

# MINUTES

## Newtown Planning and Zoning Commission

### SUBJECT TO APPROVAL

Land Use Office  
Council Chamber  
Primrose Street, Newtown, Connecticut

Regular Meeting  
December 4, 2014

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

### CONTINUATION OF PUBLIC HEARING

**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**

Moses Velez, MAAK, 40-42 Highbridge Road, Sandy Hook, Connecticut submitted a letter to the file withdrawing the application. They plan to limit the processing on the property and return to the Commission with a revised application.

### PUBLIC HEARINGS

**Application by Highland LC, LLC for a proposed amendment to the Town of Newtown zoning regulations to allow “Light Manufacturing and Assembly” within the SDD-1 District, 123-125 South Main Street, Newtown, Connecticut**

The hearing was opened at 7:38 p.m.

Mr. Mitchell read the call for the hearing then recused himself. Mr. Pozek replaced him on the Commission for this hearing only.

Mr. Mulholland read the correspondence in the file and asked to hear from the applicant.

Anthony Gioffre, Esq., Cuddy & Feder, 445 Hamilton Avenue, White Plains, New York, addressed the Commission on behalf of the applicant read from the prepared statement that was submitted to the file. Approximately 5,000 s.f. of available space will be devoted to light manufacturing. The company will employ between 40 and 50 people, dipping into the pool of available vets if possible. There will be no harmful bi-products produced, odor or noise. This change of use applies to this location only.

Jeremy Oskandy, Senior Protect Manager, A.H. Howland, Associates, 143 West Street, New Milford, Connecticut was available to answer any engineering questions.

Mr. Mulholland asked to hear from the public.

John Lariccia, 7 Prescott Drive, Newtown, Connecticut, lives adjacent to the property and was concerned about possible contamination from potential chemicals being used. His wells were contaminated in 1993 resulting in their being hooked up to municipal water.

Mr. Geioffre stated that there would be no emissions with the proposed process.

Mr. Swift was concerned about the exterior appearance of the building. Mr. Porco expressed concern about design districts that were intended to maintain the character of the town. It was not originally meant for this type of activity.

Mr. Benson considered this a compatible use noting that there are numerous office locations in town that are not being rented already. There are specific guidelines in force ensuring the continuity of the exterior with the entire district.

The hearing was closed at 8:29 p.m.

Mr. Mitchell read the following:

BE IT RESOLVED by the Newtown Planning and Zoning Commission that the application by Highland HC, LLC, for a proposed amendment to the Town of Newtown zoning regulations to allow "Light Manufacturing and Assembly" within the SDD-1 District, 123-125 South Main Street, Newtown, Connecticut as amended

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.

BE IT FURTHER RESOLVED that the amendments shall become effective on December 15, 2014.

Moved by Mr. Swift and seconded by Mr. Pozek

Vote:	Mr. Mulholland	Yes
	Mr. Porco	No
	Mr. Swift	Yes
	Mr. Pozek	Yes
	Mr. Ruhs	Yes

Motion approved.

**Application by the Town of Newtown Planning and Zoning Commission for an amendment to the zoning regulations at Article III, Section 3.03 pertaining to a Mixed-Income Overlay Zone (MUMI-10)**

The hearing was opened at 8:35 p.m.

Mr. Mitchell read the call for the hearing.

Mr. Mulholland asked Mr. Benson to explain the application.

George Benson, Director of Planning for the Town of Newtown went through a document “**Section 3 – Mixed-Use, Mixed-Income Overlay Zone – DRAFT 12/2/14**”. The regulations are basically protection from CGS 8-30g, which allows developers to build unrestricted. These regulations would allow the town more control. The selling prices would be based on the average income of Fairfield County as opposed to the State, which should be more attractive to developers.

Peter Scalzo, Esq., 2 Stony Hill Road, Bethel, Connecticut was one of the experts helping Mr. Benson achieve the end goal, with Newtown. He agreed with Mr. Benson’s statement that towns rarely win law suits against developers using 8-30g. He added that the State median income is \$86,000 whereas for Fairfield County it is \$113,900. He did note that he has a client interested in developing a mixed use site in Newtown.

