



The Planning Commission

Town of New Fairfield
New Fairfield, Connecticut 06812

Regular Meeting
Monday, August 27, 2007
New Fairfield Senior Center

MINUTES

Commissioners Present: Phil Nelson, Chairman, Tom Corbett, Mike Daood, Susan Chapman and Roger Wise

Commissioners Absent: None

Town Officials: John Hodge, 1st Selectman

Call to Order: 7:34pm

APPROVAL OF MINUTES:

Mike Daood made a motion to accept the Minutes to the July 23, 2007 meeting, 2nd by Roger Wise, Vote 4-0-1. Susan Chapman abstained

CORRESPONDENCE/ANNOUNCEMENTS

- Last month Cathmere Estates was tabled, and we still have not heard from the developer on this project.
- Housatonic Valley Council of Elected Officials {HVCOEO}. Correspondence dated 8/6/2007 regarding constraint on development due to soil, slope and floodplain.
- Letter from the State regarding a police landing at Squantz Pond.
- A question from Dave Swertfager, 4 Meadow Ridge Drive, 746-4354, inquiring when his road, Meadow Ridge Drive, will be come a Town road. He has concerns about the road being plowed and sanded in the winter months. Discussion followed the developer still had work to do including cleaning up the sandbar in Ball Pond. The sandbar in Ball Pond was cleaned up last October or November and all of the remaining work has been completed as well. To the best of the Planning Commission's knowledge it is up to the developer, Jeanie Williamson, to contact the Town Engineer, Tony Iadarola, to request the road become a Town road. John Hodge, 1st Selectman commented the developer, Jeanie Williamson, has been contacted by the Town several times to initiate the process and she still has not come forward to request this road become a Town owned road. Mr. Hodge also commented that Ms. Williamson graciously offered to pick up the cost of removing

the sandbar in Ball Pond, when the original agreement had been for her to pay only part of the cost. Phil Nelson stated he had called Tony Iadarola on this issue.

PUBLIC COMMENT

John Hodge, 1st Selectman approached the Board and inquired what the Planning Commission's interest was in the DECD grant. Apparently one of the Commissioners had sent a letter to Hartford, CT inquiring as to the policy of the DECD grant. John Hodge stated that grants are not within the jurisdiction of the Planning Commission. John Hodge stated that for a Commissioner to appear to be acting on behalf of the Planning Commission is wrong, misleading, and undermines the grant. John Hodge would also like for the Chairman, to address this issue. Chairman, Phil Nelson agreed that anything to another State or Town agency should have the Planning Commission's approval or at least the chairman should have knowledge of the actions being taken. Phil Nelson stated this item can be added to the Agenda after the public hearing. Susan Chapman made a motion to add this to the Agenda under New Business, 2nd by Mike Daood, all in favor. Vote 5-0.

OLD BUSINESS

Austin Woods Resubdivision 129 Warwick Road:

Phil Nelson read a letter dated August 23, 2007 into the meeting from attorney Joseph Romanello, requesting a 2nd and final 90 day extension of the approval time for the Austin Woods Resubdivision. Phil Nelson discussed the process of the 90 day approval time. The "D" Day for this subdivision is sometime in the 1st week of November 2007. If the Planning Commission does not receive permission from Town Counsel to sign the Mylar by the "D" date, then the subdivision Approval Resolution will become null and void. Town Counsel will advise the Planning Chairman when the Mylar can be signed.

Roger Wise made a motion to approve the 90-day extension time for Austin Woods Resubdivision, 2nd by Mike Daood, all in favor. Vote 5-0

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

Tom Corbett made a motion to open the public hearing for Spruce Ridge Subdivision, 2nd by Mike Daood, all in favor, Vote 5-0.

