



The Planning Commission

Town of New Fairfield

New Fairfield, Connecticut 06812

**Regular Meeting
Monday, February 28, 2011
Sr. Center Community Room**

MINUTES

Commissioners Present: Mr. Mike Daood, Chair, Mr. Paul Bruno,
Ms. Cynthia Ross-Zweig, Mr. Robert Murtha

Commissioners Absent: Mr. Greg Porpora, Vice-Chair

Alternates Present: Ms. Donna Byers, Mr. Chris Gould

Alternates Absent: None

Town Officials Present: Mr. John Hodge, 1st Selectman
Mr. Antonio Iadorola, Town Engineer

Call to Order: 7:31 pm

Elevation of Alternates: Ms. Donna Byers

Appointment of Alternates

Mr. Mike Daood, Chair, made a motion to elevate Ms. Donna Byers to full voting member. Seconded by Commissioner Paul Bruno. Vote 5-0.

Approval of Minutes (Tabled to End of Meeting)

January 31, 2011 Minutes tabled.

Correspondence/Announcements - None

Public Comment – Mr. Steven Roe, 10 Mill Pond Road, spoke and asked about the scope of the responsibility of the Town’s Planning Commission to approve land purchases by the Town. Specific mention was made regarding a potential purchase of land related to a tower for emergency communications for the Town. Mr. Roe expressed some concern about potential Town purchase and asked the committee for further clarification about their role in the decision making related to these potential purchases. Mr. Daood invited the Commission to comment and stated that he would generally state the input of the Planning Commission is on a referral basis to the other boards including the Board of Selectman and the Zoning Commission. He also advised Mr. Roe that he would like to gain the insight of our land use attorney to assure that he appropriately addressed his question.

Two 8-3a Referrals from Zoning Commissioner Maria Horowitz.

The Commission received two 8-3a Referrals from Zoning Commissioner Maria Horowitz. Mr. Daood reminded the Commission of our By-Laws regarding last minute agenda items and ability to bring those onto the agenda to discuss and to take action on.

“Article 9 in By-Laws, Section 3, No New Business Submitted for Action by the Commission shall be acted upon unless it is submitted 14 days prior to a Regular Meeting date. Provisions of this section may be waived by the unanimous vote of the members present.”

Mr. Daood explained that it is up to the Commission if they want to accept these 8-3a Referrals to our agenda which will require a unanimous vote.

Mr. Daood stated the first referral is 8-3a Referral to update to the Zoning Regulations as it relates to telecommunications policies and preferences, Section 9.2 and Section 7.5. He advised the commission that he had not had the time to fully review the details because of how recently they were delivered.

Mr. Daood states there was no mention of any urgency and confirmed these items were received late this afternoon; he further stated that there might be members of our town who would like to comment on these items which will affect the way members of the commission vote. Commissioner Murtha stated he would vote no. Alternate Commissioner Gould stated whoever is submitting these requests knows that there is procedure if they want items to come before our board and must be done within the necessary framework so that the people of New Fairfield can have an opportunity to come to our meeting to speak regarding these issues.

Mr. Daood opened the floor for anyone to make a motion to approve this as an agenda item. No one made a motion. Mr. Daood advised the commission that the item would not be accepted to the agenda due to a lack of a motion.

The second referral is 8-3a Referral regarding Installation of Outdoor Woodburning Furnaces. Comments from the commission members indicated that there may also be additional state statutes in the works related to outdoor woodburning furnaces and it has become a significant issue in a number of communities including New Fairfield.

Mr. Daood opened the floor for anyone to make a motion to approve this as an agenda item. No one made a motion. Mr. Daood again advised the commission that the item would not be accepted onto the agenda due to the lack of a motion.

