



# The Planning Commission

Town of New Fairfield

New Fairfield, Connecticut 06812

## MINUTES

### Regular Meeting

Monday, February 24, 2014

Community Room at 33 Route 37

New Fairfield, CT 06812

**Commissioners Present:** Ms. Cynthia Ross-Zweig, Chair  
Ms. Lisa Deldin, Vice Chair  
Ms. Kirsten Bennett-O'Rourke  
Mr. Peter Greco (arrived 8:00pm)

**Commissioners Absent:** Mr. Paul Bruno

**Alternates Present:** Mr. Ernie Lehman

**Alternates Absent:** None

**Guests Present:** None

**Town Officials Present:** First Selectman Susan Chapman  
Town Engineer Tony Iadarola

**Call to Order** 7:39 pm

### **Pledge of Allegiance**

**Appointment of Alternates**- Lisa Deldin made a motion to elevate Ernie Lehman to full member status for the purpose of tonight's meeting. Kirsten Bennett-O'Rourke seconded the motion.

**Vote: 3-0-0 (Motion approved)**

### **Approval of Minutes**

**January 27, 2014**- Regular meeting- Cynthia Ross-Zweig made a motion to approve the minutes of the January 27, 2014 regular meeting with the addition of Mr. & Mrs. Kevin Hart as guests present. Lisa Deldin seconded the motion.

**Vote: 3-0-1 (Motion approved- Kirsten Bennett-O'Rourke abstained)**

**Correspondence and Announcements**- None

**Public Comment**-None

**Change in agenda**

Ernie Lehman made a motion to change the agenda to move “New Business” in front of “Old Business”. Lisa Deldin seconded the motion.

**Vote: 4-0-0 (Motion approved)**

**NEW BUSINESS**

**105/107 Shortwoods Subdivision**

Cynthia Ross-Zweig read the following correspondence which she received via email:

**Notice of Ongoing Violation of Planning Commission approval and subdivision regulations:**

The above referenced parcels are in violation of the terms of the Planning Commission Resolution of Approval dated March 27, 2006, a copy of which is attached hereto and made a part hereof. Pursuant to the Approval and Section 4.06 of the New Fairfield Subdivision Regulations a common driveway approved by the commission must be constructed in accordance with certain design standards. The common driveway currently serving 105 Shortwoods Road and 107 Shortwoods Road fails to meet these standards.

The commission and the town reserve the right to take all necessary legal steps in order to ensure compliance with the approval and the regulations.

First Selectman Susan Chapman noted that this property was subdivided a long time ago and the bond was subsequently pulled since the builder did not get proper inspections. The town is trying to reach an agreement with the bank that foreclosed on the property to have them pay for the remainder of repairs. The town is requesting that the Planning Commission authorize the first selectman to file a notice with the Land Records if and when this deal with the bank does not come through.

Town Engineer Tony Iadarola showed drawings of the new plans for this property.

Lisa Deldin made a motion to accept the changes made to the map for the proposed subdivision for 105 Shortwoods Road for the common driveway plan on map dated July 13, 2011 by Michael J. Mazzuco. Kirsten Bennett O'Rourke seconded the motion.

**Vote: 4-0-0 (Motion approved)**

**Notice of Violation resolution**

Cynthia Ross-Zweig made a motion to approve the following Notice of Violation resolution for 105 and 107 Shortwoods Road:

The Planning Commission finds that the improvements associated with Shortwoods Acres Resubdivision have not been completed. The common driveway currently serving 105 Shortwoods Road and 107 Shortwoods Road is in violation of the Resubdivision Approval and Section 4.06 of the New Fairfield Subdivision Regulations. Accordingly, the commission authorizes the chair to sign the Notice of Ongoing Violation of Planning Commission approval and subdivision regulations as presented. The commission authorizes that the signed Notice be placed in possession of the first selectman while ongoing discussions to resolve the open issues

continue. In the event that the first selectman determines that a resolution is not imminent the commission authorizes the first selectman to record the signed Notice on the Land Record.

Notice of Ongoing Violation of Planning Commission approval and subdivision regulations:

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The commission and the town reserve the right to take all necessary legal steps in order to ensure compliance with the Approval and the Regulations. Lisa Deldin seconded the motion.

