



The Planning Commission

Town of New Fairfield
New Fairfield, Connecticut 06812

Regular Meeting
Monday, October 26, 2009
Town Hall Conference Room

MINUTES

Commissioners Present: Susan Chapman, Chair, Mike Daood, Vice Chair, and Bob Murtha

Commissioners Absent: Greg Porpora and Paul Bruno

Alternates Present: Cynthia Ross-Zweig

Alternates Absent:

Call to Order: 7:30pm

Elevation of Alternates:

Mike Daood made a motion to elevate Cynthia Ross-Zweig to full voting status, 2nd by Bob Murtha, vote 3-0.

Approval of Minutes

Mike Daood made a motion to approve the Minutes for the September 21, 2009 Meeting as presented, 2nd by Cynthia Ross-Zweig, vote 4-0.

Correspondence/Announcements

Public Comment

Gary Mead discussed he was at the Public Hearing for the new proposed zoning regulations, which go into effect October 23, 2009. The Zoning Commission changed the width of an access way from 25' to 18'. He is requesting the Planning Commission do the same.

OLD BUSINESS

NEW BUSINESS

Lot Line Revision, Rugar, 278 Route 37, Zoning District R-88, Map: 12; Block: 2; Lot: 5.1 and Zoning District R-88, Map: 12; Block: 2; Lot: 5.

Audrey Rugar approached the Commission. Her lot was originally over 10 acres and a couple of years ago she received her “Free Cut”. The lot her house sits on is 3.577 acres and the lot she split off is 7.208 acres. While trying to develop this lot, it came to her attention that it would be quite difficult to put an access way in due to the steep slope and narrowness of the access way. If the access way was to go in at the original location a substantial amount of fill would be required to meet the 12% grade requirements. She is proposing to widen the access way to the portion where it starts to ascend with the grade of the land. The smaller lot with the existing home will still meet the 35’ required side setback. The sizes of the lots will change as follows, the smaller lot with the existing home that she lives in will go from 3.577 acres down to 3.399 acres and the larger lot that she is trying to develop will go from 7.208 acres to 7.386 acres. All zoning regulations will be met.

Mike Daood made a motion to grant the application for the Lot Line Revision as per plans submitted to the Planning Commission, 2nd by Bob Murtha, vote 4-0. Mrs. Rugar will make arrangements with the Chair to have the Mylar signed at the Clerk’s office.

Lot Line Revision, Cathmere Estates, Peder W. Scott applicant. Zoning District for 91 Route 37: R-88 Map: 13; Block: 5; Lot: 2.5. Zoning District for 93 Route 37: R-88 Map: 13; Block: 5; Lot: 2.6. Zoning District for 89 Route 37: R-88 Map: 13; Block: 5; Lot: 2.1. Zoning District for 13 Joe-ls Drive: R-88: Map: 13; Block: 5; Lot: 2.8

Peder W. Scott approached the Commission and explained there are 5 homes in this subdivision and he would like to revise the lot lines on lots 1, 2, 4, & 5, noting there will be no change to lot 3. Originally the houses were planned adjacent to the access way with one home on Joe-l’s Lane. The access way was running through the yards and the feedback he received from the realtor is that people want their yards. The lot line revision will give the homes larger lots that can be accessed from the access way. The lot sizes will change as follows:

<u>Lot #</u>	<u>Proposed Acreage</u>	<u>Proposed Driveway Grade</u>
Lot 5 on Joe’l Lane	2 Acres	Maximum of 10% grade
Lot 2	7.21 Acres	Existing 6% to 11% grade
Lot 1	7.9 Acres	Existing 10% to 9%
Lot 4	5.46 Acres	Not Given

The septic systems have also been moved over to the house sites. He has completed new deep and perk tests with the Director of Health, Tim Simpkins. There will be no disturbances on the wetlands buffer, and they are OK with the septics being close to the abutting property line as they still meet code. There are swales on the uphill side and

water goes down into detention basins located on the property. The entire development consists of 21 acres and only ½ of it is being developed.