OLD BUSINESS – None

NEW BUSINESS

Requesting a 3-Year Extension to Complete Improvements Associated with Shortwoods Acres Resubdivision. Mr. Spendim Jusufi, Applicant. Mr. Daood opened the discussion by asking the applicant to give an overview of why he was asking for the extension. Mr. Jusufi briefly outlined that his request was due to the economic condition and the lack of a buyer on the second lot associated with the redevelopment.

Mr. Daood spoke to the Commission and let them know that it is our responsibility if we receive an extension to understand why we would grant that extension and it is within our power to grant that extension or deny. It is a five-year initial term and Mr. Jusufi is requesting a three-year extension.

Mr. Iadorola, Town Engineer, begins to state the outstanding issues concerning this resubdivision reading a list in his letter to the commission. Among the items covered by Mr. Iadorola were work being done without any inspections which required us to do additional discovery work to ensure that the work that was done outside of our inspection is okay. Additionally, Mr. Iadorola discussed an issue with retaining walls at the brook crossing, which would require installation and drainage and fill over the area. The wall was made out of rubble. There were signs of failure. The wall must be taken apart and another retaining wall built in its place.

There is a significant fill in the proposed driveway area and requires a retaining wall on the inlet and outlet side of the crossing. And to fill that area in, there needs to be constructive driveways.

There is a brook crossing that requires some installation and drainage and filling over that area in order to create the common driveway which services the two homes located there. There was an existing driveway there to meet the need of the proposed grades and the alignment was changed.

Discussion and concern continued on the part of the committee regarding the portion of the wall failing and ended up in a brook. Mr. Iadorola said that an engineer had gone in and stabilized the wall, but that work was done with no inspections. More discussion from the committee regarding a concern regarding an existing brook on the property and how this would affect wetlands. Mr. Iadorola states the farther that we move that wall in order to minimize a swamp, the more we would encroach in the wetlands. In order to meet the wetlands requirements, we would have to build more of a true vertical wall.

The common driveway must be paved and it has not been paved. The easement area must be modified, because a portion of the driveway is outside that easement and that creates some issues.

Mr. Iadorola stated that the wall on the Southwest side of the culvert is a significantly high wall. There needs to be a guiderail system that would prevent someone from driving off the driveway, and a professional engineer can certify that some type of a guiderail system that he would propose would actually retain a car from going down that path. Additionally, Mr. Iadorola stated the common driveway location still needs to be verified that it is the location that was proposed but most importantly that it was constructed in accordance with Town standards and good industry accepted practices.

Test pits must be performed along the base of the driveway to determine how and when it was filled. There was concern regarding the test pits along all drainage pipes and the type of bedding installed; are the pipes laid perfectly at grade.

There is a fee that gets paid to the Town for inspection services. According to Mr. Iadorola, the Town has yet to receive a retainer from the applicant for these fees.

Other issues raised by Mr. Iadorola:

- The Wetlands Enforcement Officer needs to be informed on an on-going basis, because he reports back to the Wetlands Commission.
- He desires to see some steady progressive movement from the developer with full cooperation.
- The focus of the town is to see the issues resolved in a timely manner.
- An as-built survey needs to be complete to reflect all the changes.

Mr. Daood states as a Commission, we need to vote on a 3 year extension. Mr. John Hodge, Selectman, comments that if there is any extension granted, based upon the prior experiences we had with Mr. Jusufi, I would ask that your Commission agree that Mr. Jusufi would sign that document saying that he is going to do those changes. Mr. Hodge advised the commission of the status of the security bond on the project and relayed that the bank is agreeable to a short-term extension if the Commission decides to vote in that way.

Mr. Jusufi states if he sells one of the houses, then he can pay for these changes. Mr. Daood asked the applicant if he had the ability to complete the work outlined if the commission approved an extension. Mr. Jusufi states no.

