

MINUTES

Newtown Planning and Zoning Commission

SUBJECT TO APPROVAL

Land Use Office
Council Chamber
Primrose Street, Newtown, Connecticut

Regular Meeting
December 18, 2014

Present: Mr. Mulholland, Mr. Mitchell, Mr. Porco and Mr. Swift. Alternates: Mr. Taylor was seated for Mr. Corigliano, Mr. Pozek and Mr. Ruhs
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 HEARINGS

Application by KASL and IBF for a twenty-three lot subdivision as shown on a certain set of maps entitled "The Preserve at Newtown Open Space Conservation Subdivision, 16, 19 Robin Hill Road, Scudder Road and 168 Sugar Street, Newtown, Connecticut" dated July 22, 2014 and revised October 3, 2014

Mr. Mulholland asked to hear from the public.

Jean Kreizinger, 4 Ferris Road, Newtown, Connecticut, a retired biology teacher was concerned about the water problems in the neighborhood. She asked about artesian wells. The only data on file is regarding Mr. Eames' house. Without more information there could be problems in the future. She needed convincing that all water issues had been addressed.

Chris and Joe Dran, 48 Scudder Road, Newtown, Connecticut, also representing her mother, Ingrid Meier, 46 Scudder Road, submitted a two-page statement attached to an Agreement drawn up between Ingrid Meier, Christine Dran and Joseph Dran and Sherwood Edwards, Country Properties dated June 4, 1986.

Bart Rasmussen, 55 Scudder Road, Newtown, Connecticut read and submitted a letter from Robert Shohet, 51 Scudder Road, Newtown, Connecticut. He questioned the legal status of the applicants

Mr. Mulholland explained that any legal issues such as this are beyond the scope of what Planning and Zoning can do. Any tax issues would be discussed, but not with this Commission.

Renata Clark, 47 Scudder Road, Newtown, Connecticut told the Commission the history of her well, which is now 800 feet at a cost of \$24,000.

Gene Eames, 10 Ferris Road, Newtown, Connecticut stated that there would be eleven houses within 200 ft of his home. He had serious concerns and felt that the two-acre zone would impact the neighborhood less.

Mr. Mulholland noted that a GIS survey was done, which showed that each lot on this acreage would be 1.68 acres per house. The average acreage per house currently in the area is 1.36. This is in a two-acre zone and by building a conservation subdivision it is subsequently beneficial to the entire town. He asked the applicant to address issues raised.

Francis Collins, Esq., 148 Deer Hill Avenue, Danbury, Connecticut, representing the applicants responded to the concerns about the water at the last meeting and today. He addressed Mr. Rasmussen's comments about the Wetland Commission. He said that there were some errors in the Assessor's records, which should not affect the application.

George Trudell, 48 South Main Street, Newtown, Connecticut added that everything had been rectified and resolved.

David Murphy, Milone and MacBroom, 99 Realty Drive, Cheshire, Connecticut submitted a report entitled "Response to Comments about Potential Impacts to Private Water Supply Wells December 18, 2014". He added that all studies and reports are available in the file and stated that there would be no impact on current yields. He answered Ms. Kreisinger's question stating that he did not think any of the wells are artesian. He added that the public health code sets the wells 75 feet from the lot line, making a minimum of 150 feet distance between wells.

Mr. Trudell went on to note that all the dwellings will be fitted with modern conservation techniques, such as low flush toilets, front loader washers and shower heads.

Mr. Collins addressed the access to lot 23 raised at the last meeting. He submitted a waiver request. The only thing left is a report from the Archeological Committee. He also submitted a letter requesting a continuance,

Answering a question from Mr. Porco, Mr. Trudell could not say how long the entire project would take. He said perhaps three but could be as long as ten. It depends on the market. He will look into Mr. Swift's concern about truck traffic and the possibility of building a construction entrance. He will also look into the driveway coming out directly opposite an existing house. He will talk with the neighbor to see about planting buffers on their property.

