



TOWN OF NEWTOWN

PLANNING & ZONING COMMISSION

MINUTES

Regular Meeting

Council Chambers, 3 Primrose Street

November 17, 2016 7:30 P.M.

Present: Mr. Mulholland, Mr. Swift, Ms. Cox, Mr. Meadows (A), Ms. Manville (A), Mr. Taylor

Absent: Mr. Corigliano, Mr. Mitchell

Mr. Mulholland opened the meeting at 7:35pm.

Public Hearing

Application #16.11 **Samaha LLC** for a 6 lot Subdivision and necessary site improvements located at 60 Platts Hill Road as shown on a map titled "Subdivision Map prepared for Samaha LLC, Platts Hill Road and Beaver Dam Road, Newtown, CT" dated August 1, 2016.

Ms. Manville read the call for the hearing. Mr. Mulholland asked to hear from the applicant. Larry Edwards, of Edwards Associates, 227 Stepney Road, Easton, CT, spoke as the civil engineer to the application. He submitted the mailers and lot pin bond amount for the record. Mr. Edwards described the lot as a 13.8 acre wooded parcel with some small cleared areas. The lot contains very minimal wetlands, and did not need to be presented to the Inland Wetlands Commission. The developer, Samaha LLC, is asking to construct 6 single family homes on 2+ acre lots. They are requesting fee in lieu of open space, given that this parcel will not connect to any other town owned land. The Conservation Commission and Land Use Agency agreed with the determination, and will use the fee to obtain more desirable land.

Four of the lots will have driveways to Platts Hill Road, with the two rear lots (5 and 6) having a shared driveway. Lots 1 and 2 will exit to Beaver Dam Road. Each lot will have a rain garden to contain the run off from the house roof(s) in accordance with state guidelines, as well as erosion and sediment control in accordance with town and state regulations. Members of the Commission were not able to properly locate driveways on their site walks and asked Mr. Edwards to make sure the lots are staked before the next meeting. Many expressed concerns over the sight lines and the busy "s" turns approaching the lots. Concerns from town Engineer Ron Bolmer were addressed by Mr. Edwards and satisfied the Commission. Mr. Mulholland explained that the updated plans will need to be approved by the necessary departments before a vote could be held, and he opened the hearing to the public.

Daniel Jopp, 2 White Oak Farm, said that cars drive through that area at excessive speeds, and he does not believe potential homebuyers would be able to safely exit their lots. He also wanted clarification on the direction of run off from the property. Mr. Jopp wanted to know the size of the houses that could be built, to understand if the value of his home would be diminished.

Robert Nimkoff, 7 Hundred Acres, told the Commission that this subdivision would not meet the character of the neighborhood. He asked questions about the POCD, Subdivision Regulations, Aquifer Protection and fee in lieu of. Mr. Nimkoff also expressed his troubles with installing a well on his property, and wanted to know how feasibility for these lots was determined. He suggested hiring outside of the developer to confirm viability.

Heidemarie Mang, 58 Platts Hill Road, will potentially neighbor lot 5. She explained the troubles of leaving her property onto this busy and dangerous road, and did not think it would be safe to ask three lots to exit in a similar area. She also did not believe having a shared driveway versus two separate driveways would be the logical choice.

Beatrice Torres, 54 Platts Hill Road, has the interior lot to Ms. Mang. She would also abut lot 5. Ms. Torres explained that run off from Beaver Dam washes through 'like a river' down across her property. She did not believe that the delineated wetlands areas were correct, saying that the lot is very wet in the S.E. corner. As a horse rider, she did not want to see any more road traffic, saying that horse riders are getting pushed out of the lands that they have utilized for years.

John Boccuzzi, 18 Hundred Acres, asked if a wildlife study can be requested given the ample species of animals that live in the area. He agreed with Mr. Jopp that the addition of small houses on small lots would diminish the property values of the neighborhood, and didn't think the area would be convenient for such a development.

Lauren Oliaro, 22 Beaver Dam, described her road as historic, and wanted to preserve the existing neighborhood feel. She asked the Commission to consider the many small houses that are for sale in the town before approving six new lots. Like many neighbors, she came to Newtown for the peaceful, serene farmland and did not want to increase the population of the area.

