



The Planning Commission

Town of New Fairfield
New Fairfield, Connecticut 06812

Regular Meeting
Monday, January 28, 2008
New Fairfield Public Library, Community Room

MINUTES

Commissioners Present: Susan Chapman, Chair, Mike Daood Vice Chair, Paul Bruno

Commissioners Absent: Tom Corbett and Roger Wise

Alternates Present: Gregory Porpora and Bob Murtha

Alternates Absent: None

Call to Order: 7:35pm

Elevation of Alternates:

Mike Daood made a motion to elevate Gregory Porpora and Bob Murtha to full voting status, 2nd by Paul Bruno all in favor, vote 3-0

Approval of Minutes:

Mike Daood made a motion to accept the Minutes to the December 17, 2007 meeting, 2nd by Paul Bruno, vote 4-0-1. Bob Murtha abstained

Correspondence/Announcements

- The Town has a new website. The best way to contact someone from the Commission is via the website or call Town Hall and you will be put through to a voice mail.
- A letter from the DEP dated 1/23/2008 RE: Grading of the beach at Squantz Pond
- A letter from Tony Iadarola dated 1/28/2008 RE: Sonneborn Estates road acceptance. Mike Daood made a motion to add this item to the Agenda under Old Business, 2nd by Gregory Porpora, vote 5-0.

Public Comment

Jim McAllister of Candlewood Isle: Stated he is environmentally conscience however the proposed zoning regulations regarding the WR District are not going to benefit the

Town as studies were not done to see where the source of Candlewood Lake's pollution is. The Storm Water Management Plan would cost your average homeowner \$1,000 to \$3,000 to comply and an additional \$10,000.00 to execute. This is an unacceptable cost to a homeowner who would want to make a small improvement to his/her property.

Bob Stryker of Candlewood Isle: {see attached} Stated a case by case study needs to be done to find the source of nutrient run-off into Candlewood Lake.

OLD BUSINESS

Austin Woods Resubdivision, 129 Warwick Road

Susan Chapman read the call of the meeting.

Mike Ford and Attorney Joe Romanello approached the Commission. They submitted the majority of the signed green cards from the abutting home owners, noting there were 2 missing. Susan Chapman read correspondence from the following departments into the meeting:

- A letter dated 1/19/2008 from the Park & Rec. Commission stating they have no interest in open space
- A memo dated 1/10/2008 from Maria Horowitz stating that although they have moved the homes further from the front setback, all zoning setbacks must be maintained.
- A letter dated 12/17/2007 from Tim Simpkins stating there are no I/W on the property
- A letter dated 12/11/2007 from Rich Jackson outlining all the areas that need to be staked and other items
- A memo dated 12/13/2007 from the Water Supply Committee stating that a water supply is not required for a 2-lot resubdivision.

The applicants stated they moved the homes further away from the front setbacks and made some aesthetic changes to increase the privacy of the existing homeowners and other than that there have been no changes since their past 2 submissions of this application.

The Commission is accepting their original appraisal dated 6/9/2006. The land was appraised at \$136,800 {one hundred thirty six thousand eight hundred dollars}. The Fee in Lieu of Open Space will be \$13,680.

The Commission discussed this is the applicants 3rd time around with this resubdivision and it appears that everything is in order. Mike Daood made a motion to close the public hearing, 2nd by Gregory Porpora, vote 5-0. The resolution will be at the next meeting. Susan Chapman reminded the applicants that no work including clearing of trees, grubbing or grading shall commence until the Mylar is signed by her.

Resubdivision of Lots 6C and 6D Rock Ridge Court—Gary Mead, applicant

The Approval Resolution was read into the meeting. Mike Daood made a motion to approve the Approval Resolution, 2nd by Gregory Porpora, vote 5-0. A copy of the signed resolution will be mailed to Gary Mead.

High Winds Road Subdivision, aka Dunham Ponds:

The 5 year completion time will run out on February 24, 2008 and the applicant has requested a 3-year extension. The Commission discussed the various issues that had come up. Some of the issues are:

- The Fire Tank is at the wrong elevation and has to be corrected
- The Catch Basins are above road level and asphalt “ramps” should be installed until the road is completed with a final layer of asphalt so the catch basins will work effectively
- Drainage in Phase 2 was put in and not inspected by the Town Engineer, Tony Iadarola. The drainage must be dug up and inspected by the Town Engineer
- Emergency Road needs to be put in
- Various Punch List Items need to be addressed for the main road and other areas
- Outstanding issues with property owners who gave an easement for the roads to be put in must be addressed

