

MINUTES

Newtown Planning and Zoning Commission

SUBJECT TO APPROVAL

*Land Use Office
Shared Meeting Room #3
Primrose Street, Newtown, Connecticut*

*Regular Meeting
February 5, 2015*

Present: Mr. Mulholland, Mr. Mitchell, Mr. Porco, Mr. Swift and Mr. Corigliano. Alternates: Mr. Pozek and Mr. Taylor

Also present: Steve Maguire, Land Use Enforcement Officer

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

PUBLIC HEARING

Application by Fairfield Equine Associates to amend a special exception to allow apartments for temporary housing for externs – veterinary students – for property located at 32 Barnabas Road, Newtown, Connecticut

Mr. Mitchell read the call for the hearing.

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

Nancy Steven, 32 Barnabas Road, Newtown, Connecticut explained that they would like to put in two apartments in an existing space in order to house two veterinary students. Each student would be housed for a period of two weeks. This request would extend an existing special exception. There will always be one person on the property at all time. Responding to Mr. Mitchell's question, the reason for this is to expand their business. They currently have two interns and would like to have four.

There were no comments from the public.

The hearing was closed at 7:40 p.m.

Mr. Corigliano made the following motion:

BE IT RESOLVED by the Newtown Planning and Zoning Commission that the application by Fairfield Equine Associates to amend a special exception to allow apartments for temporary housing for externs – veterinary students – for property located at 32 Barnabas Road, Newtown, Connecticut

Meetings the standards and criteria for a special exception as set forth in Section 11 and the application to be consistent with the M-1 zone.

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 application shall become effective on February 17, 2015.

Seconded by Mr. Porco

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

Motion approved.

CONTINUATION OF PUBLIC HEARINGS

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

This hearing is continued from the last meeting of January 15, 2015.

John McCoy, JFM Engineering, 230 Great Plain Road, Danbury, Connecticut, representing the applicant detailed minor changes raised at the last meeting and comments from the Wetland Commission and staff. The State has yet to approve the passing lane that would also benefit the adjacent office building. In response to concerns raised at the last meeting, they plan to re-grade the parking area to block headlights from shining into the adjacent building. Details of the sign are in the file. They would be 25 ft off the side of the road and the same as that on the adjacent building. Due to the fact that there are no sidewalks either side, they would like to waive installation until such time as required by the town.

Mr. Porco said that it behooves the town to have sidewalks installed in anticipation of future development.

Kate Throckmorton, Landscape Architect, Norwalk, Connecticut went through the suggested changes, including a berm to protect the property next door from headlights. As requested by the staff, the lighting was changed slightly and adhere to dark skies

Mr. Mulholland asked to hear from the public

Peter Condon, 172 Mount Pleasant Road, Newtown, Connecticut asked for the procedures in the event of hydraulic drilling. He also asked how long they anticipated the project would take.

Mr. McCoy responded by saying that they do not anticipate blasting, but in the event they do, they have to follow all the rules and guidelines. They hope to start building in May and anticipate two to three months till completion.

The Commission discussed the issue of sidewalks. While Mr. Porco understood the situation, he would like to see sidewalks installed now rather than waiting till a future date. He is thinking about the town. If necessary, the owner would be responsible for installing sidewalks.

Mr. Mulholland considered the project a welcome attraction to the town. The plan is to eventually hook up to Exit 9, which is a considerable distance away.

The hearing was closed at 8:07 p.m.

Mr. Mitchell read the following:

BE IT RESOLVED by the Newtown Planning and Zoning Commission that the 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 May 2, Block 5, Lots 8 and 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, CT 06880" dated December 10, 2014, revised 2/15/15.

Meets the standards and criteria for a special exception as set forth in Section 11 and the application to be consistent with the B-2 zone.

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 application shall become effective on February 17, 2015.

Approved by Mr. Mulholland. Seconded by Mr. Swift.

After a brief discussion the Commission agreed to insert the following stipulation:

That sidewalks, as shown on the amended drawings, will be installed by the owner at its expense when the Planning Department in its discretion, determines they are reasonably necessary

Mr. Mitchell made a motion to approve the application as amended. Seconded by Mr. Corigliano.

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

Motion approved as amended.

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.

This hearing is continued from the last meeting of January 15, 2015.

Mr. Mulholland noted that the hearing was left open in order to ascertain State Statutes pertaining to this kind of operation. State statutes cannot have the effect of curbing such operations. Town regulations do allow certain operations such as this. The problem is the term solid waste operation.

State laws and town regulations treat this differently. Newtown would allow it if operated by the municipality. He felt that if approved, this could lead to future transfer stations in town. Should the business grow, the entire site could eventually be used, which would create environmental and traffic problems due to its proximity to a residential area. He could see this use in an M-5 zone, but not M-1. Although not in the aquifer, it is close to the recharge area.

Mr. Mulholland added that once approved, this would apply to all M-1 zones throughout town. He stated that there are many places in the State where this type of activity is zoned.

Mr. Porco stated that the area has grown in the past ten years. This has to be looked at from the benefit of the town. He said that the road system is not conducive to this kind of traffic.

Mr. Swift added that there is potential for a tremendous amount of business. There is a potential for forty thousand tires a day, which could be stored outside. He did not think this good for the town.

Mr. Corigliano agreed with everyone. By changing the regulation it could open a Pandora's Box.

The hearing was closed at 8:36 p.m.

Mr. Mitchell made the following motion:

BE IT RESOLVED by the Newtown Planning and Zoning Commission that the 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

SHALL BE DISAPPROVED.

Seconded by Mr. Corigliano.

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

Motion approved as amended.

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 from the last meeting of January 15, 2015 in order to receive a report regarding possible historical findings on the site, which is still not finished.

Francis Collins, Esq., 148 Deer Hill Road, Danbury, Connecticut discussed the fact that the hearing has to close this evening.

George Trudell, 48 South Main Street, Newtown, Connecticut referred to the interim report from Ernest A. Wiegard, Consultant in Archaeology, 152 Silver Springs Road, Wilton, Connecticut dated February 3, 2015. He detailed which areas are still awaiting inspection. Nothing considered sensitive or

significant has been found to date. They cannot proceed until the weather permits. They have spoken with Mr. Bolmer about splitting the bond between Robin Hill Road and Deer Hill Road.

Mr. Mulholland asked to hear from the public.

Dan Pompa, 3 Ferris Road, Newtown, Connecticut asked about his well and potential loss of water.

Mr. Mitchell said that blasting is controlled. Photos are taken before and after blasting. This is not something this Commission handles.

The hearing was closed at 9:18 p.m.

The Commission will meet with Mr. Benson, Land Use Director before the next meeting.

COMMUNICATIONS AND CORRESPONDENCE

Land Use Agency Director's comments

No comments.

Minutes

Mr. Mitchell made a motion to approve the Minutes of January 15, 2015 with the following amendment to reflect that the Commission makes motions to continue public hearings to February 5, 2015 at the Municipal Center. Seconded by Mr. Corigliano. Motion unanimously approved.

Mr. Mulholland made a motion to approve the Minutes of December 18, 2014 as submitted. Seconded by Mr. Swift. Motion unanimously approved.

Mr. Porco opened a discussion regarding sidewalks. He said that if the town closes their eyes to the issue we will end up with developments with no planning.

ADJOURNMENT

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

The meeting was adjourned at 9:41 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

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

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.

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

Donald A. Mitchell
Secretary

January 16, 2015