Phil Nelson read the call of the meeting. Phil Nelson continued to read correspondence into the meeting as follows:

- Correspondence dated July 18, 2007 from Tim Simpkins Inland/Wetlands Commission {I/W} indicating there were 2 maps submitted. The I/W Commission approved the map dated 3/2007.
- A memo dated July 31, 2007 from Mike Gill and Bruce Taylor Water Supply Committee indicating they approved the location of the water tank and must be contacted immediately prior to installation.
- Correspondence dated July 16, 2007 from Rich Jackson, Town Sanitarian indicating issues with Lots 1 & 6 and 2 & 9

- A memo dated August 20, 2007 from Maria Horowitz, Zoning Enforcement Officer indicating all restrictions must be put on the Mylar.
- A letter dated August 23, 2007 from Jeremy Davis, 60 Short Woods Road, stating his driveway is adjacent to the proposed intersection of Short Woods Road and Spruce Ridge Road. He is concerned of a vehicle going out of control and into his driveway and home. The letter requests the intersection be relocated or diverted away from his driveway.
- A letter dated August 20, 2007 signed by Robert and Lori. Doscher, Gerald and Elizabeth Dean, and James and Debra Blackman requesting the Planning Commission take the full 20% of open space to be owned by the Town, New Fairfield Land Trust or other appropriate entity, to help protect the natural resources, as outlined in the 2003 C & D Plan and Section 3.0 of the Subdivision Regulations
- A letter from Miller Appraisals explaining how the appraisal was done.
- A letter dated August 27, 2007 from Surveying Assoc. PC signed by Paul Fagan, indicating the original requested waiver of the subdivision regulations was based on prior subdivision regulations that are no longer in effect.
- The certified mail green cards were returned, the only abutting property owner missing was Hicks, 47 Short Woods Road.

The applicant requested copies of the correspondence from other Town Departments.

The Commission discussed the letter from Miller Appraisals stating the actual appraiser did not meet Planning Commission standards. Phil Nelson stated according to the Town Attorney, Jim Strub, as long as the appraisal was done under the supervision of a SRA or MAI, and the SRA or MAI signs off on the appraisal, then the Planning Commission must accept the appraisal.

Jeremy Davis, 60 Short Woods Road: approached the Commission stating the proposed location of the entrance of Spruce Ridge Drive poses safety concerns for him and his family and explained as per the development plans the center of Spruce Ridge Drive is in direct line with the southern facing side of his driveway, which is directly opposite the intersection of the proposed Spruce Ridge Drive and Short Woods Road intersection. His concern is that a vehicle exiting Spruce Ridge Drive that is not able to stop at the intersection of Short Woods Road and Spruce Ridge Drive due to inclement weather, mechanical failure or driver error would then proceed down alongside or into the entrance of his driveway. To compound the severity of the situation the driveway is sloped downward and would increase the potential risk of a vehicle to run into his home or into an activity occurring in his driveway where his 2 small children play with their friends.

Mr. Davis is requesting the proposed intersection of Spruce Ridge Road and Short Woods Road be diverted or rerouted. If this is not possible then Mr. Davis is requesting the developer be required to build a barrier at the intersection of Short Woods Road and Spruce Ridge Drive in order to protect the safety of his home, himself and his family.

The Commission discussed open space and the fee in lieu of open space. The chairman explained that if $\frac{1}{4}$ of the entire property is wetlands, than not more than $\frac{1}{4}$ of the open space can be wetlands.

The Commission discussed a site walk of the proposed subdivision. The site walk will take place on Saturday September 15, 2007 at 10am.

Ralph Gallagher, Engineer approached the Commission and explained the proposed subdivision as outlined

