



The Planning Commission

Town of New Fairfield
New Fairfield, Connecticut 06812

Regular Meeting
Monday, December 17, 2007
New Fairfield Public Library, Community Room

MINUTES

Commissioners Present: Susan Chapman, Mike Daood, Tom Corbett and Roger Wise
Paul Bruno joined the meeting at 7:40pm

Commissioners Absent: None

Alternates Present: Gregory Porpora

Alternates Absent: Bob Murtha

Call to Order: 7:35pm

ELEVATION OF ALTERNATES:

Tom Corbett made a motion to elevate Gregory Porpora to full voting status, 2nd by Roger Wise all in favor, vote 4-0

APPROVAL OF MINUTES:

Tom Corbett made a motion to accept the Minutes to the November 26, 2007 meeting, 2nd by Roger Wise, Vote 5-0. After the vote was taken Paul Bruno joined the meeting and replaced Gregory Porpora as a full member.

CORRESPONDENCE/ANNOUNCEMENTS

- A date for the joint workshop between the Zoning Commission and Planning has not yet been set, Planning would like a Saturday morning
- A meeting for the 2008/2009 budget has been scheduled for January 14 at 7:30pm in the Town Hall Conference Room.
- A letter dated 12/6/2007 from the State DEP requesting a General Permit Application to consolidate the beach area at Squantz Pond State Park and build a dock. Roger Wise made a motion to add DEP General Permit Application onto the Agenda under New Business, 2nd by Tom Corbett, all in favor, vote 5-0

PUBLIC COMMENT—none heard

OLD BUSINESS

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

Chairman, Susan Chapman read the call of the meeting. Roger Wise made a motion to open the public hearing for the above application, 2nd by Mike Daood, all in favor, vote 5-0. Correspondence has come back from the following Departments:

1. Maria Horowitz, ZEO
2. Tim Simpkins, Inland/Wetlands
3. Bruce Taylor/Mike Gill
4. Tony Iadarola, Town Engineer

Gary Mead approached the Commission and explained that when he built the Rock Ridge Subdivision he did not have a clear title to a portion of the parcel of land he is proposing to resubdivide, if he had a clear title, these lots most likely would have been a part of the original subdivision. After going through a legal process, he has gained full title to this land and would like to build 2 {two} additional homes. Mr. Mead outlined his plans as follows:

- To construct 2 new homes on 4.93 acres. The total acreage for the Rock Ridge Subdivision combined with the proposed Resubdivision is 75.43 acres.
- Each home will have 2 acres and the remaining 0.93 acres will be dedicated to Open Space. The 0.93 acres abuts the Town Park and other Open Space from the Alpine Drive Subdivision.
- 0.93 acres is 18.68% of the 20% Open Space requirement. Mr. Mead stated when the original subdivision was put in he dedicated 21% of the land as open space and proposes the Commission look at the entire subdivision and not just the resubdivision. If he can, he would like the 0.93 acres to be included as Open Space, and would like the Commission to waive the remaining Fee in Lieu of Open Space.
- The property {4.93 acres} was appraised at \$310,000.00 {Three Hundred Ten Thousand Dollars}.
- Each home will have an individual driveway.
- New Maps were submitted showing the Regularity Factor that Maria Horowitz had requested.
- There is an easement granted to the Town to pass and repass in the Rock Ridge Subdivision.

The Commission discussed the location and the amount of Open Space. The Commission is willing to take the Open Space and will consider Mr. Mead's proposal to look at the Resubdivision and Rock Ridge Subdivision as a whole and not charge him the Fee In Lieu Of Open Space for the remaining 1.72%.

Mike Daood made a motion to close the public hearing, 2nd by Paul Bruno, all in favor, vote 5-0.

The Commission discussed the appraisal of \$310,000.00 {three hundred ten thousand dollars} as well as the location and the amount of land of the proposed Open Space. The Commission did not want to set a precedent and therefore decided not consider the entire subdivision when accepting the proposed Open Space. The Commission decided the amount of land being offered on the 2 lots was satisfactory. Discussion followed regarding Mr. Mead's proposal of giving 18.68% of the land to Open Space and waiving the Fee in Lieu Of Open Space for the remaining 1.72%. Mike Daood made a motion to accept 18.68% {0.93 acres} as Open Space and waive the Fee in Lieu of Open Space for the remaining 1.72%, 2nd by Roger Wise, all in favor, vote 5-0.

Austin Woods Resubdivision, 129 Warwick Road

This is the applicant's third time around with the Planning Commission. They are resubmitting their application and starting the process over because changes were made on the maps originally submitted. Their previous application was approved, however, due to bonding issues; they were not able to satisfy the Approval Resolution within the required 270 days. Susan Chapman read correspondence from the following departments into the meeting:

1. Tim Simpkins, I/W, letter dated 12/17/2007
2. Rich Jackson, Health Dept. letter dated 12/11/2007
3. Bruce Taylor/Mike Gill, Water Supply Committee letter dated 12/13/2007.

