



The Planning Commission

Town of New Fairfield
New Fairfield, Connecticut 06812

Regular Meeting
Monday, October 22, 2007
New Fairfield Public Library, Community Room

MINUTES

Commissioners Present: Phil Nelson, Chairman, Mike Daood Susan Chapman, Tom Corbett joined the meeting at 7:35pm and Roger Wise joined the meeting at 7:40pm

Commissioners Absent: None

Call to Order: 7:30pm

APPROVAL OF MINUTES:

Susan Chapman made a motion to accept the Minutes to the September 24, 2007 meeting, 2nd by Mike Daood, Vote 4-0-1. Mike Daood abstained

CORRESPONDENCE/ANNOUNCEMENTS

- Phil Nelson had surveyor Paul Hiro enlarge a map showing open space, although the map was costly, it is money well spent. This map will enable the Commission to see the property of a proposed subdivision and its location to existing and or desirable open space. There are an additional 5 or 6 paper copies of this map that Phil Nelson would like to distribute to Land Use Departments such as Zoning, Inland/Wetlands, and Park & Rec.
- Phil Nelson stated that although he is running for reelection, he no longer wants to be chairman and at the next meeting the Commission will have to elect a new chair and vice chair.
- Phil Nelson suggested the responsibilities of the Commission be divided up among the Commissioners and to make sure the Commission has continuity of sustaining knowledge.
- A letter from Tony Iadarola dated 10/21/2007 regarding Pine Hill Road {Dennis Keeler's old property}. This letter is requesting the Board of Selectman (BOS) to increase the bond from \$93,650.00 {ninety three thousand six hundred fifty dollars} to \$177,000.00 {one hundred seventy seven thousand dollars}. This letter serves as an FYI only and there is no action required from the Planning Commission.

PUBLIC COMMENT—none heard

OLD BUSINESS

Spruce Ridge Subdivision, 57, 65, and 83 Short Woods Road, HH & P, LLC and Diana Browne

Phil Nelson read the call of the meeting. Roger Wise made a motion to reopen the public hearing for Spruce Ridge Subdivision, 2nd by Mike Daood, all in favor, Vote 5-0.

Peter Joram, and Peter Young, approached the Commission. Phil Nelson read correspondence into the meeting from the following Town Departments:

- Tony Iadarola, Town Engineer, letter dated 10/21/2007.
- Bruce Taylor and Mike Gill, Water Supply Committee, letter dated 10/17/2007
- Rich Jackson, Town Sanitarian, letter dated 10/16/2007

The applicants stated they had received copies of Mike Gill's and Rich Jackson's letters. The secretary gave the Peter Young a copy of Tony Iadarola's letter. The applicants stated they were willing to comply with all of the Town Departments requests.

The applicants submitted a letter into the record regarding conservation easement for lots 8 and 9. They have enlarged the accessway to the conservation easements. Additionally the applicants suggested the Town take open space from the rear portions of lots 8 & 9. The Commission discussed with the applicants the type of land given to the Town has open space must be usable land. The areas the applicants are proposing for open space are way too steep for any useful purposes. The Commission stated that once the public hearing is closed, it does not preclude the Planning Commission from anything else in the business session.

Mike Daood made a motion to close the public hearing to Spruce Ridge Subdivision, 2nd by Roger Wise, all in favor vote 5-0.

The Commission looked at the map Paul Hiro had made up. The applicants also viewed this map. There was discussion on either taking open space or a permanent easement that is 25' wide along the entire northern edge of the subdivision. The difference between a permanent easement and open space is a permanent easement does not effect the Fee in Lieu of Open Space and it will not affect the way the proposed subdivision maps are drawn or the amount of property owned by the applicants or future home owners. If the Town takes Open Space then the Town owns the property and not the applicants or future home owners and the applicants will have to have new subdivision maps drawn up.

Diana Browne was concerned that her front yard would become a hang out and if someone was to get hurt is she liable at all? Discussion followed who is liable in either scenario? Phil Nelson will have to get legal counsel on this issue. The entrance to Nixon Land Trust, which is over 200 {two hundred} acres as well as parts of Putatuck State Forest is directly across the street. By taking a 25' wide strip of land, the Town will be able to link open space to the Nixon Land Trust and Putatuck State Forest, which is one of the responsibilities the Planning Commission is charged with. The Planning Commission stated they did not want to miss this opportunity to connect such an important piece of open space, noting the open space was not set up to enter either the

Nixon Land Trust or Putatuck State Forest, but rather to connect Town land to those two pieces of land. The Town is investigating walkways around river beds from Ball Pont to Town. There are many non profit groups such as Boy Scouts or Eagle Scouts who would be willing to make the trails.

The Commission agreed to a Site Walk for the purpose of viewing the exact location of the proposed 25' wide trail along the northern edge of the property. The Site Walk is set for Saturday October 27 at 9:30am. Mike Daood and the secretary, Laurie Busse, will not be able to attend.