Susan Chapman read correspondence from the Dunham Pond Condominium Assoc. dated 1/8/2008 into the meeting and John Hodge’s response to this letter dated 1/23/2008. Some of the issues the homeowners have are:

- Wet and moldy basements
- Buckling floors,
- Ducks and leaders badly installed incurring flooding windows or entrance doors during down pours
- Very steep walks with crooked steps

The Commission discussed the Town Engineer is no longer willing to have C/O’s issued. A letter dated 1/28/2008 from Town Counsel, Jim Strub was read into the meeting. This letter suggested the Planning Commission give a 60 day extension and requests a list of completed items and a list of items still needing to be completed along with a time table for these items to be completed prior to the next Planning meeting. Discussion followed, some Commissioners thought that 60 days was too long and the developer would respond a lot faster if he knew his time would run out. Further discussion included if the Town had to take over the project if the bond set was large enough to cover all of the deficiencies.

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

Linda Rutherford, 64 Heron View Road: Stated she is on the Condo Assoc. Board of Directors and some of their issues have been addressed including pothole repairs and the installation of the safety fence. However, some of their other concerns such as the non existence of the fire road or emergency entrance/exit, buildings in phase 2 have been left with Tyvec around them and not completed.

Bill Sturges, 54 Heron View Road: Stated his major concerns were the fire tank was not at the correct level and the fire/emergency exit/entrance needs to be completed. Mr.

Sturges said if the Commission does not grant the developers request for an extension then what would happen to the homes that are there?

Paul Bruno made a motion to grant a 60-day extension and a letter will be sent to the applicant's attorney requesting a list of completed items along with a timetable for completion for the uncompleted items. All of which must be reviewed by the Town Engineer prior to the next Planning Commission meeting, 2nd by Gregory Porpora, vote 5-0.

Sonneborn Estates, Madeline Drive, Twin Hills LLC, Rick Jowdy applicant:

Susan Chapman read correspondence dated 1/28/2008 from Town Engineer, Tony Iadarola into the meeting. This letter suggested the Planning Commission request the BOS to accept Madeline Drive as a Town Road. A bond has been set at \$84,623.00 {eighty four thousand six hundred twenty three dollars}. Mike Daood made a motion to make a recommendation that the BOS accept Madeline Drive of Sonneborn Estates as a Town Road, with a bond of \$84,623.00, 2nd by Gregory Porpora, vote 5-0.

NEW BUSINESS

Lot Line Swap, Rick Salem, 3 Rocky Hill Road & 137 Short Woods Road

No representation present, application unopened.

Lot Line Revision, James and Anita Byers, 2 Titiucs Mountain Road and Gillotti Road

Robert Byers approached the Commission stating he was representing his parents, James and Anita. The lots are in a R-88 {2 acre} zone. The 1st lot will remain at 2 acres and the 2nd lot will be 9.23 acres. All of his setbacks meet the R-88 zoning regulations. The applicant expressed an interest in subdividing the larger lot at a later point in time.

Paul Bruno made a motion to approve the Lot Line Revision as outlined, 2nd by Bob Murtha, vote 5-0.

Web site update

The secretary, Laurie Busse, has updated the website. All Minutes, Agendas, Subdivision Regulations and the C&D Plan are on the website. The Planning Commission has an email address and a voice mail as well.

Fees:

The Commission discussed they do not currently have a fee for driveway grade variances. They have done very few of these, however, the cost for doing this would be similar to that of a lot line revision. Bob Murtha made a motion to charge \$200.00 {two hundred dollars} for a driveway grade variance, vote 5-0.

Discussion on Proposed New Zoning Regulations:

Mike Daood made a motion to add the discussion of the proposed new zoning regulations onto the Agenda, 2nd by Gregory Porpora, vote 5-0. The Commission discussed the public hearing on January 24 was mostly about a report done by the Candlewood Lake

Authority and anyone who was there for a different matter was not heard. The WR district is fully developed and the new zoning regulations would make it hard for an existing homeowner to make any improvements on their properties. The Commission thought another public hearing would be a good idea. The Commission discussed hiring a planner to review the new zoning regulations, the WR District, Vaughn's Neck and Conservation Subdivisions. Further discussion also included contacting Gail McTaggart to see exactly how the new zoning regulations will impact the Planning Commission. Susan Chapman will write a letter to the Zoning Commission requesting they do not vote on the new zoning regulations until we can obtain legal counsel. Mike Daood made a motion to seek counsel to better understand the impact the new zoning regulations will have on the Planning Commission, 2nd by Gregory Porpora, vote 5-0.

Mike Daood made a motion to adjourn the meeting at 9:20, 2nd by Paul Bruno, vote 5-0.