

MINUTES
Newtown Planning and Zoning Commission

SUBJECT TO APPROVAL

*Land Use Office
Council Chamber
Primrose Street, Newtown, Connecticut*

*Regular Meeting
January 15, 2015*

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 7.34 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 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

This hearing is continued till the next scheduled meeting.

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

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.

Mr. Mitchell read the call for the hearing.

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

Moses Velez, 40 Highbridge Road, Sandy Hook, Connecticut advised that the application is a modification of a previous one that was withdrawn. The application is in compliance with State Statutes to allow the scrapping and bailing of tires for shipping. They would be required to report to the State on a regular basis. They want to start with phase one, processing ten tires daily, after which they would be shipped to Long Island. Phase two is scheduled for a couple of years from now.

Mr. Mitchell asked how many trucks per day would drive in and out.

Mr. Swift asked why they require such a large facility.

Mr. Velez responded that half the building would be rented. Signing the lease is contingent on whether or not they get approval. They have withdrawn their offer to purchase the property.

Mr. Mitchell expressed concern that somewhere down the line there might be a request for something not quite so friendly. They need to think how to refine the wording.

Mr. Velez explained that tire stores have containers for used tires. They would remove the tires as necessary to come to this facility for processing.

Mr. Porco noted that there is only one operation per building in the M-1 zone.

Mr. Mulholland asked to hear from the public.

Todd Bobowick, 1 Rowledge Pond Road, Sandy Hook, Connecticut advised of the oldest hatchery facility in Sandy Hook. He did not think this activity is in accordance with the POCD. He felt the information incorrect. PTE states that three truck tires are the equivalent of one cubic yard. One thousand tires at 300 cubic yards would not fit into one box truck a day.

Mr. Benson asked if this type of process is allowed in Newtown. The main question is the wording. Is it clear enough to limit the type of processing permitted. The change cannot be limited to tires.

Mr. Mitchell would like to look at Statutes to see if everything is covered. Is there a Statute that would prohibit solid waste use.

The hearing was left open to evaluate the State Statutes to ascertain that the town can approve this.

CONTINUATION OF PUBLIC HEARING

Application by the 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. Mitchell noted that there have been some changes made to the document since the last meeting. The primary concern was the combined residential/commercial overlap zone. Mixed-use overlay would only refer to the underlying zone being business. Residential zones would have an overlay of only incentive housing.

Mr. Mulholland explained that should a developer apply under 8-30G 30% of the homes would have to be affordable, whereas this plan would require 20%. Also the town would have restrictions on buildings, setback, design and parking. Otherwise, under 8-30G the town would have no control on what is built.

Mr. Mulholland asked to hear from the public.

Mary Fellows, 120 Walnut Tree Hill Road, Sandy Hook, Connecticut, referring to a potential site on Walnut Tree Hill Road advised of the traffic and expressed concern on potential congestion if the site was developed under this overlay zone. She felt Fairfield Hills an ideal location for this type of use.

Mr. Mitchell explained that traffic issues are addressed when a specific application comes before the Commission.

Mr. Benson explained that Fairfield Hills comes under its own zone and therefore not a part of this overlay zone. Any potential site wishing to apply under this overlay would need to be ten or more acres on sewer and municipal water and on a main road. He noted that there are only two locations that meet this criteria and Walnut Tree Hill Road is not one of them.

Debra Somby, 789 Poverty Hollow, Newtown, Connecticut asked Mr. Benson to show where the two noted sites were, which he did.

Jim Roodhuisen. 60 School House Hill Road, Newtown, Connecticut asked if there was any way to prevent this housing crisis.

Mr. Benson answered no. The town would lose any court action.

Jim Chemeski, 22 Walnut Tree Hill Road, Sandy Hook, Connecticut said the main concern is the good of the town.

Julia Nable, 10 Walnut Tree Hill Road, Sandy Hook, Connecticut asked why the height had been changed to 54 ft.

Mr. Benson explained it depended on the terrain of the property. Some buildings could have three stories in the rear. Answering another question about 100 ft frontage, he stated that this is standard. He would welcome concerned citizens to get more involved in the process.

John Conk, 120 Walnut Tree Hill Road, Sandy Hook, Connecticut thanked the Commission for their hard work asked how much the State is involved in this process.

Mr. Mulholland answered that the Commission has control on developments on certain pieces of property. Some are susceptible to 8-30G, which would give the Commission no control.

Beth Kuschel, 20 Evergreen Road, Sandy Hook, Connecticut asked for more clarification.

Linda Jones, 16 Walnut Tree Hill Road, Sandy Hook, Connecticut, backs onto Walnut Tree Village and asked if a Committee could be developed.

Mr. Mulholland stated that the affordable housing regulations currently on the books are too cumbersome and forces applicants to go to 8-30G. He added that anyone could visit the office and discuss anything.