**Vote: 4-0-0 (Motion approved)**

**Notice of Expiration resolution**

Cynthia Ross-Zweig made a motion to approve the following resolution:

Whereas, the Planning Commission (the Commission) approved the Shortwoods Acres Resubdivision (the Resubdivision) at its March 27, 2006 regular meeting.

Whereas, the time to complete the improvements associated with the Resubdivision expired on March 27, 2011.

Whereas, certain improvements associated with the Resubdivision have not been completed, including but not limited to, the installation of a paved common driveway and drainage improvements associated with the paved portion of said driveway.

Now Therefore, in consideration of the foregoing and in compliance with Connecticut General Statutes Section 8-26c (c), the Planning Commission finds that the improvements required in the March 27, 2006 Resubdivision Approval have not been completed. The commission authorizes the commission chair to sign the Notice of Resubdivision Expiration Pursuant to Connecticut General Statutes Section 8-26c (c) (the Notice) as presented. The commission authorizes that the signed Notice be placed in the possession of the first selectman while ongoing discussions to resolve the open issues continue. In the event that the first selectman determines that a resolution is not imminent the Commission authorizes the first selectman to return the Notice to the commission chair. The commission chair is then authorized to record the signed Notice on the Land Records and to take all other steps required under General Statutes Section 8-26c (c) to perfect the expiration of the Resubdivision.

Shortwoods Acres Resubdivision Notice of Resubdivision expiration pursuant to Connecticut General Statutes Section 8-26c(c)

At its February 24, 2014, regular meeting the Town of New Fairfield Planning Commission authorized the filing of this Notice of Resubdivision Expiration. The commission has determined that the improvements required in the March 27, 2006 Resubdivision Approval have not been completed. The Resubdivision expired on March 27, 2011. The Map recorded at 3402 has expired and is no longer effective. Pursuant to CGS 8-26c (c) "no additional lots in the subdivision shall be conveyed by the subdivider or his successor in interest as such subdivider except with approval by the commission of a new application for subdivision of the subject land".

Attached hereto and made a part hereof is the March 27, 2006 Resolution of Approval for Shortwoods Acres Resubdivision.

The filing affects both 105 and 107 Shortwoods Road.

Lisa Deldin seconded the motion.

**Vote: 5-0-0 (Motion approved)**

### **OLD BUSINESS**

#### **Milone and MacBroom Invoices**

Cynthia Ross-Zweig noted that she received an email from Mike Looney from the firm of Milone and MacBroom regarding the Plan of Conservation and Development. At this point, the consultants are waiting for additional feedback from the other boards and commissions in town before going further with the POCD.

Cynthia Ross-Zweig will distribute copies of the draft POCD to specific boards and commissions for their feedback. Additional copies of the draft POCD will be left in the Selectmen's office. It was noted that this document is also available on the town's website.

The commission reviewed the draft POCD, especially the recommendations in the back of the POCD. Specific topics discussed included demographics of the town, technology and watershed maps. The commission discussed the possibility of sidewalks in town, streetlights, enrollment in schools and the possibility of a recreation center in town. Cynthia Ross-Zweig will send suggestions to Milone and MacBroom for their review. There was a brief discussion of the opinion of the condition of roads in town in relation to the survey.

Cynthia Ross-Zweig noted that a copy of the draft Plan of Conservation and Development will be sent to Land Use Attorney Jim Strub. Chairman Ross-Zweig noted that she spoke with First Selectman Chapman and checked to make sure that there was sufficient money in the budget to pay for the costs associated with the POCD. She will send an email to First Selectman Chapman confirming this.

Peter Greco made a motion to approve for payment invoice #66346 in the amount of \$1,900 dated February 10, 2014 for consultant services for Milone and MacBroom for the Plan of Conservation and Development. Ernie Lehman seconded the motion.

**Vote 5-0-0 (Motion approved)**

**Update of open subdivision log-** Kirsten Bennett O'Rourke noted that she is putting this together and will send to the commission in the near future.

### **STANDING ITEMS**

Cynthia Ross-Zweig noted that there is still an opening for an alternate member for the Planning Commission.

**Adjournment** – Lisa Deldin made a motion to adjourn the meeting at 9:02pm. Kirsten Bennett-O'Rourke seconded the motion.

**Vote 5-0-0 (Motion approved)**