



# The Planning Commission

Town of New Fairfield  
New Fairfield, Connecticut 06812

**Regular Meeting**  
**Monday, October 27, 2008**  
**Library Community Room**

## MINUTES

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

**Commissioners Absent:** Paul Bruno

**Alternates Present:** Gregory Porpora

**Alternates Absent:** None

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

### Elevation of Alternates:

Mike Daood made a motion to elevate Greg Porpora to full voting status, 2<sup>nd</sup> by Roger Wise, all in favor.

### Approval of Minutes

Mike Daood made a motion to approve the Minutes to the September 22, 2008 meeting, 2<sup>nd</sup> by Roger Wise, Vote 5-0.

### Correspondence/Announcements

- Correspondence from the State dated 9/26/2008 stating the Plan of Conservation and Development (2003 C&D Plan) must be updated every 10 (ten) years or a penalty will be imposed.
- Correspondence from CLEAR Certified Land Use Courses, November 1 and November 15.
- Journal College Agriculture and Natural Resources
- Correspondence from HVCEO dated 10/17/2008 regarding Affordable Housing.

### Public Comment

## **OLD BUSINESS**

## **NEW BUSINESS**

### **8-3a Zone Change Petition: 130 Route 37, David R. Willis, applicant**

David Willis and Attorney Raymond Lubus approached the Commission and discussed the reasons why they would like to change the zoning district on this property from R-88, 2-acre residential to a Neighborhood Business District. The property is surrounded by local business such as the pool doctor on one side and attorneys' offices across the street. The new Senior Center will be diagonally across the street from this property. The rear of the property abuts property owned by New Fairfield Land Trust; however, Mr. Willis' proposal does not affect the New Fairfield Land Trust property. Mr. Willis would like to construct an apartment over the garage, this would make the property 3 families and therefore, they would no longer be residential. There is sufficient parking to meet the zoning regulations. The only other Neighborhood Business District in the Town is over by Candlewood Corners on Route 39.

The Commission discussed if the Zoning District was changed the possibility exists for any type of industrial business to go onto that property. This would require a Special Permit from the Zoning Commission. The Commission also discussed that this was meant to be a buffer zone between residential and commercial zones, and discussed the surrounding businesses. Attorney Raymond Lubus read the definition of a Neighborhood Business District from the zoning regulations into the meeting. The Commission further discussed setting a precedent for other properties in Town and the possibilities of opening a can of worms if the Zoning District was changed. Susan Chapman read a portion of page 2-10 from the 2003 Plan of Conservation and Development into the meeting. Discussion followed. The applicant must still go back to the Zoning Commission to receive approval. If the Planning Commission gives a positive referral then the applicant will need a simple majority vote from the Zoning Commission to move forward with his plans. If the Planning Commission gives a negative referral, then the applicant will need a 2/3 (two thirds) majority vote from the Zoning Commission to move forward with his plans.

Mike Daood made a motion to give a positive referral to the Zoning Commission in reference to the zone change from R-88, 2 Acre Residential to the Neighborhood Business District, 2<sup>nd</sup> by Bob Murtha Vote 3-0-2, application granted. Susan Chapman, Mike Daood, and Bob Murtha voted in favor of the application. Roger Wise and Greg Porpora abstained.

### **Adjourn**

Roger Wise made a motion to adjourn at 7:58pm, 2<sup>nd</sup> by Mike Daood vote 5-0.