



# The Planning Commission

Town of New Fairfield  
New Fairfield, Connecticut 06812

**Regular Meeting**  
**Monday, May 21, 2007**  
**Police Dept. Conference Room**

## MINUTES

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

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

### APPROVAL OF MINUTES:

Susan Chapman made a motion to accept the Minutes to the April 23, 2007 meeting, 2<sup>nd</sup> by Tom Corbett, all in favor.

### CORRESPONDENCE/ANNOUNCEMENTS

- A letter dated 5/15/2007 from Gary Mead requesting a bond reduction for Red Fox Crossing. The Chairman phoned Mr. Mead prior to tonight's meeting and explained the request was forwarded to the Town Engineer for a recommendation.
- A letter dated 5/15/2007 from the Selectman's office addressed to Nathan Kahn of High Winds Road, The Woods at Dunham Pond, regarding their bond will not be released or reduced unless the required work is completed on time.
- Mike Daoud is interested in joining the Commission; however he cannot be present tonight. He is experienced in hotel development.

**PUBLIC COMMENT**—None Heard

### OLD BUSINESS

**Fordham Estates Resubdivision 46 Columbia Drive, 11 & 17 Hammond Road:** Phil Nelson stated the Approval Resolution for the Fordham Estates Resubdivision expired on May 7, 2007. The applicants had the 90 day approval time plus 2 (two) 90 day extensions totaling 270 (two hundred seventy days) to complete the approval process. Apparently, the applicants did not even start the Approval process. What this means is that if they decide to pursue the resubdivision, they will have to come back to planning all over again, provided their Inland/Wetlands permit has not expired. The

Inland/Wetlands permit is good for 5 years. Town Counsel had drawn up a letter that will be sent to the applicants in regards to this issue.

**Austin Woods Resubdivision 129 Warwick Road :** Phil Nelson read a letter into the meeting from attorney Joseph Romanello, requesting a 90 day extension of the approval time for the Austin Woods Resubdivision. Phil Nelson discussed the process of the 90 day approval time. 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, 2<sup>nd</sup> by Tom Corbett, all in favor.

**Wild Turkey Estates, 179 Ball Pond Road:** Mr. and Mrs. Proteau were present. Mr. Proteau explained he received Planning approval in August 2007 for a 12 acre, 4 lot resubdivision on Ball Pond Road, which is a State Road. Mr. Proteau received a letter from Tony Iadarola stating he must post a bond in the amount of \$131,000 (one hundred thirty one thousand dollars). Mr. Proteau stated this is an absurd amount of money and no other subdivision similar in size and the number of homes have been required to post this large of a bond. Mr. Proteau stated that Deer Haven Estates also a 4 lot subdivision located on Ball Pond Road abuts his property and they were only requested to post a \$30,000 (thirty thousand dollar) bond. Mr. Proteau mentioned he knew many builders and all of them told him this was too much money. Mr. Proteau was not able to produce any documents to show how much of a bond Deer Haven Estates or any other subdivision was required to post. Mr. Proteau stated he had spoken to the Town Engineer, Tony Iadarola regarding this issue, and while Mr. Iadarola was very helpful in outlining the work being bonded, he would not reduce the amount of the bond. The Planning Commission stated it is not within their jurisdiction to reduce a bond without a recommendation from the Town Engineer and prior to any work being started. Chairman Nelson also stated he had been in contact with Town Counsel on this matter and the recommendation of almost \$110,000 (one hundred ten thousand dollars) of the bond came from Mr. Proteau's engineer, Doug DiVesta. Tony Iadarola at that point added approximately \$20,000 (twenty thousand dollars) for legal contingencies. Town Counsel advised Chairman Nelson that this was a fairly standard practice and the bond was not out of line with the amount of work that had to be done. Town Counsel also advised the bond was in place to secure the infrastructure of the subdivision meaning that while the homes do not have to be built within the approval time, the shared access way must be built to certain specifications, almost as if it were a Town Road and paved to the point where it splits, the catch basins and fire tank must also be put into place etc. Mr. Proteau stated the accessway is a private driveway and that should not have to be bonded, in addition, he would not be able to access the lots without an accessway being built, so why bond it. Mr. Proteau stated that it appeared that not all bonding was equal. Mr. Proteau asked where is it written as to what does or does not require bonding? Phil Nelson gave Mr. Proteau the number to Town Counsel, however, he reminded him the last day for the Mylar to be signed is within the 1<sup>st</sup> week or so of June 2007 and if the bond or a letter of credit is not in place by the Expiration Date of the Approval Resolution, the Approval Resolution will expire and he will have to come back to Planning all over again. If the

Mylar can be signed prior to the Approval Resolution expiring there will be an additional filing charge of \$20 (twenty dollars) payable to the Town Clerk's office. Phil Nelson further stated Mr. Proteau should let his lawyer, Ray Lubus; know he is calling Jim Strub, Town Counsel.

**NEW BUSINESS**

**ADJOURN**

Susan Chapman made a motion to adjourn at 8:30pm, 2<sup>nd</sup> by Roger Wise, all in favor.