



The Planning Commission

Town of New Fairfield

New Fairfield, Connecticut 06812

MINUTES

Regular Meeting

Monday, March 28, 2011

Community Room at 33 Route 37

MINUTES

Commissioners Present: Mr. Mike Daood, Chair,
Mrs. Cynthia Ross-Zweig, Vice-Chair,
Mr. Paul Bruno
Mr. Greg Porpora

Commissioners Absent: Mr. Robert Murtha

Alternates Present: None

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

Town Officials Present: Mr. John Hodge, First Selectman
Mrs. Susan Chapman, Selectman
Mr. Jack Keating, Town Attorney

Call to Order: 7:31 pm

Elevation of Alternates: None

Appointment of Alternates- None

Approval of Minutes

January 31, 2011- Ms. Cynthia Ross-Zweig made a motion to approve the minutes of January 31, 2011 meeting as revised. Mr. Greg Porpora seconded the motion.

Vote: 4-0-0 (Motion approved)

February 28, 2011- Mr. Mike Daood made a motion to approve the minutes of the February 28, 2011 meeting as presented. Mrs. Cynthia Ross-Zweig seconded the motion

Vote: 3-0-1 (Motion approved- Mr. Greg Porpora abstained)

Correspondence/Announcements – Will be discussed under Standing Items

Public Comment – None

OLD BUSINESS- None

NEW BUSINESS

83-a Referral Petition to Amendment to Zoning Regulations to Help Close Loopholes when Differentiating between Commercial Use Towers and Municipal Use Towers

Chairman Mike Daood noted that the commission received an 83-a referral petition regarding amending the New Fairfield Zoning Regulations to help close loopholes when differentiating between Commercial Use Towers and Municipal Use Towers. Mr. Daood opened the discussion up to members of the public who wished to comment.

Town Attorney Mr. Jack Keating noted that he reviewed the proposed regulations and compared them with the current Zoning Regulations. Mr. Keating noted that these regulations were updated approximately 1 ½ years ago and are sufficient for the town's needs. The legal impact of the proposed regulations will be limited to municipal communications towers. The proposed regulations will not prevent commercial towers in cemeteries, conservation areas or churches. Under the current regulations, municipal towers are regulated by local land use boards on a case by case basis and the proposed regulations would take the discretion away from the board.

Mr. Keating noted that several provisions of the proposed regulations are unlawful. Examples of this are the tax credit provision and the requirement of neighborhood approval. Mr. Keating noted that the proposed regulations cannot regulate commercial carriers because that jurisdiction is within the siting counsel's jurisdiction.

Chairman Daood spoke of the proposed regulations and noted that in his opinion they put undue restrictions on the regulations. Members of the commission gave their opinions of the proposed regulations. It was noted that if the Planning Commission votes on an 83-a referral and the motion fails, the Zoning Commission would need a 2/3 majority (super majority) in order to pass it. Selectman Susan Chapman spoke as former Chairman of the Planning Commission and noted that if the board refrains from voting on this 83-a referral it would be considered a "positive referral".

MOTION: Mike Daood made a motion to accept the 83-a Referral Petition to Amendment to Zoning Regulations to help close loopholes when differentiating between Commercial Use Towers and Municipal Use Towers. Paul Bruno seconded the motion.
Vote: 0-4-0 (Motion failed)

83-a Referral Petition to Amend Zoning Regulations for a Moratorium on Outdoor Woodburning Furnaces (aka OWF)

Chairman Mike Daood noted that the commission received an 83-a referral petition to amend Zoning Regulations for a moratorium on outdoor woodburning furnaces. Members of the commission gave their opinions regarding outdoor woodburning furnaces. Commissioner Greg Porpora noted that he has talked with members of the community and has received many

negative comments regarding the outdoor woodburning furnaces. The new regulations for the outdoor woodburning furnaces were discussed. It was noted that the moratorium would eliminate the furnaces until the state rules further on this issue.

Mr. Tom Sullivan of Donna Drive spoke of outdoor woodburning furnaces and noted the positive points of using one if it is used correctly. Mr. Sullivan noted that he burns only split wood and has not had a problem with his unit. Chairman Daood suggested that Mr. Sullivan contact the Town of New Fairfield Zoning Enforcement Officer Maria Horowitz, State Representatives and State Senators about educating the public on the safe use of Outdoor Woodburning furnaces.

MOTION: Mike Daood made a motion to approve the 83-a referral petition to amend Zoning Regulations for a Moratorium on Outdoor Woodburning Furnaces (OWF). Greg Porpora seconded the motion.

Vote: 0-4-0 (Motion failed)

STANDING ITEMS

Discussion on the Plan of Conservation and Development and Detailed Statement of Work

The commission spoke of the Plan of Conservation and Development which is done by the town every ten years. The last time this plan was put together was in 2003. The commission discussed plans to get this done by 2013 or 2014. Chairman Daood spoke to the Land Use Attorney about sending a letter to all the boards and commissions in town. It was decided that a commission member will attend meetings of the other boards and commissions in town to speak about the ten-year plan. Members of the commission went over a schedule of meetings and picked dates that each could attend the various meetings. Commission members will also visit other community groups and clubs in town to get feedback.

There was a discussion of ways to generate feedback. Some suggestions included comments on the town website, a flyer in the *Citizen News* that could be sent back to the commission and setting up a facebook page. Paul Bruno will look into setting up a facebook page for this purpose.

Chairman Daood thanked Vice Chairman Cynthia Ross-Zweig for all the work she has done on this so far. Vice Chairman Cynthia Ross-Zweig thanked Commission Paul Bruno for a great article in the *Citizen News*.

MISCELLANEOUS ITEMS

Open Alternate Position

There is still a vacant position for an alternate on the commission.

Discussion Regarding Working Binders for Commission Members

The commission discussed using binders for each commission member to organize all the paperwork generated by the commission. Diane Hykes put together a sample binder for this meeting. The commission discussed the process for using the binders and the advantages of having all the paperwork in one place.

Adjourn – Mr. Mike Daood made a motion to adjourn the meeting at 9:14pm. Mr. Paul Bruno seconded the motion. **Vote 4-0-0. (Motion approved)**