



# The Planning Commission

Town of New Fairfield  
New Fairfield, Connecticut 06812

**Regular Meeting**  
**Monday, April 28, 2008**  
**Library Community Room**

## MINUTES

**Commissioners Present:** Susan Chapman, Chair, Mike Daood, Vice Chair, Paul Bruno, Roger Wise, and Bob Murtha

**Commissioners Absent:**

**Alternates Present:** None

**Alternates Absent:** Gregory Porpora

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

### Approval of Minutes:

Mike Daood made a motion to accept the Minutes to the February 25, 2008 meeting, 2<sup>nd</sup> by Bob Murtha, vote 4-0-1. Roger Wise abstained.

### Correspondence/Announcements

- General Permit Application for the Diversion of Water for Consumptive Use received from Lenard Engineering.
- American Planning Association—[www.Planning.org/zoning](http://www.Planning.org/zoning) practice
- Correspondence from State of Connecticut, CT Siting Council—Public Hearing on cell tower, May 22, 2008 hearing to be held in New Britain
- Correspondence from Land Use Academy

### Public Comment

### OLD BUSINESS

#### Resubdivision of Lots 6C and 6D Rock Ridge Court—Gary Mead:

A letter dated April 7, 2008 from Gary Mead was read into the meeting. The letter requested a 90-Day extension on his approval time. Discussion followed on procedures

to accept Open Space. Roger Wise made a motion to grant the 90-Day Extension on the Approval Time, 2<sup>nd</sup> by Mike Daood, vote 5-0.

**High Winds Road Subdivision, aka Dunham Ponds:**

A letter dated March 24, 2008 requesting an extension until June 25 was read into the meeting. The Commission discussed this is the letter they were looking for at the last meeting and due to a mix up, although the letter was sent, it was not received by Planning. A letter from Town Attorney, Jim Strub, was read into the meeting. This letter indicated they wanted a good faith show of work to be done by the requested June 25, 2008 meeting.

Attorney Robin Kahn handed out a 3 page document titled Status of Work Updates. Project Manager Bob Clark discussed these updates and noted that not all of the work in there was done. Bob Clark handed out his Time Table noting all of the items in Attorney Kahn's updates were in there, only this was broken down into a time table to show what work would be completed and when. The Commission discussed some of their concerns such as a sidewalk had been torn up, but was not on the time table to be replaced until June. The Commission believed this was a safety concern. Also discussed was the Commission would like to have Attorney Kahn's updates with Bob Clark's narrative next to them. Attorney Kahn agreed to send this to us within a few days. The Commission inquired if there was a completion date, and the applicants responded not yet. The Commission discussed they would like to have the Town Engineer, Tony Iadarola review the work that has been completed.

Susan Chapman asked if there was any public comment—as follows:

Cheryl Reedy, Unit 1 Heron View Drive: stated a lot has been accomplished within the last 2 weeks, however the outdoor lighting has not been addressed and does not appear on the “to do” list. The outside lights shine directly into her condo and zoning regulations state the lights must be shielded. Ms. Reedy would like this looked into. In addition, her patio has been demolished however, it has not been replaced and is completely unusable noting Bob Clark told her he had material to replace it, and at tonight's meeting he said the material needs to be ordered. Bob Clark responded stating the material he has to replace the patio is bricks; Ms. Reedy wants flagstone so this must be ordered. In addition Ms. Reedy wants assurance that there is enough money in the bond for the developer to complete this project and requested the Commission not grant the extension.

Charlie Rutherford: stated the fire access road has not been completed and this raises issues with their homeowners insurance. If there was a fire and the EMS vehicles could not get through, there is a chance the insurance companies would hold the Town liable. In addition, the completion dates keep changing because the developer keeps requesting extensions and he would like the Commission to stop granting extensions and have a concrete completion date. He also thanked the Commission for their hard work in this matter.

Decker Omberg, 4 Heron View Drive: stated his patio and deck are sinking again. The last time this happened, the patio was torn up and it was discovered that instead of soil,

wood chips were used, thus causing the patio to sink—he wants this looked into again. There is also a sidewalk in front of Unit #7 that has been crumbling for 2 years and this is a safety concern for the elderly.

George Sitz, President Dunham Ponds Condominium Assoc.: stated all of the residents are frustrated with the lack of progress and the numerous public safety and private homeowner issues involved. They want the entire project finished and not just a few houses; which is what seems to be the current course of action. Mr. Sitz would also like a sign at the entrance way stating Dunham Ponds but was told by Maria Horowitz that he would need a variance for this. If the developer can have his sign, then why can't they have their sign—it is difficult for EMS officials to find them. Bob Clark responded, he personally had an accident and an ambulance was called and arrived within 5 minutes they are also looking into a temporary sign.

Linda Rutherford, Board of Directors Dunham Ponds Condominium Assoc.: stated the original plans call for sidewalk from the intersection of Route 37 and High Winds Road into Town, when will this be done. Bob Clark responded that his plans do not show any sidewalks, and he will look into this.

Al Gouveia: stated he wants all of the roads within the development to become Town Roads.

Nancy Gouveia: stated the gazebo is not completed and is this within phase 1 or 2.

The Commission addressed the concerns of the homeowners noting they must stay within the scope of what the Planning Commission is charged with and progress is being made. Additionally, if the Town ends up finishing the project then not only are they limited to the money from the bond, but they are limited to addressing what the bond was for indicating that the side walks, private roads within the development, and individual homeowner issues are not within the scope of the bond; only the portion of High Winds Road from Route 37 to the entrance of the condos is marked to become a Town Road. If the homeowners put a lien on this portion of High Winds Road, then it cannot be accepted as a Town Road as the Town will not have a clear Title to it.

Further discussion followed to grant the requested extension to June 25. The request will be granted under the condition that the applicant appear at the May 19 meeting with updates on what has been accomplished and the Town Engineer, Tony Iadarola inspects all of the completed work and either gives a written report on it or appears at the May 19 meeting to give a verbal report on it. Roger Wise made a motion to grant the extension to June 25, 2008 under the condition that Tony Iadarola inspects the completed work and either submits a written report or appears at the May 19 meeting to report on the progress and the applicant must appear at the May 19 meeting to give updates on the progress that has been made, 2<sup>nd</sup> by Bob Murtha, vote 5-0.

**Planning Procedures:**

Susan Chapman stated that the workshop packet handed out by Gail McTaggart has a lot of good and very useful information. This packet needs to be read by everyone and will be discussed at the May meeting.

**NEW BUSINESS**

**Adjourn**

Mike Daood made a motion to adjourn at 9:05pm, 2<sup>nd</sup> by Bob Murtha, vote 5-0.