

**ZONING COMMISSION TOWN OF NEW FAIRFIELD**  
4 BRUSH HILL ROAD NEW FAIRFIELD, CT 06812  
PHONE: 203-312-5646

**MINUTES**

**Special Meeting**  
Thursday, April 7, 2011

New Fairfield Library Community Room  
7:30 p.m.

PRESENT: Joe Letizia, Fred Zering, Kevin Van Vlack, Vice Chairman; John Moran, Chairman, Patrick Hearty, Maria Horowitz, Zoning Enforcement Officer, Lyn Sheaffer, Commission Secretary.

1. Call to Order

Meeting called to order by Chairman, John Moran at 7:35 p.m.

2. Public Comment

None

**PUBLIC HEARING**

**1. (continued from last month) Shall the Zoning Commission enact a Moratorium for one year on whether to ban, allow or allow with stipulations Outdoor Wood Furnaces (OWF).**

Mr. Moran explained they had received a negative referral from the Planning Commission, so all members would have to vote in the positive. Mr. Moran read the referral into the record.

Mike Daood, Chair Planning Commission spoke. He stated there was a man from the public that was present in their meeting that gave all the pros and cons. He explained they felt a moratorium would not allow people who use the OWFs responsibly, that's why the referral was negative.

Joanna Pound, Donna Drive approached the Commission. She asked how many complaints the Commission had received and how many permit applications were in town. The ZEO responded there were 3 permitted OWFs in town, and 1 complaint on file. She asked why a moratorium for 1 complaint.

Mr. Moran explained how a moratorium would work. The ZEO reported she received an e-mail and Rocky Hill, CT became the 16<sup>th</sup> town to ban OWFs.

MOTION

Mr. Van Vlack motioned to close the Public Hearing . Mr. Letizia seconded the motion. Vote taken:

Kevin Van Vlack	Yes
Joe Letizia	Yes
Fred Zering	Yes
Patrick Hearty	Yes
John Moran	Yes

Motion carried unanimously.

**PUBLIC HEARING**

**2. Petition to Change the Zoning Regulations – Application: P11-01 – Sections: 7.5 – Telecommunication Facilities, 7.5.1 – Purpose, 7.5.3 – Permitted by Zoning or Other Permits. Sections: 9.2 - Telecommunications Policy Preferences and 9.2.4 – Specific Policy Preferences for Towers – A – Location. Steven Roe, applicant.**

Mr. Moran asked for further comment.

Mr. Steven Roe approached the Commission. He asked the Commission to consider the changes he presented last month. He explained he was just trying to add some guidelines and restrictions. Mr. Moran explained the Commission would have a special meeting and vote on each section, not as 1 unit.

Mr. Jack Keating, Town Atty approached the Commission. He explained the Town of New Fairfield has 7-8 pages of regulations on Telecommunications Towers. They were updated less than 1 ½ years ago. He explained they reflect the limits and exclusive jurisdiction citing council has with commercial towers. He had reviewed the changes Mr. Roe proposed and felt that several were illegal.

- 1. Tax Proposal – illegal
- 2. Neighborhood Approval – illegal
- 3. Asking for Stealth Construction – illegal. Cannot regulate design.

Holly Murtha, Jeremy Drive approached the Commission. Ms. Murtha felt asking for a Stealth Design was in the best interest of the town.

MOTION

Mr. Letizia motioned to close Public Hearing P11-01. Mr. Hearty seconded the motion. Vote taken:

Kevin Van Vlack	Yes
Joe Letizia	Yes
Fred Zering	Yes
Patrick Hearty	Yes
John Moran	Yes

Motion carried unanimously.

**Business Items**

Mr. Moran moved Items 3, 4 & 5 to next on the agenda.

**3. Special Permit 11-10 – New application for The Woods at Dunham Pond – The original and revised original special permits for the Condominium project will expire in 2012. The Special Permit does not have any more extension time. Therefore, the present owners are reapplying for a new permit. Somers Development Inc., owner, Stephen Rodgers, Charter Residential Dev. LLC, applicant.**

The ZEO explained this was a new application because the original application was for 5 years, they have already renewed for 5 years so they would need a new application to complete the project. The Commission would need to set a date for Public Hearing.

Atty. Keating stated there was CT State legislation recently introduced that may extend the time limit for the application.

M. Stephen Rogers, applicant approached the Commission. He explained this was not an attempt to change anything just extend the permit.

The ZEO explained they would now need to prepare a Storm Water Management Plan.

Mr. Rogers explained Somers Development was a subsidiary of Union Savings Bank. Today their Attorneys transferred the property to Bankcroft Holding Company. He will come in tomorrow and change the name on the application. The Commission agreed.