Terry Hennessey, 37 Eden Hill Road, asked how the regulations could change to preserve more land, referencing Roxbury. Mr. Mulholland explained that the regulations were created to balance the needs of developers and wants of the town's people. He included the fact that Newtown has some of the most town owned open space acres in the state, and that is something that will always be preserved. Ms. Hennessey asked the feasibility of

preserving stone walls and trees, and Mr. Mulholland agreed that those are very favorable conditions to the Commission too.

Patty Norberg, 14 Palestine Road, agreed with the concerns of her neighbors. She believed approving the subdivision would compromise the area of its charm and doesn't agree with the § 2.03 of the Subdivision Regulations.

Mr. Nimkoff spoke again, quoting regulations about the effect to the surrounding neighborhood, and asked about greenways to open space. Mr. Mulholland explained that connecting open space is something the town looks to do. This parcel is surrounded by privately owned land, which does not make it a good candidate- which is why fee in lieu of open space was agreed upon.

Deanna Davis, President of the Bridle Association spoke of the past use of the property. The Bridle Assoc., had received permission from the previous owners to ride on the land. Ms. Davis did not want to lose that privilege. She asked for the opportunity to add a path or easement through the front of the property to avoid riding the horses on the road. Mr. Mulholland suggested drafting in a trail easement and talking to the Land Use Agency before the next hearing. Mr. Davis also spoke as a resident of 42 Orchard Hill, and asked if speed bumps could be placed on the road to slow down traffic. Mr. Mulholland advised her to speak with the Police Commission.

Kevin Grover, 42 Ox Hill Road, believes that the approved subdivision down the road that has not been completed, proves that there is no reason to add in a new subdivision. He moved to the area because of the farm and horse properties, and did not want to see another subdivision in the area.

Mr. Jopp spoke a second time regarding the size of the houses, and asked if the lots can be expanded to 3+ acres- almost as if the zone was an R-3. He wanted the Commission to require larger plots and less houses.

Ms. Torres approached the Commission again to show pictures of the wetlands area that she spoke of before. She said that the very wet area runs about 30 feet inside the stonewall. Mr. Mulholland said that the Commission would look into the wetlands delineation.

Alisa Stollman, 42 Platts Hill, asked the Commission Members if they had already made their minds up on the application. She didn't believe they were fairly considering the concerns of the public. She wanted clarification on whether the Commission can require, or only suggest specific contingencies to the applicant. Mr. Mulholland assured her that the Commission is listening to every word and works very hard while wearing many hats to appease the developers, homeowners, and the overall town while being limited by the

Zoning and Subdivision Regulations. He reminded the public that the hearing is being continued and the ideas discussed tonight would be considered.

Mr. Mulholland gave Mr. Edwards a chance to answer some of the questions. Mr. Edwards said that the elevation slopes downwards to the S.E. corner of the lot, therefor not effecting Mr. Jopp. He will look into adding a basin in lot 5 to prevent adding to the runoff towards Ms. Torres's property. Mr. Edwards said that well drilling is independent, and is hardly ever the same depth even in a small area. He will speak to the developer about changing some of the driveways and adding privacy landscaping between Ms. Mang's residence and lot 5. Mr. Edwards will also speak to the developer about the desire for a bridle easement and giving the town open space instead of fee in lieu of. Flagging will be updated by Monday (11/21) at the latest. Any remaining questions or contingencies will be addressed at the next hearing.

Mr. Mulholland announced that the Commission will continue the hearing on Application 16.11 to the next meeting of December 1, 2016 at 7:30pm in the Council Chambers.

The Commission took a short intermission at 9:20pm and resumed at 9:25pm.

Minutes of October 06 and November 03, 2016

No action was taken on the minutes of October 6th.

Mr. Mulholland wanted the Minutes of November 03, in the section: Member Discussion, to read "Mr. Mulholland asked the Commission to look at the POCD, pick an area to discuss like transportation or a railway hub with the intent to modify it." Mr. Meadows made a motion to accept. Ms. Cox seconded. The minutes of November 3, were unanimously approved.

Adjournment

With no further business; Mr. Meadows made a motion to adjourn, Mr. Swift seconded. The meeting was adjourned at 9:30 pm.

*Respectfully Submitted,
Georgia Contois, Clerk*