



TOWN OF NEWTOWN

PLANNING & ZONING COMMISSION

MINUTES

Regular Meeting

Council Chambers, 3 Primrose Street

December 1, 2016 7:30 P.M.

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

Mr. Mulholland opened the meeting at 7:34 pm.

Public Hearing (cont.)

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.

Mr. Mulholland quickly spoke about Mr. Bolmer's updated review regarding the revised set of plans. He stated that the engineer was satisfied with the plans. Mr. Mulholland then asked to hear from the applicant, Larry Edwards of Edwards Associates, 227 Stepney Road, Easton, CT. Mr. Edwards presented the updates, including moving the driveway on Lot 3, adding a drainage basin and swale along the southern boundary, as well as plantings to serve as a buffer between the southerly neighbor.

The Commission revisited the sight line issue, and after consulting the Regulations, Mr. Edwards offered a solution. He proposed increasing the width of the entrance to lots 5/6 northerly by about 25 feet, also moving the paved driveway as far to the north as possible. This would ultimately move the driveway entrance about 30 feet further north from the southerly border. This would also leave a larger buffer area to the homes at 56 and 58 Platts Hill Road. Mr. Mulholland opened the hearing to the public.

Paul Knapik, 55 Platts Hill, asked about the location of a utility pole near the driveway to lots 5/6 and if it would be disturbed by changing the location of the driveway. Mr. Edwards explained that the pole can and will be moved if need be.

Robert Nimkoff, 7 Hundred Acres, was concerned about the removal of trees on private property in regards to the site line. He also asked for clarification on the topography of the overall site. Mr. Edwards told him that the trees and brush that need to be removed will be on site or within the right of way. Theoretically anything on private property that could be allotted for removal would have to be discussed with the property owner. Many of the trees

between the lots will be left. Mr. Nimkoff also asked about the fire suppression tank. Mr. Benson told him that the tank would 'disappear' and not be noticeable once completed. Heidemarie Mang, 58 Platts Hill Road, is against the approval of the project because of the dangerous, speeding traffic on the road. She does not want her property value to decrease from having a driveway right next to hers. Mr. Edwards explained that moving the driveways would increase the buffer between.

Commission members and Mr. Edwards began to discuss Open Space (OS). Mr. Mulholland explained the need for OS vs. the fee in lieu of. Mr. Benson also informed the Commissioners that OS in a small residential community without the creation of a road is often times turned into 'dumping grounds' for the bordering property owners and usually dissolves between the lots, ending in a loss for the town.

Stephanie Lennon, 11 Aunt Park Lane, spoke about the Bridle Associations' past agreements and easements with property owners in the area. She asked the Commission to change the regulations to avoid cramped lots and protect the landscapes and small town feel. She also explained the specific area of lot 5 that had been used in the past, even through an agreement with Mr. Samaha. Mr. Benson explained that trails and easements can be encouraged from the Commission but are a relationship between the Bridle Assoc. and the property owner and cannot be required.

Melissa Seapost, 56 Platts Hill, explained why she and her husband had moved to the area and their handshake agreement with the Bridle Association. She asked the Commission to work with the Bridle Association to create an arrangement.

Tom Fitzgerald, 56 Platts Hill, thought the developer was being overenthusiastic in asking for the maximum number of lots for the area. He also thought that an easement to the Bridle Association should be given.

John Wabiszczewicz, Attorney for Samaha, LLC, reminded the Commission and the public that there is no adverse possession in relationship to a past easement or agreement. He advised the Bridle Association to speak with individual property owners as the lots sell.

Deanna Davis, President of the Bridle Association, explained the previous use of the property in regards to trail riding. Mr. Mulholland explained that the Bridle Assoc. can either ask for the easement now from Samaha, LLC, or wait and create agreements with the new property owners.

Sian Nimkoff, 7 Hundred Acres, asked what the fee in lieu of OS can be used for. Mr. Benson and Mr. Mulholland both spoke about the specific fund that is regulated by state statute to purchase other OS parcels.

Lawrence Mang, 58 Platts Hill, spoke about his stone wall and asked about the shared driveway. Mr. Edwards explained the buffer that would be created by moving the driveways further north, on the other side of the utility pole.

Mr. Knapik spoke again regarding adding 'no parking' signs to Platts Hill. The Commission asked him to speak with the Police Commission, stating they have no jurisdiction to that kind of signage.

With no further comment, Mr. Corigliano made a motion to close the hearing. Mr. Swift seconded. All were in favor and the hearing closed at 9:10 pm.

The Commission took a short intermission and resumed at 9:17pm.

The Commission had a brief discussion about open space before asking for the record to outline some specific points. Mr. Mulholland specified that the Bridle Association had three options; negotiate with Samaha, LLC, move the bridle path to the Mayer Property which already has an agreement to be used, or wait and negotiate an easement with the new owner of lot 5. He stated that the easement does not fall under the authority of their Commission and is therefore not of concern during their decision making process. Mr. Swift also mentioned the desire to save as much of the existing landscape or trees and stone walls as possible. The Commission took a hand vote to confirm approval of fee in lieu of OS. With no other comment, Mr. Mitchell proposed a resolution.

BE IT RESOLVED by the Newtown Planning and Zoning Commission that the 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, last revised November 23, 2016:

Is consistent with the Subdivision Regulations and the R-2 zone.

Is consistent with the purpose and intent of Town of Newtown Plan of Conservation and Development and the Comprehensive Plan

Approval will be conditioned on the following:

That adjacent to lot 4, the common driveway easements to lots 5/6 will be relocated 35' to the North on Platts Hill Road. If required the telephone pole will be relocated by the developer.

BE IT FURTHER RESOLVED that the application shall be approved with the following stipulations which are to be completed prior to filing the record maps in the Newtown Land Records:

A bond in the amount of \$ 56,900.00 shall be submitted to secure the following:

Road Bond	\$50,200.00
Lot Pins/Monuments	\$6,700.00

The subdivision maps shall be modified as follows:

Note on each lot as follows “A fee in lieu of open space with the total amount TBD (by the Land Use Agency) will be provided to the Town of Newtown by the developer of the subdivision. The fee is due in increments TBD (by the Land Use Agency) per lot upon the initial sale of each lot within the subdivision.

Add conservation easements to the slopes over 25% to prohibit their disturbance. The applicant shall submit lien documents suitable for filing in the land records for each of the six lots to secure the fee-in-lieu of open space.

BE IT FURTHER RESOLVED that the Commission finds no significant impact to the aquifer as a result of the development and the application to be consistent with the subdivision regulations and the R-2 Zone.

BE IT FURTHER RESOLVED that this approval shall become effective 15 days after publication.

Mr. Meadows made a motion to accept the resolution. Ms. Manville seconded. The Commission took a vote:

Mr. Mulholland	YES
Ms. Cox	YES
Mr. Swift	YES
Mr. Meadows	YES
Ms. Manville	YES

The motion was approved unanimously.

Minutes of November 17, 2016

Mr. Meadows made a motion to accept. Ms. Cox seconded. The minutes of November 17, were unanimously approved.

Adjournment

With no further business; Mr. Meadows made a motion to adjourn, Mr. Mitchell seconded. The meeting was adjourned at 9:35 pm.

*Respectfully Submitted,
Georgia Contois, Clerk*