**MOTION**

Mr. Hearty motioned to set the Public Hearing for May 5, 2011. Mr. Letizia seconded the motion. Vote taken:

Kevin Van Vlack	Yes
Joe Letizia	Yes
Fred Zering	Yes
Patrick Hearty	Yes
John Moran	Yes

Motion carried unanimously.

**4. Site Plan 11-11 – 25 Route 39 - Install a People’s United Bank within the existing Stop & Shop Supermarket. Charter New Fairfield I, LLC, owner. Stop & Shop Supermarkets Inc. and Scott/Griffin Architects, Paul Zorn, Tom Scott, applicants**

Mr. Tom Scott, agent for Stop & Shop approached the Commission. He explained Stop & Shop would like to carve out space to allow Peoples Bank United to operate. The Commission Discussed. They asked who would be responsible for the sign. He stated Peoples Bank United would have to apply for the permit.

**MOTION**

Mr. Letizia motioned to approve Site Plan Application 11-11. Mr. Zering seconded the motion. Vote taken:

Kevin Van Vlack	Yes
Joe Letizia	Yes
Fred Zering	Yes
Patrick Hearty	Yes
John Moran	Yes

Motion carried unanimously.

**5. Mike Daood, Chairman of the Planning Commission has asked to be placed on the agenda to discuss the mandatory update of the Town's Plan of Conservation and Development. A check list of the 2003 Plan has been submitted to see which goals were accomplished, which are still in progress and which ones have not been done.**

Mike Daood, approached the Commission. He explained the Planning Commission was in the process of updating the 2003 Plan of Development for New Fairfield. By State Statute they were required to update the plan every 10 years. They are going to each board and asking for input. He asked the Commission would go thru and identify where they were on each task listed. He asked for comments in writing. The ZEO reported she reviewed all the tasks and felt the Zoning Commission was in good shape. Mr. Daood asked for Comments in writing within 60 days.

**1. Shall the Zoning Commission enact a Moratorium for one year on whether to ban, allow or allow with stipulations Outdoor Wood Furnaces (OWF).**

MOTION

Mr. Letizia motioned to have a moratorium on Outdoor Wood Furnaces to avoid a complete ban and give the Commission time to see how the state moves on this issue, and how the industry develops in efficiency. Mr. Van Vlack seconded the emotion.

Mr. Moran read the Intent & Purpose into the record. Moratorium would be from April 7, 2011 – April 7, 2012. Any OWFs found without a permit the ZEO will issue a Cease & Desist.

Vote taken:

Kevin Van Vlack	Yes
Joe Letizia	Yes
Fred Zering	Yes
Patrick Hearty	Yes
John Moran	Yes

Motion carried unanimously.

**2. Petition to Change the Zoning Regulations – Application: P11-01 – Sections: 7.5 – Telecommunication Facilities, 7.5.1 – Purpose, 7.5.3 – Permitted by Zoning or Other Permits. Sections: 9.2 - Telecommunications Policy Preferences and 9.2.4 – Specific Policy Preferences for Towers – A – Location. Steven Roe, applicant.**

Mr. Moran asked the Commission for a Special Meeting. He felt they should review the proposal and vote on each item. He asked Atty Keating for his comments in writing so the Commission could review. The Commission discussed.

Special meeting set for April 28, 2011, 7:30 p.m. at a place to be determined.

**6. A letter from a Lawrence Gorham, Ledyard, CT was received regarding CGS Affordable Housing Law 8-30g, and bill 5479. Discussion.**

The Commission confirmed they had received a copy of the letter.

**7. The Commission has received a letter from John B. Brown, 5 Autumn Ridge Rd. volunteering to be an alternate on the Commission.**

Mr. Moran introduced John Brown to the Commission. He was in attendance to observe a meeting. He will send a letter to the First Selectman indicating interest.

**8. Minutes**

**February 3, 2011**

MOTION

Mr. Letizia motioned to approve the Minutes of February 3, 2011 as presented. Mr. Hearty seconded the motion. Vote taken:

Kevin Van Vlack	Yes
Joe Letizia	Yes
Fred Zering	Abstain
Patrick Hearty	Yes
John Moran	Abstain

Motion carried.

**March 15, 2011**

Postponed until next meeting.

Mr. Van Vlack asked the status of Pine Island. The ZEO reported some property owners went to ZBA and some appealed the Cease & Desist.

Mr. Letizia asked about the sign on the Consolidated Field stating "Put your Ad here". He felt they were clearly in violation. The ZEO will make a call.

**5. Adjournment.**

Mr. Hearty motioned to adjourn. Mr. Letizia seconded the motion. Vote taken:

Kevin Van Vlack	Yes
Joe Letizia	Yes
Fred Zering	Yes
John Moran	Yes
Patrick Hearty	Yes

Motion carried unanimously. Meeting adjourned at 8:30 p.m.

Respectfully submitted

Lyn Sheaffer, Zoning Commission Secretary

Zoning Commission Regular Meeting 4/7/11