Commissioner Ross-Zweig commented that she is not comfortable granting a 3-year extension, especially with regard to the retaining walls and how it affects wetlands and concern regarding the partially collapsed wall. According to Mr. Iadorola, there is an unknown regarding the stability of the wall, but the applicant did alter the wall and we have no certification on what was done and he does not know the integrity of that wall. Mr. Hodge states there is a little over \$57,000 in bond money. The bond money was put up on this project in the form of a C.D. A maturity letter was sent out when the period of the C.D. was up, and Mr. Jusufi took the maturity letter and took it to the bank and

withdrew all the money. This came to our attention about 4 or 5 months ago, and when we went to the bank, it was learned the bank improperly released the money. According to Mr. Hodge, the bank made it right for the Town and opened a passbook savings account in the amount of the original letter of credit, but if we pull this bond, we are pulling the bank's money.

Mr. Daood is concerned that the Applicant does not understand what needs to be done on the resubdivision. And he asks Mr. Jusufi if the Commission grants you a one-month extension and you were to come back next month, would anything be different?

Mr. Jusufi states no.

Mr. Daood asks for comments from the Commission. Mr. Jusufi now states that he can borrow money to finish the driveway and everything will pass inspection. Mr. Daood says the inspectors job is not to pass things based upon your recommendation; his job is to protect the town and protect the occupants of the homes.

Mr. Daood made a motion to grant extension of one month for the Shortwoods Acres Resubdivision. Seconded by Mr. Robert Murtha. Vote 1-4-0.

Mr. Daood made a motion to approve that the 1st Selectman on behalf of the Board of Selectman have the ability to draw down the letter of credit in the amount of approximately \$57,000. associated with Shortwoods Acres Resubdivision to complete the work as outlined by Mr. Iadorola in his letter. Seconded by Robert Murtha. Vote 5-0-0.

Mr. John Hodge, 1st Selectman, states now he needs to bring this item to the Board of Selectman for a vote.

STANDING ITEMS

Discussion on the Plan of Conservation and Development for 2014. Update from Cynthia Ross-Zweig.

Mr. Daood advised the commission that Commissioner Cynthia Ross-Zweig did a great job organizing an outline and discussion relating to this 2014 Plan.

Commissioner Ross-Zweig provided a new update to the plan:

The commission discussed in detail how to best initially survey the residence via the website including the possibility of relocating the survey to the front page of the town's website. Commissioner Bruno agreed to draft a column in the Citizen News outlining the importance of providing feedback via this online survey.

Mr. Daood states that we need a survey done on the front page of the Planning website before it goes into the Citizen News, and that Mrs. Diane Hykes, Secretary can take care of this for us.

The commission discussed the importance of gaining updates on the existing plan of Conservation and Development from the other town boards and the timing related to this feedback.

A detailed discussion was lead by Commissioner Ross-Zweig regarding the timing of the phases related to the plan update. Items discussed included:

- Timing of bids from consultants;
- Citizen input and how to best secure;
- Overall timing of the update phases and the target goals of completion related to each phase.

Commissioner Ross-Zweig will update the document overviewing the stages.

Mr. Gould was asked by Commissioner Ross-Zweig to put together a list of suggestions to add to the Plan. Mr. Gould's draft of this information was suggested to be final by 4/28/2011.

Mr. Daood thanked Commissioner Ross-Zweig for the tremendous amount of work she has put forward with this new Plan to date.

There was additional discussion among the committee regarding the public's input on new technology for the future, such as: wind stations, solar energy, etc. and some discussion regarding cost of putting survey/questionnaire on the website.

Open Alternate Position

The commission discussed that the open position could be filled by only an Independent or Democrat.

Discussion Regarding Working Binders for Commission Members

Mr. Daood advised that we will discuss this at the next meeting.

HVECO Booklet

Mr. Paul Bruno will review this booklet regarding the regional transportation plan and then leave it in the Planning mailbox for additional consideration.

Adjourn – Motion to adjourn made at 9:05 pm made by Mr. Daood and seconded by Mr. Robert Murtha. Vote 5-0-0. (Ms. Donna Byers departure at 9:03 pm).