



The Planning Commission

Town of New Fairfield
New Fairfield, Connecticut 06812

Regular Meeting
Monday, September 24, 2007
New Fairfield Senior Center

MINUTES

Commissioners Present: Phil Nelson, Chairman, Tom Corbett, and Susan Chapman.
Roger Wise joined the meeting at 8:17pm

Commissioners Absent: Mike Daood

Town Officials: Ron Oliveri, Selectman

Call to Order: 7:34pm

APPROVAL OF MINUTES:

Susan Chapman made a motion to accept the Minutes to the August 27, 2007 meeting, 2nd by Tom Corbett, Vote 3-0.

CORRESPONDENCE/ANNOUNCEMENTS

- A letter from the Zoning Commission dated September 12, 2007 regarding outstanding legal bills to Attorney Gail McTaggart.

PUBLIC COMMENT

Ron Oliveri, Selectman stated that he is here on behalf of John Hodge, 1st Selectman and that John Hodge is ex-officio of all Boards and Commissions. Since he is representing Mr. Hodge, he would like to be granted the same ex-officio status so that he may participate in discussion during this evening's meeting.

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. Susan Chapman made a motion to reopen the public hearing for Spruce Ridge Subdivision, 2nd by Tom Corbett, all in favor, Vote 3-0.

Phil Nelson read a letter dated September 7, 2007 from Robert Doscher into the meeting regarding open space preservation and websites, which contain this information. Phil Nelson read a letter from Town Engineer, Tony Iadarola into the meeting dated September 23, 2007. This letter indicated all of the maps that were reviewed as well as his findings from his site walk. Several stipulations were in this letter, a copy of which was given to Mr. Joram. The Commission had scheduled a site walk for September 15, 2007. Phil Nelson read the site walk report into the meeting.

The applicant Peter Joram submitted information on conservation easements. New maps were submitted into the record, noting these maps were not completed and a final set would have to be submitted. The applicant is proposing fee in lieu of open space. Both lots were appraised at \$400,000 {four hundred thousand dollars} each. The total is \$800,000 {eight hundred thousand dollars}. The fee in lieu of open space will be \$80,000 {eighty thousand dollars}. Mr. Joram stated he has done his best to protect the aquifer and wetlands by putting up a conservation easement around them, and it is unnecessary for the Planning Commission to take additional open space. The Commission discussed how there is open space in the area, and it would be in the best interest for the Town to have contiguous open space. The Commission may take up to 20% of the land for open space or 10% of the appraised property value, or a combination of both. There are new proposed zoning regulations which address the issue of density, and if this subdivision was approved, it would just meet the density requirements of the proposed zoning regulations.

Tom Corbett made a motion to continue the public hearing for Spruce Ridge Subdivision at the next regularly scheduled meeting of the Planning Commission on Monday October 22, 2007, which will be held in the Library Community Room, 2nd by Susan Chapman all in favor. Vote 3-0

NEW BUSINESS

8-3a. Referral to Zoning Commission for Proposed New Zoning Regulations

No one from the Zoning Commission was present and the Commission noted it would have been very helpful if someone from the Zoning Commission had been present to help answer some of their questions.

Phil Nelson explained the Planning Commission is charged with verifying the proposed new regulations fall into the 2003 Plan of Conservation & Development {C&D Plan}, and that this is not a public hearing. If the Commission gives a positive referral to the Zoning Commission, then after the Zoning Commission's public hearing on November 1, 2007, the Zoning Commission has to approve the new regulations by a simple majority vote. If the Planning Commission gives a negative referral, then after the Zoning Commission's public hearing on November 1, the Zoning Commission must pass the new regulations by a 2/3rd vote, which would be 4 out of 5 members voting in favor of the new regulations.

The C&D Plan does call for the Zoning Commission to look at and revise the regulations in terms of need for conservation in wetland areas as a result additional zoning districts

were formed which are WR, Waterfront, OS, open space, 10 acres, MFDE, multi-family district elderly, 5 acres and a neighborhood business district. Maximum lot coverage in R-44 district {one acre zoning} was reduced from 20% to 8% and lot coverage in R-88 district {two acre zoning} was reduced from 15% to 6%. Discussion followed that these changes may be too steep for lot coverage, especially on existing nonconforming smaller lots.