The Commission discussed all of the requirements were satisfied to accept the application. The applicants must send certified mail letters to the abutting property owners indicating the correct date, time, location, and reason for the public hearing. The applicant must return both the green card signed by the abutting property owners and the small green and white slip stamped by the post office. Roger Wise made a motion to accept the Application and a Public Hearing date was set for January 28, 2008, 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

The Commission read the Approval Resolution into the meeting. The Approval Resolution was amended to reflect changes on page 2 to show "four" is fourteen and "there" is "their". Mike Daood made a motion to approve the Approval Resolution as amended, 2nd by Roger Wise, all in favor, vote 5-0. Susan Chapman may have to check with the Town Attorney for wording on page 3.

Susan Chapman explained the appeal process and the 90 day approval process. The applicants must have their attorney contact Jim Strub.

NEW BUSINESS

Lot Line Revision, Lots 6 & 7, Sonneborn Estates, Madeline Drive, Twin Hills LLC, Rick Jowdy applicant:

Rick Jowdy approached the Commission and explained the detention/retention basin was encroaching on a 15' walkway easement, as well as Lot 7. Lot 6 is also affected by this. The purpose for the lot line revision is to correct this issue. Correspondence from Tony Iadarola, Town Engineer dated 12/17/2007 was read into the meeting. Mr. Iadarola's

letter states the maps show the problem has been corrected noting that all rights and easements originally associated with the detention/retention basin need to be revised to reflect the new area associated with the basin. The Commission discussed the new locations of the lot lines.

Paul Bruno made a motion to accept the lot line revisions as presented, 2nd by Roger Wise, all in favor, vote 5-0.

Lot Line Revision, Lots 5, 12, & 13, Sonneborn Estates, Madeline Drive, Twin Hills LLC, Rick Jowdy applicant:

Mr. Jowdy presented a Mylar along with Minutes to the November 24, 2003 Planning Commission meeting showing that a previous lot line revision had been approved for lots 5, 12, and 13. However, due to an oversight on his part, the Mylar was never signed by the then Chairman of the Planning Commission, Jim Piskura and thus never recorded with the Town Clerk. Mr. Jowdy requested the current Chair, Susan Chapman, sign this Mylar so he can record it with the Town Clerk. Susan Chapman stated she will investigate the Town Clerk's files. If everything matches up, she will sign the Mylar.

Mr. Jowdy stated he started building Sonneborn Estates in 2001. His 5 years have passed; however, he never requested an extension. This needs to be looked into.

Fees:

The Commission discussed the existing fees for lot line revisions and subdivision/resubdivision applications do not cover all of their costs. For example, Austin Woods Resubdivision paid an application fee of \$1,100.00 (eleven hundred dollars). The bill from the Town Attorney was \$1088.00 {one thousand eighty eight dollars}. This would leave \$12.00 {twelve dollars} to cover the cost of legal notices, certified letters, review by other departments and the secretary's time. Discussion followed on raising the Lot Line Revision Fee from \$100.00 {one hundred dollars} to \$200.00 {two hundred dollars} and charging a fee for the cost of legal notices. These rate increases and additional fees are within the rights of the Planning Commission and are also in line with what our neighboring Towns are doing.

Roger Wise made a motion to raise the application fee for Lot Line Revisions from \$100.00 {one hundred dollars} to \$200.00 {two hundred dollars}, 2nd by Paul Bruno, all in favor, vote 5-0.

The Commission discussed charging for legal notices is within their guidelines and how much it costs to advertise a legal notice. Each public hearing for a subdivision/resubdivision requires 3 {three} legal notices and then a final legal notice which gives the Planning Commission's decision. Roger Wise mad a motion to charge \$100.00 {one hundred dollars} for each public hearing, 2nd by Tom Corbett, all in favor, vote 5-0.

2008/2009 Budget:

The Commission discussed the upcoming budget. The Commission would like to bring the secretary's salary up to that of other Town secretaries' and therefore is increasing the salary line. The supply line will also increase to \$1,000.00 {one thousand dollars}. Susan Chapman will look into a revenue line for the Commission. Further discussion focused on purchasing a GIS system for the Commission, this would enable the Commission to view open space and properties much more easily.

General Permit Application, Squantz Pond:

The State is proposing to consolidate the beach area and do away with the swimming area where 2 drownings took place last summer as well as construct a boat dock, which will be in use from approximately Memorial Day to Labor Day. The purpose of these changes is to help make the area safer and reduce the number of drownings that take place in the park every year. Zoning and Inland Wetlands have also received a copy of this application. Susan Chapman stated she spoke to someone from the DEP regarding this application and briefly spoke to John Hodge, 1st Selectman as well.

The State has verbally agreed to hire a Risk Management Company to advise them on steps to take, but as to date have not yet done so. The Commission discussed the poor safety history of Squantz Pond State Park as well as the number of drownings that take place every year. The consensus of the Commission is that there is a need to have a risk analysis done, and would like to see a professional risk management company come in and review this plan.

A letter will be written to the State suggesting a professional risk management company review the plan as well as the overall picture of Squantz Park.

ADJOURN

Roger Wise made a motion to adjourn at 9:35pm, 2nd by Tom Corbett, all in favor, vote 5-0.