- There are approximately 41 acres
- There will be a total of 14 homes. 2 existing homes and 12 new homes
- The largest lot will be 3 acres and the smallest lot will be 2 acres. There will be approximately a $\frac{1}{2}$ acre of clearing on a 2 acre lot.
- There are 2 Ridge Lines involved. Both Ridge Lines will not be touched.
- The applicant is proposing a fee in lieu of open space. Lots 57 and 63 are adjoined parcels. There was a difference of opinion if these are separate lots, then 2 separate appraisals should have been done. The Commission discussed the Quit Deed Claim and how the Assessor's Office considered them 2 separate parcels.
- The appraisals were done by Miller Appraisals totaling \$800,000 {eight hundred thousand dollars}
- The Commission discussed they would want open space. This is because there is Town owned open space in the area and this property would allow for the open space to be continuous. The applicant offered to make a walkway on the west side by the conservation easement to connect the open space, but did not want to give up 20% of the land as open space. The applicant stated if the Commission was to take 20% of the combined lots for open space, they would have a total of 11 new homes/lots but then they would have to go back to I/W as the plans I/W signed off on would change. The Commission stated it is up to them to honor what is in the Town's best interest and connecting open space is within the Town's best interest and is in the 2003 Conservation and Development Plan (C & D Plan).
- Robert Doscher, 77 Short Woods Road approached the Commission and requested the Commission consider the 20% open space near the conservation easement because of the difficulties involved to maintain and monitor a conservation easement that is on private property, and there is no way of knowing if homeowners cut down trees.
- Per the Inland Wetlands Commission {I/W} agreement each individual home will have its own bio filter and storm water galley and or rain garden. The reason for this is to keep the water off the septic systems. The detention basins will be kept up with the latest technology. The Commission inquired if the individual retention ponds will filter salt and sand and other pollutants from the road. The applicant stated if salt gets into the bio filter it will not come out unless the bio filters over flow from a storm.
- The road will be 1,800' {one thousand eight hundred feet} with a turn around. The road will slope down from the south west down towards the Town Garage.

- There is a different type of run off from a subdivision. Normally the water will drain from the individual property to the road, however due to the slope of the land, the road is at its high point and water will drain back into the individual properties.
- Storm water is normally collected and treated, since this is not possible, a bio filter will be installed on each individual property and the run off from the road water goes into the bio filter. There will be individual subsurface galleries to treat and detain storm water, noting that salt and sand from the road will clog the bio filters.
- The applicant will address all of the Health Dept.'s concerns
- As per the I/W agreement, on the western side of the property there is a very large conservation easement to protect the Aquifer. The Aquifer abuts the property, but is not actually on the property. The wetlands which sit on top of the Aquifer are actually on the property. A conservation easement is property which is preserved and no development is allowed. This includes cutting down trees, shrubs or any other disturbance to the land. The land however is not town owned, but rather owned by the individual home owners. The Commission discussed it would be very difficult for anyone to monitor this conservation easement and perhaps the original homeowners may not cut down any trees, but as the trees mature or die, there is nothing to stop an individual home owner from cutting down a tree on their own property.
- Jeremy Davis, 60 Short Woods Road requested what type of decorations or landscaping can be put up at the intersection or a barrier to protect his home and family. Ralph Gallagher stated he will meet with Jeremy Davis separately to discuss his issues.

Susan Chapman made a motion to continue the public hearing for Spruce Ridge Subdivision at the next regularly scheduled meeting of the Planning Commission on Monday September 24, 2007, which will be held in the Senior Center, 2nd by Roger Wise all in favor. Vote 5-0

The Chairman declared a 15 minute break. Susan Chapman left the meeting at 9pm and returned at 9:20pm.

Cathmere Estates

Back from the break, Mike Daood made a motion to extend tabling Cathmere Estates, 2nd by Tom Corbett, all in favor. Vote 4-0

NEW BUSINESS

Dept. of Economic Community Development {DECD} Grant

1st Selectman John Hodge approached the Commission. John Hodge stated that if a Planning Commissioner uses his title as a Planning Commissioner, then he is indicating that his actions represent those of the Planning Commission's. John Hodge stated that Roger Wise contacted Hartford regarding the DECD Grant. Roger Wise stated he was with the Planning Commission and gave Hartford the impression that the Planning Commission was not on board with the senior center or the grant for the senior center. Hartford contacted John Hodge and told him that if New Fairfield's Boards and Commissions were not in favor of the senior center, then they would be very happy to

give the money to another town whose boards and commissions were in favor of such a grant.

The Commission discussed that if any of their members act outside of the Planning Commission, they must clearly state they are not representing the Planning Commission in any way. They should also make the Chairman aware of their actions.

ADJOURN

Susan Chapman made a motion to adjourn at 9:30pm, 2nd by Tom Corbett, all in favor.