the drainage and cut and fill calculations. Although the Wetland Commission approved the application, the Conservation Commission and Robert Sibley, Director of Planning & Land Use did not like the proposed open space. For this reason, a fee in lieu of open space was offered, if necessary.

Mr. Mulholland asked to hear from the public.

Andy Morano, 8 Taunton Lane, Newtown, Connecticut, which is located next to lot one expressed concern about water runoff. He asked how the utilities would be Connecticut to the rear lot.

Mr. Mitchell suggested that Mr. Morano look at the map and file, which would answer his questions.

Ann Astartan, Chair of the Conservation Commission asked for protection of the wetland.

Mr. Mulholland suggested that her Commission works with the applicant. The offered open space was not contiguous with existing open space.

Mr. McMorreau stated that there was very little wetland on the property and the Wetland Commission considered it a clean project. Addressing Mr. Morano's comments he noted that development had to be 100 ft. from the property line. Whatever land is disturbed will become grass. The north edge will be undisturbed. There will be blasting for the driveway, but nothing will roll toward his house.

Mr. Morano asked about his well.

Mr. McMorreau explained that blasting is done by licensed experts controlled by the Town.

Joe Cennano, 7 Old Bethel Road, Newtown, Connecticut stated that without open space, the owner(s) could build anywhere on the lot, even on the wetland.

Mr. McMorreau agreed to confirm that the Conservation and Wetland Commissions approve any changes in the application.

The hearing was closed at 8:12 p.m.

### **Discussion and Action**

Mr. Mitchell made a motion to accept the option of fee in lieu of open space. Seconded by Mr. Porco. The motion was unanimously approved. He read the following resolution:

BE IT RESOLVED by the Newtown Planning and Zoning Commission that the application by Ten Taunton Lane, LLC for a three lot subdivision, Taunton Lane, Newtown, Connecticut, as shown on a certain set of maps entitled "Subdivision Plans Prepared for Ten Taunton Lane, LLC, Taunton Lane, Newtown, Connecticut" dated April 30, 2014, revised 8/20/14, Assessor's Map 6, Block 4, Lot 15 (portion of)

Is consistent with the Subdivision Regulations and the R-1 and R-2 zones.

Is consistent with the purpose and intent of the Town of Newtown Plan of Conservation and Development.

BE IT FURTHER RESOLVED that the application shall be approved with the following stipulations:

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

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

2. The applicant shall record, on the land records, the executed conservation easements and access easement for each lot along with the subdivision map.
3. There will be a fee in lieu of open space as moved by this Commission.

BE IT FURTHER RESOLVED that this approval shall become effective on September 29, 2014.

Mr. Swift made a motion to approve the application. Seconded by Mr. Corigliano.

Vote:	Mr. Mulholland	Aye
	Mr. Mitchell	Aye
	Mr. Porco	Aye
	Mr. Swift	Aye
	Mr. Corigliano	Aye

Motion approved.

**Application by MAAK Environmental Corp. for an amendment to the Town of Newtown zoning regulations at Article V Industrial Zones, Section 2 – Industrial Zone M-1, addition of a special exception use to M-1 Zone**

The hearing was opened at 8:20 p.m.

Mr. Mulholland read the correspondence in the file.

Mr. Mitchell read the call for the hearing and asked to hear from the applicant.

Moses Velez and Ken Hillman, MAAK, 40-42 Highbridge Road, Sandy Hook, Connecticut explained the plan to operate an eco-friendly process to separate impurities from tires. There would be no toxic emissions. The main emphasis would be on being green and eco-friendly.

Mr. Mitchell stated that this change in regulations would pertain to the town overall, not just this location. The Commission agreed that the term “solid waste” was very broad and could open things up for other not so eco-friendly applications.

Mr. Velez went on to say that they would like to utilize the railroad close to the site. He acknowledged that they would need to follow State guidelines.

Mr. Porco was concerned that this seemed to be a revolutionary process. He would like to see feedback from someone currently in operation. He felt they brought insufficient information before the Commission.

Mr. Mulholland agreed that the term solid waste was too broad. Not enough detail has been submitted. He suggested that the applicant withdraw this application and re-apply once they have sufficient information.

The applicant agreed to withdraw this application.

**COMMUNICATIONS AND CORRESPONDENCE**

**Minutes**

Mr. Porco made a motion to approve the minutes of July 17, 31 and September 4, 2014 as submitted. Seconded by Mr. Swift. The motion was unanimously approved.

**Land Use Director's Comments**

Mr. Benson updated the Commission on active matters such as work on the gas station at Exit 10 will be starting next week. Danbury Hall will soon be coming down. The new hook and ladder building will be operational soon. Lexington Gardens is starting up. They agreed to connect with Starbucks, but did not want to pay for it.

**ADJOURNMENT**

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

The meeting adjourned at 9:00 p.m.