Harold Lang, 62 Elizabeth Circle, Sandy Hook, Connecticut expressed concern about being so close to I-84, citing a German study of cancer and respiration related diseases in people living close to highways.

Michael Burton, 107 Church Hill Road, Sandy Hook, Connecticut supports the change, which would split the commercial and residential zones. He considered this a good change to the regulations. He would like to see more one-bedroom homes, which are currently not allowed, and would benefit young residents. He hoped this application would be approved.

Tom Cuomo, Walnut Tree Village board member, asked about the sewage and traffic and what determines the height of buildings.

Mr. Mulholland responded that height regulation are 36 ft for the front of the building and up to 54 ft for the rear.

The hearing was closed at 9:45 p.m.

The Commission began discussing the application noting that because Walnut Tree Hill Road, which seemed to be the main concern of the public present, is zoned BPO it would not be considered for mixed-use.

Mr. Porco distributed his comments stating that there were two issues: one incentive housing and the other mixed use. Newtown is so large it needs planning. The Commission discussed the issues he raised.

Mr. Mitchell noted that they would not get the zones perfect first try. There would be modifications from time to time.

Mr. Benson agreed, stating that if anything is seriously wrong they would return for an amendment request.

Mr. Corigliano said that it does not make sense to sit and do nothing. This is a fair compromise.

Mr. Mitchell agreed,

Mr. Ruhs agreed adding that this is a proactive move.

After further discussion Mr. Mulholland considered this a priority to control what is being built and a priority for the town.

The hearing was closed at 10:25 p.m.

Mr. Mitchell 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 an amendment to the zoning regulations at Article III, Section 3.03 pertaining to an Incentive Overlay Zone (MUMI-10) as contained in a certain document dated December 18, 2014, revised 1/15/15

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 amendment shall become effective on January 26, 2015.

Seconded by Mr. Porco.

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

Motion approved.

Application by Newtown Medical Office Two, LLC for a special exception to construct a 30,000 square foot Medical Office Building, 168-170 Mount Pleasant Road, Assessor's Map 2, Block 5, Lots 8&9, as shown on a certain set of maps entitled "Proposed Newtown Medical office Two, 168-170 Mount Pleasant Road (Route 6) Newtown, Connecticut for Newtown Medical Office Two, LLC, One Gorham Island, Westport, Connecticut 06880" dated December 10, 2014

The hearing was opened at 10:38 p.m.

Mr. Mitchell read the call for the hearing

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

John McCoy, JFM Engineering, Danbury, Connecticut, representing the applicant, stated that this is a 4.6 acre parcel. They are proposing to put a 30,000 sq. ft. medical office building on the property adequate parking. The application meets all requirements They play to move 9,000 cu yds. of soil on site, removing only 500 yds. He explained the storm water management. The Wetlands Commission walked the property and will be voting on this application at their next meeting. Mr. Sibley and Mr. Bolmer had no problems. He submitted an A-2 survey and a flood plain report. This is not I a flood plain.

Kate Throckmorton, Landscape Architect, Norwalk, Connecticut submitted revised plans reflecting Rob Sibley's comments. She explained the plantings on site and the additional ones suggested. They would be willing to add more if required. She went through the lighting that would be downward facing on 12 ft poles on 2 ft bases.

Mr. McCoy added that signage details would be submitted at the next meeting.

Michael Galante, Traffic Engineer, Frederick P. Clark Associates, Inc., 41 Ruane Street, Fairfield, Connecticut went through the traffic report that is in the file.

Michael Kozlowsk, Architect, Claris Construction explained the design and materials to be used with the aid of a photo rendition.

Mr. Mulholland asked to hear from the public,

Dr, Diedre Cordon and her husband Michael Gelson, 172 Mount Pleasant Road, Newtown, Connecticut, owners of the abutting building asked about the lights from parking cars shining into their offices and expressed concern about the impact of turning and passing traffic on them. He asked if blasting would be occurring.

Mr. McCoy will review the lights. They do not anticipate any blasting.

Mr. Galante said there would be little traffic impact of turning traffic.

The hearing was left open in order to receive the Wetland Commission's decision.

COMMUNICATIONS AND CORRESPONDENCE

Land Use Agency Director's comments

No comments.

Minutes

Nothing at this meeting

ADJOURNMENT

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

The meeting was adjourned at 11:16 p.m.

NOTICE OF CONTINUATION OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that by orders of the Planning and Zoning Commission at its meeting on January 15, 2015, the following public hearings were continued to the next regular meeting to be held on February 5, 2015 at 7:30 p.m. in the Common Council Chamber, Newtown Municipal Center, 3 Primrose Street, Newtown, Connecticut

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Donald A. Mitchell
Secretary

January 16, 2015