Validating Act

Back in 2004 or 2005, some issues came up with subdivisions created from 1948 through 1964 that had either never come in front of the Planning Commission, which at the time was Planning and Zoning Commissions or had come in front of the Commission, but had never been properly recorded in the Town Clerk's office, therefore deeming them as "illegal subdivisions" and at which point the property owners were neither able to sell or make improvements on the properties until the situation was settled. State Representative, MaryAnn Carson along with Town Attorney, Gail McTaggart, wrote legislation to validate or legalize all of these subdivisions. This legislation is known as the Validating Act. At the time directly prior to the Validating Act, some of the property owners living in the areas designated on Map numbers 302 and 306 had their properties resurveyed by Paul Hiro. In July of 2005, the Planning Commission offered financial relief to residents on these subdivision maps of up to \$200.00 {two hundred dollars}. This issue was discussed at the last Board of Selectmen's {BOS} meeting. The BOS decided if the property owners could not seek relief from their Title Insurance Company, then the Town would reimburse them up to \$200.00 {two hundred dollars}.

Austin Woods Resubdivision, 129 Warwick Road

Mike Daood made a motion to add Austin Woods Resubdivision to the Agenda, 2nd by Susan Chapman, all in favor, vote 5-0.

Phil Nelson has received correspondence dated 10/17/2007 from Tony Iadarola, Town Engineer. This letter states that under normal circumstances, it is the applicants' job to have their engineer figure out the cost of bonding the road and or accessways. However due to extenuating circumstances and the willingness of the Town not to let the Approval Resolution expire, Tony Iadarola has agreed to do the Bond calculations for this applicant. Tony Iadarola recommends the Bond for the accessway be set at \$150,000.00 {one hundred fifty thousand dollars} there are stipulations outlined in his letter. The Commission discussed the history of Austin Woods noting the first time they submitted their application, they ran out of time. The second time they submitted their application, the Commission waived the fee. However, if the Approval Resolution should expire and they have to come back, then the Commission would have to vote on whether or not to waive the fee a second time.

Mike Daood made a motion to approve Tony Iadarola's recommendation to approve a bond in the amount of \$150,000.00 {one hundred fifty thousand dollars} subject to the

stipulations outlined in Tony Iadarola's letter of October 17, 2007, 2nd by Susan Chapman, all in favor, vote 5-0.

NEW BUSINESS

Mike Daood made a motion to add to the Agenda under New Business the road acceptance for Sonneborn Estates, Madeline Drive and the Point at Ball Pond Subdivision, Meadows Ridge Drive, 2nd by Susan Chapman, all in favor.

Sonneborn Estates, Madeline Drive

Phil Nelson stated he had a discussion with Tony Iadarola on this subdivision. Due to some issues with the road and drainage, Tony Iadarola did not write a letter recommending this become a Town Road.

The Point at Ball Pond, Meadows Ridge Drive

Tony Iadarola wrote a letter dated October 22, 2007 requesting the Planning Commission recommend to the BOS that Meadows Ridge Drive in the Point at Ball Pond Subdivision become a Town road.

Tom Corbett made a motion to accept the road and recommend to the BOS to accept the road as a Town owned road, 2nd by Mike Daood, all in favor, vote 5-0.

Preliminary Informal Discussion for Resubdivision of Rock Ridge Subdivision Lots 6C and 6D

Gary Mead approached the Commission and explained when he built Rock Ridge, a 17 Lot Subdivision off of Dick Finn Road, he did not have a clear title to two of the lots. Mr. Mead finally has obtained a clear title to these lots. The total acreage of the lots is 4.93 acres and he proposes to build two homes on these lots. The applicant is willing to give some open space, but if he gives the 20% open space, he will have less than 2 acres for each lot, and therefore the lots will become nonconforming. When Rock Ridge Subdivision was built Mr. Mead gave open space, which is currently owned by New Fairfield Land Trust. These 2 lots abut that open space as well as the Town Park property. Mr. Mead would like feedback on how much open space the Commission would require and can he do a combined open space and fee in lieu of open space. Mr. Mead would also like the Commission to accept his application at tonight's meeting.

The Commission stated that everything said in an informal discussion is non binding and that Mr. Mead should come in proposing what he can give for open space and the Commission will work with him from that point.

The application was past the application deadline and incomplete, as Mr. Mead had only 10 of the 12 required maps and only 1 copy of the application form and 1 copy of the appraisal; 12 copies of everything are required. There was discussion to accept the application. It was stated that what you do for one you do for all, and if anyone contested or challenged the Commission's final decision of the application, the first thing the Judge will look at is "Was procedure followed?" If the answer is no, then chances are the Town will not win the case.

Phil Nelson stated that Gary Mead is a reputable builder and that he would be good for submitting the rest of the requirements. The secretary stated that accepting this application is creating an additional unnecessary work load on her end and that the reason an application deadline was created in the first place is because applicants had been submitting incomplete applications and she ended up chasing after the applicants to get the required missing information. In addition, if you waive the application process for one person, you must waive the process for all people, because who are we to decide which applicants are reputable and which are not.

Phil Nelson suggested we should accept the application on the contingency that all missing information is in Town Hall by noon tomorrow. Roger Wise made a motion to accept the resubdivision application for Rock Ridge lots 6C and 6D pending Laurie Busse's approval and all missing information is in Town Hall by noon tomorrow, 2nd by Tom Corbett vote 1-3-1. Phil Nelson was in favor, Mike Daood, Tom Corbett, and Susan Chapman, were opposed and Roger Wise abstained. Discussion followed by those opposed that if accepting the application was interfering with the secretary's job, then it should not be accepted.

ADJOURN

Susan Chapman made a motion to adjourn at 10pm, 2nd by Mike Daood, all in favor.