



# The Planning Commission

Town of New Fairfield  
New Fairfield, Connecticut 06812

**Regular Meeting**  
**Monday, September 21, 2009**  
**Library Community Room**

## MINUTES

**Commissioners Present:** Susan Chapman, Chair, Mike Daood, Vice Chair, Greg Porpora

**Commissioners Absent:** Bob Murtha and Paul Bruno

**Alternates Present:**

**Alternates Absent:** Cynthia Ross-Zweig

**Call to Order:** 7:30pm

### Elevation of Alternates:

### Approval of Minutes

Mike Daood made a motion to approve the Minutes for the August 24, 2009 Meeting as revised, 2<sup>nd</sup> by Greg Porpora, vote 3-0.

### Correspondence/Announcements

- Lot Line Revision Rugar, 278 Route 37 was removed from the Agenda.
- A letter from Union Savings Bank stating they have renewed the letter of credit for the amount of the bond we just reduced for Spruce Ridge Subdivision noting this letter usually goes to the Selectmen and not to us. It was forwarded accordingly.
- Correspondence from Dwight Johnson of Murtha Cullina There is a convention/expo on October 8 at the convention center in Hartford, CT.

### Public Comment

Gary Mead discussed the new proposed zoning regulations allow for 3 homes off of an access way and he agrees with this. He does however have reservations about the width

of an access way being 25' wide and when we discuss the proposed zoning regulations he would like us to consider this.

## **OLD BUSINESS**

### **Continued 8-3a Referral Changes to Proposed New Zoning Regulations**

Susan Chapman read an email from Faline Fox into the record. This email indicated the Planning Commission had requested a red-line version of the changes that were made to the proposed new zoning regulations at the joint meeting several months ago and Faline Fox replied that a red-line version was not available. The Commission discussed that making changes to a 180 page document and expecting people to manually compare it side by side; word for word; with out noting the changes is unacceptable. In the business world you can't change a document and request feedback without tracking the changes. The Commission further discussed their frustration at having to read a nearly 180 page document for the 3<sup>rd</sup> time without having the changes marked; noting the Zoning Commission at one point did have a redlined version available. The Commission wants a quality assurance that the changes discussed at the joint meeting were made, noting their request to change the density factor had not been changed. The Commission discussed their options to either vote this up or down or tabling the matter until a redlined version can be obtained. The Commission has 35 days to respond to an 8-3a Referral. Tabling the matter is the same as a no response which is the same as a positive referral. Mike Daood made a motion to table the 8-3a Referral following up with a letter to Faline Fox from behalf of the Planning Commission requesting specific changes that were made to the proposed zoning regulations at the joint meeting and requesting that the Zoning Commission not vote on the proposed changes until the Planning Commission has had a chance to review them, 2<sup>nd</sup> by Greg Porpora vote 3-0.

Susan Chapman changed the Agenda so the Red Fox Crossing and Warwick Farms Subdivisions requests for extensions on the subdivision completion time were heard before the Dunham Ponds request for an extension on the subdivision completion time.

### **Request for an Extension on the Subdivision Completion Time for Red Fox Crossing, Gary Mead Applicant:**

Susan Chapman read a letter from Gary Mead dated September 3, 2009 requesting an extension on the subdivision completion time until December 31 2011 for Red Fox Crossing. Gary Mead approached the Commission and explained 3 of the 10 lots are occupied. It does not make sense to complete the road until he has buyers for the other lots as the road will be destroyed while the houses are being constructed. The Commission discussed the economy may have had an impact on the real estate market and would rather give a one year extension on the completion time, noting Gary Mead can always come back if he needs to. The Commission requested if there was any feedback from the homeowners and there was not. Gary Mead acknowledged that he would have to continue to maintain the road. Mike Daood made a motion to extend the subdivision completion time for Red Fox Crossing Subdivision until December 31, 2010, 2<sup>nd</sup> by Greg Porpora, vote 3-0.

**Request for an Extension on the Subdivision Completion Time for Warwick Farms Subdivision, Peter Warwick and Gary Mead Applicants:**

Susan Chapman read a letter from Gary Mead and Peter Warwick dated September 3, 2009 requesting an extension on the subdivision completion time until December 31 2011 for Warwick Farms Subdivision. Gary Mead approached the Commission. Gary Mead explained 4 of the 21 lots are occupied and it does not make sense to put in the road until the houses are built as the machinery will destroy the roads. The guard rail is not in yet because he just learned from the Town Engineer, Tony Iadarola, as to the location where the guard rail will be required, noting the guard rail is usually done last. Gary Mead stated the guard rail will be required on Buck Mountain Court and a small section on the Warwick Extension where the detention basin is located. Buck Mountain Court is not developed yet. The Commission discussed the safety issues involved without having the guard rails in place, noting the danger on the Warwick Extension was much greater than Buck Mountain Court which is still undeveloped. The Commission would like feedback from the Town Engineer, Tony Iadarola. Mike Daood made a motion to extend the subdivision completion time for two months expiring on November 23, 2009 pending a review from Tony Iadarola, 2<sup>nd</sup> by Greg Porpora vote 3-0. The Commission noted the date on the Approval Resolution is the date the 5 year subdivision completion time starts.

**Request for an Extension on the Subdivision Approval Time for High Winds Road Resubdivision, aka Dunham Ponds, Bankroft Holdings Inc., a subsidiary of Union Savings Bank, applicant:**

No one was present to represent this request. Susan Chapman read a letter dated August 31, 2009 from Nathan Kahn authorizing the bank to act on his behalf. Discussion followed that this letter did not contain a signature block and was not notarized. It was difficult to make out Nathan Kahn's signature. Susan Chapman discussed this letter with Town Attorney Jim Strub who said it was OK to use. Susan Chapman read a letter dated September 10, 2009 into the meeting from Attorney Thomas Van Lenten of Pinney Payne into the meeting. This letter requested a 2 year extension on the subdivision completion time. The Commission discussed the infrastructure work was taken over by the Town one year ago. The work is almost done, noting there may be some fire tank issues. The Commission would like feedback from the Town Engineer as to the progress of this subdivision. If the work is almost done, why is a 2 year extension necessary? Greg Porpora made a motion to extend the subdivision completion time for 2 months until November 23, 2009 pending a written update from the Town Engineer, Tony Iadarola, 2<sup>nd</sup> by Mike Daood vote 3-0.

**NEW BUSINESS**

**Preliminary Informal Discussion for the possible subdivision of 8 Sylvan Road, Applicant Hugh Burrell Trustee**

Peter Young and Ralph Gallagher approached the Commission. He received a "free cut" on the 25 acre lot some time ago. These 2 lots are not part of the free cut. Both lots will be accessed by a single access way. Lot 8A will be 18.6 acres with 272' of road frontage and Lot 8B will be 3.75 acres with 134' of road frontage. This is a one acre zoning district on Candlewood Lake. The applicants propose Open Space on the Danbury border. They have Inland Wetlands approval for Lot 8B and do not believe any Inland

Wetlands approval is required for lot 8A. The steep slope was discussed, noting the grade of the access way will not exceed regulations. The length of the access way may be an issue and the applicants were advised to investigate this further.

**Adjourn**

Mike Daood made a motion to adjourn at 8:35pm, 2<sup>nd</sup> by Greg Porpora vote 3-0.