The Commission addressed the waiver to the sidewalk regulations requested at the last meeting. Mr. Mitchell said that due to the fact that there are limited roads and no potential connectors, sidewalks would not be necessary. He made a motion to waive the sidewalk regulation as requested. Seconded by Mr. Taylor. The vote was unanimous.

Mr. Mulholland addressed blasting concerns noting that everyone needs to be notified and well supply monitored. Answering Mr. Eames' question he stated that no traffic report is required with this application.

Mr. Trudell answered the concerns about lot 23, stating that it can never be subdivided. He added that they want to work with the Conservation Committee to see if there is a way to link up with the Ferris Farm property. All blasting is done by permit issued by the Fire Department. Photos will be taken of everyone's concerns.

The hearing was left open solely for the report and comments of the Archeological Committee.

A recess was called at 9:10 p.m.

The meeting reconvened at 9:19 p.m.

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)

Mr. Mulholland noted that the hearing had been left open in order to digest the contents of the file and comments raised at the last meeting. Mr. Benson had made some changes and Mr. Porco had done some research.

Mr. Porco noted that Newtown is not the only town facing this dilemma. Wallingford and Redding had regulations with five components. Under State Statute 8-13 there would be higher density units per acre, which is a lot more than what Mr. Benson is suggesting. He considered this prudent and in the best interest of the town. He thought that mixed use and affordable housing should be separate. Currently there are only three or four sites where this would be applicable.

There was an open discussion by the Commission. Mr. Benson reminded the Commission that this mixed use has to be on a State road with access to municipal water and sewer. He showed the Commission where on a map this could be applied. He added that the purpose of this zone is an incentive for developers and give the town more control on what is being developed. Mr. Mitchell suggested one overlay zone for affordable housing and a second overlay for mixed use. Mr. Benson said that an applicant would need to come into Planning and Zoning under this overlay zone with a conceptual plan. He added that this only applies to lots over ten acres. There is currently an affordable housing overlay zone, which is optional. Owners can remain in the existing zone. This could be an enticement because legal fees would be expensive if a developer uses the State Statute. He went through the changes made since the last meeting.

Mr. Mulholland suggested leaving the hearing open in order to digest the changes. He asked to hear from the public.

Mary Burnham, 24 Walnut Tree Hill Road, Sandy Hook, Connecticut asked about the possibility of someone applying under this overlay zone being turned down. Mr. Mitchell said that any zone change is a legislative decision. If an applicant meets requirements he can build. Mr. Benson noted that they could apply under State Statute, which would give the town less control.

John Vestor, 24 Walnut Tree Hill Road, Sandy Hook, Connecticut had a question on the "Purpose" statement and would like more teeth on the description of "rural character". Wants regulations they can live with.

Bran Atherton, 7 Black Walnut Drive, Newtown, Connecticut submitted pages 61 through 70 of the Newtown Plan of Conservation and Development entitled "V. ACHIEVING THE VISION". He stated that once young people finish school, they cannot afford to come back and settle in Newtown, due to the high cost of housing. Even municipal workers cannot afford to live in the town they serve. He did not feel that the POCD addressed all the housing needs in town.

Ken Chimeski, 22 Walnut Tree Hill Road, Sandy Hook, Connecticut distributed site plan of Walnut Tree Village which has a density of 213 units. He had read the POCD "Mission Statement of the Land Use Agency".

Mr. Mulholland suggested that Mr. Benson, Mr. Porco and Mr. Mitchell meet to go over the points raised,

COMMUNICATIONS AND CORRESPONDENCE

Schedule of 2015 Meeting Dates

The Commission unanimously agreed with the proposed 2015 Meeting Schedule.

Land Use Agency Director's comments

No comments.

Minutes

No action was made at this meeting.

ADJOURNMENT

Mr. Swift made a motion to adjourn. Seconded by Mr. Ruhs. The motion was unanimously approved.

The meeting was adjourned at 11:04 p.m.