Mr. Benson added that the Architectural Review Board would be involved to control the aesthetic appearance of the buildings, which will all be the same throughout the entire development. This kind of development would have to be on municipal water and sewer lines.

Mr. Porco was concerned that this could change the character of the town.

Mr. Benson said that this makes sense for Newtown. He expressed concern that there are currently two serious inquiries for development under 8-30g and without these regulations the town would lose control on what would be built. There is no conflict of interest on the part of Mr. Scalzo. He is only one of many experts he deferred to. Many years study have gone into the development of these regulations.

Mr. Mulholland said that no vote would take place at this meeting, giving the Commission time to digest and make suggested changes. He asked to hear from the public.

Michael Burton, 107 Glen Road, Sandy Hook, Connecticut owns several parcels in Sandy Hook. One has been approved under the Affordable Housing regulations. He has not proceeded due to the economy. He felt this a good time and idea to have these regulations in force. It is good for development in town.

Mary Burnham, 23 Walnut Tree Hill Road, Sandy Hook, Connecticut looked at the regulations and distributed them to neighbors. She appreciated the predicament the town is in. She had a problem with the 42 ft building height. Her main concern was additional traffic on an already dangerous road. She did not understand “mixed-use”.

Mr. Benson said that they can add a requirement for a traffic study and he will look at neighbor protection by the use of buffers. He wants to encourage residential/commercial property. There is a need in town for more commercial building because of the tax benefits. This is should make development more attractive and profitable than 8-30g.

Pat Napolitano, 13 Whippoorwill Road, Newtown, Connecticut understood what the Commission is trying to do but is also concerned about buffers and traffic. He thinks it is important to have this on he books.

Bill Jenson, Walnut Tree Village, Sandy Hook, Connecticut was concerned about traffic.

Mr. Mulholland noted that any possible development on Walnut Tree Hill Road would be heavily scrutinized.

Julia Noble, 21 Walnut Tree Hill road, Sandy Hook, Connecticut was concerned about activity across the street from her, where she had seen perk testing being performed. She did an accident study ten years ago on Walnut Tree Hill Road. She would welcome a development of two-acre lots but felt mixed use would be too dense on this particular site.

Zoltan Csillag, 10 Walnut Tree Hill Road, Sandy Hook, Connecticut suggested that anyone wishing to develop this kind of project should first use Fairfield Hills. He said he will fight any development of this kind on his road because of the traffic and "strip mall" as he read in the "Bee".

Kevin Fitzgerald, 24 Old Farm Hill Road, Newtown, Connecticut thanked Mr. Scalzo for his input and obvious amount of time he had invested in assisting with these regulations. He would like time to digest this and any possible conflict of interest.

John Vestor, 23 Walnut Tree Hill Road, Sandy Hook, Connecticut appreciated what the Commission is trying to do but he did not like the idea of another development across the road.

Robin Fitzgerald, 24 Old Farm Hill Road, Newtown, Connecticut was also concerned about traffic. She felt that an article in the "Bee", which was the basis of a lot of the comments, was very misleading. She felt that a plan like this is necessary and this is a good time to address it. She was concerned about taxes and hopes the Commission takes time to get the best plan possible.

Brian Atherton, 7 Black Walnut Drive, Newtown, Connecticut, is a real estate broker, representing the owners of 79 Walnut Tree Hill Road that is a possible location for this zoning. There is currently seven years surplus office space in town right now with negative absorption. This creates a heavy tax burden. He commended the Commission for taking this on. He is a supporter of mixed use.

Ken Chimeski, 22 Walnut Tree Hill Road, Sandy Hook, Connecticut disagreed with Mr. Atherton. He wants to live in a rural community and does not want to live in a busy city.

Mr. Mulholland thanked everyone for their input. The Commission will digest all comments made section by section to make sure that it makes sense with every available property in town.

## **COMMUNICATIONS AND CORRESPONDENCE**

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

No comments.

### **Minutes of November 6 and 20, 2014**

No action was made at this meeting. There was a suggested change to the minutes of November 20, 2014:

Page 1 – change **Tammy** to **Cristal Preszler** from the Land Use office was present to answer any questions. Add: **There were no public comments.**

## **ADJOURNMENT**

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

The meeting was adjourned at 11:10 p.m.