

# MINUTES

## Newtown Planning and Zoning Commission

### SUBJECT TO APPROVAL

Land Use Office  
Council Chamber  
Primrose Street, Newtown, Connecticut

Regular Meeting  
November 6, 2014

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

The meeting was opened at 7.30 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 suggested that the Commission walk the preserve before the Parks & Rec's public hearing.

#### **MANDATORY REFERRALS**

##### **Mandatory referral from the Borough of Newtown for amendment to a special exception for a building being constructed for Dr. Curtis Beck at 12 Queen Street, Newtown, Connecticut**

Due to his position as Attorney for the Borough of Newtown, Mr. Mitchell recused himself from the discussion.

Mr. Benson stated that this special exception has already been approved. The application is to use the 16 x 16 attic space as a laboratory. This Commission is only concerned with the planning aspect. There would be a need to recalculate the parking.

After a brief discussion the Commission had no problem with the proposed amendment. Mr. Mulholland will write a letter of approval to the Borough.

##### **Mandatory referral under CGS 8-24 from the Town of Monroe Planning and Zoning Commission for proposed zoning text amendments concerning firewood processing definition and addition as a special exception use, modification of minimum yard requirements and revision to Design Standards**

The Commission agreed that this would have no impact on the Town of Newtown. Therefore it was agreed that Mr. Mulholland should write a letter to the Monroe Planning and Zoning Commission accordingly.

**Mandatory referral under CGS 8024 from the Town of Newtown Parks and Recreation Department and Fairfield Hills Authority concerning Phase II of the trails on the Town of Newtown Fairfield Hills property**

This project has already been approved but each phase has to come before the Commission for approval because it involves capital improvement. The Commission unanimously approved the request. Mr. Mulholland will write a letter to the Parks and Rec. accordingly.

**PUBLIC HEARINGS**

**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 to allow for a solid waste facility for the storage and recycling of scrap tires**

The hearing was opened at 7:46 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 Alex Bartoli, MAAK, 40-42 Highbridge Road, Sandy Hook, Connecticut explained the process by which they plan to dispose of tires in an environmentally friendly way.

Mr. Velez stated that they already have a seven-year permit issued by the DEP.

Mr. Mitchell noted that this change of regulation would not be site specific but apply to any similar application town wide. He referred to a former waste disposal in town that caused an environmental problem. He considered them difficult to shut down and that solid waste is too loose a term.

Mr. Bartoli went on to state that they plan on using the rail spur that runs through the property.

Mr. Mulholland felt that the terminology should be more specific.

Mr. Porco asked why they chose Newtown and not a city like Bridgeport with more appropriate zoning. He expressed concern that the State issued a permit site unseen but with a video. This was echoed by other members or the Commission.

Mr. Mulholland asked to hear from the public.

Jill Tumley, 6 Beagle Trail, Sandy Hook, Connecticut was concerned about the environmental impact in the case of a fire.

Bill Carboni, 35 Short Hill Road, Sandy Hook, Connecticut was concerned about noise, pollution and traffic but mainly potential fire. He submitted a Fire Prevention Plan adding that there would be a need for a containment plan.

Larry Decker, Swamp Road, Sandy Hook, Connecticut was concerned about the location and questioned the feasibility of using a railroad spur.

Todd Bobowick, 1 Rowledge Town Road, Sandy Hook, Connecticut considered this a vast departure from the Newtown Plan of Conservation and Development. This particular site is in a recharge area. He considered it opening up a Pandora's Box.

Tom Sharp, 206 Hattertown Road, Newtown, Connecticut, owner property at 12, 14 and 16 Highbridge Road agreed with the previous speaker. He was concerned about the aquifer and said he would fight any attempt to put this facility in place.

Mr. Velez addressed the issues raised. There would be no pile up or storage of tires. There would be emergency preparedness instructions available to all employees. They want everything in place to address any emergency.

Mr. Bartoli stated that the railroad spur is currently inactive, but they have been advised that it is possible to activate it.

Messrs. Mulholland Porco stressed again why Newtown was chosen for this operation. Why not a larger industrial town with existing zones to accommodate it.

Mr. Mulholland asked the applicants to come back with more restrictive wording. The hearing was therefore left open.

A recess was called at 9:15 p.m.

The meeting reconvened at 9:22 p.m.

## **COMMUNICATIONS AND CORRESPONDENCE**

### **Land Use Agency Director's comments**

No comments.

### **Minutes**

Mr. Mitchell made a motion to approve the minutes of October 16, 2014 as submitted. Seconded by Mr. Porco. The motion was unanimously approved.

## **ADJOURNMENT**

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

The meeting was adjourned at 9:25 p.m.