Mike Daood made a motion to grant the Lot Line Revision as per plans submitted, 2nd by Bob Murtha, vote 4-0. Town Engineer Tony Iadarola stated he would like to do a review first. Peder Scott requested one set of plans back so that Tony Iadarola can do his review. He will return the plans as soon as Tony Iadarola is done reviewing them. The Mylar will be signed after the Town Engineer completes his review.

Application Fees

An email was received on October 5 2009 from the CT DEP indicating that effective October 1, 2009 there will be a sixty dollar (\$60.00) State Surcharge on all Land Use Applications. The Municipality will retain two dollars (\$2.00) for administrative purposes. In the past the Finance Dept. believed the Planning Commission was exempt from these fees, and therefore did not collect the then charge of thirty dollars (\$30.00). Discussion followed that our fees do not have a sixty dollar buffer built in, and that we would have to increase our fees to reflect this surcharge. The Commission agreed that although applicants may write one check, the State Surcharge should be shown separately on our Fee Schedule, so that applicants will understand that the Planning Commission did not just raise their rates.

Mike Daood made a motion to increase the fees applicable to land use application memo from the CT DEP and add that onto the existing fee but identify it in the applications, 2nd by Bob Murtha, vote 4-0.

Updates from the Town Engineer:

Red Fox Crossing: With the exception of some fencing and the top course the project is basically completed. The contractor has installed all of the guide rails and is discussing putting down a final coat of asphalt before the end of the winter. Tony Iadarola will be over there this weekend to do an inspection on the binder course.

Warwick Farms Subdivision: This is almost at the completion stage. The guide rail has gone in. Fencing is not required. The developer is looking to potentially do the second course of pavement before the end of the year and Tony Iadarola will be doing an inspection on the base shortly. There is a some modification to the pavement near the fire tank which Tony Iadarola will make sure is completed before the second course of pavement goes in.

Discussion focused on it is always helpful to get feedback from the Town Engineer prior to granting an extension. As long as the bond is being extended along with the subdivision completion time, the Town is protected. Tony Iadarola is very good at not releasing too much of the bond, just in case the developer goes out of business, there will be sufficient money in the bond to cover the costs of the remaining work. The developer is fully liable until the Town accepts the Road at a public hearing and the deed is turned over to the Town. As the homes are being built, Tony Iadarola pushes for the safety

items to be completed, noting he wants the fire tanks installed by the time the second house is built.

Dunham Ponds aka High Winds Road Resubdivision: The Town pulled the bond in September 2008 on phase 2 and there were a number of punch list items in phase 1 that contributed to the bond being pulled. Tony Iadarola stated that the developer never called for adequate inspections; therefore, he never released the bond, so there was sufficient money in the bond to complete the work. During his inspections he found substantial defects in the work that was done. Some of the defects were a leak in the water main, the catch basins were 2' out of alignment, and a retaining wall was never fully put in place. Peder Scott repaired the retaining wall. All fire tanks have been replaced and are operational. The loop system for EMS access off of Hillside Drive is in place. In Units 1 and 2 there is a belly in the slope behind the units, noting the previous developer put the slope in instead of a retaining wall. They dug down 14' to 15' and found decomposing organic material. This has been causing decks and patios to settle substantially. Peder Scott will stabilize the issue with what money is left in the bond, noting the costs will be between one hundred thousand to one hundred and thirty thousand dollars (\$100,000.00 to \$130,000.00) to fix the issue. Tony Iadarola commented that he has never seen this type of carelessness before. He is not sure how fast the pile will decompose, but it has already started and once it goes it goes, so they are working quickly to fix this. The reason for the cost is to put in a retaining wall and they may have to go down 20' or so before they can find soil good enough to put footings into. This issue is in the back of homeowner's properties and aesthetics must be considered. The old road was never approved as a subdivision and had to be brought up to current subdivision standards. After improvements are completed up on top, then they can fix High Winds Road. The homeowners on High Winds Road must sign off releasing the Town from any liability. Some other issues are that the homeowners along High Winds Road made deals with the previous developer and the Town is trying to honor them.

Adjourn

Mike Daood made a motion to adjourn at 8:29pm, 2nd by Cynthia Ross-Zweig vote 4-0.