There is a new density based zoning calculations. In an R-88 district you multiply the # of lots per acre by 0.35. This in effect comes out to about 3 acres per home, and in essence is changing the regulations to 3 acre zoning. Phil Nelson inquired about this to Faline Fox, Zoning Chair, and she would try to get him man answer. In a R-44 district you multiply the # of lots per acre by .70. The Commission discussed the C&D does call for maximum density. This information can be found on page 157 section 9.3 of the proposed zoning regulations. Section 9.3 deals with mandatory 20% open space. The Commission asked “What does that do for us, are we no longer allowed to take a fee in lieu of open space?” Chairman Nelson stated he had previously asked the Zoning Chairman, Faline Fox this question and she would try to get him an answer.

The Waterfront district was read into the meeting and discussed. Most of the Waterfront district relates to Candlewood Lake, Marjorie Reservoir, and Ball Pond. The majority of the lots in this area are small nonconforming lots. The new lot size for this area would be 1 acre. The proposed regulations state an engineering plan for storm water management must be in place before any addition, alteration or enlargement that results in an increase in the amount of impervious coverage such as roofs driveways, patios, will be considered. Selectman Ron Oliveri suggested the Planning Commission table this issue until they can look into it further and have some of their questions answered. Phil Nelson stated tabling the referral will be considered a positive vote and the Zoning Commission would need less of a majority to pass the new regulations.

The new Open Space district was read into the record and discussed. The lot size in this are is 10 acres. Selectman Ron Oliveri was concerned The Vaughn’s Neck area in Candlewood Lake was being singled out and thought this was totally unfair to residents in that area. The Commission discussed that Vaughn’s neck was intended to stand out on the map, it was not intended to be singled out for open space and other areas of open space in the new Open Space district were discussed.

Page 82 section 5.2.7 of the Aquifer Protection Overlay District states a permit is required by the Zoning Commission before a permit for any development including a subdivision of land that lies entirely or partially in an Aquifer Protection Overlay District. This means the Planning Commission will have to change their application and their application check sheet to make sure this new permit is included with the Subdivision/Resubdivision application.

The Multi-family District Elderly {MFDE} is a new district that should be located in the business district of Town. If the elderly housing is outside of the Town’s business district, transportation must be provided at no cost to the elderly. A minimum of 5 acres is required to build elderly housing, and each unit will not consist of more than 2

bedrooms. This chapter includes affordable housing as described by Connecticut State Statutes. Selectman Oliveri stated more areas should be designated as Elderly Housing. Limiting elderly housing to the 5 acres behind Shaws and on Saw Mill Road does not seem like enough area to construct elderly housing. Mr. Oliveri would like more time to review these new proposed zoning regulations.

Kim Hanson: Stated he is on the Inland/Wetlands Commission and can appreciate all the work the Planning Commission is doing. Mr. Hanson stated the proposed zoning regulations do not help with open space, because if each new lot in a subdivision is required to have open space then the open space may not necessarily be contiguous, which in the end can hurt wild life and other species that live in wetland areas. The new density factor will increase the cost to the Town, because the road will be the same length with the same number of catch basins, but there will be fewer houses paying taxes to maintain these roads and catch basins. Mr. Hanson thought if the Planning Commission is not secure in their thoughts on the new zoning regulations then they should get a budget together and have them professionally reviewed. Again, Phil Nelson explained continuing or tabling this issue will count as “no action” and the Zoning Commission will need less of a majority to pass the regulations. Kim Hanson also stated that he lives in Candlewood Knolls and there is nothing in the proposed new zoning regulations that prevent a homeowner from making his single story home into a 2 story home and blocking other people’s views of the lake and there are no regulations regarding aesthetics. The Commission discussed the new zoning regulations do not address aesthetics or ridgelines.

A member of the public stated these proposed new regulations were not easy to understand and where can a person go to get them in “layman’s terms”. The Commission stated these proposed new regulations were written by the Zoning Commission in conjunction with the Town’s Land Use Attorney, Gail McTaggart.

Susan Chapman made a motion to give a positive referral to the Zoning Commission regarding the proposed new zoning regulations, 2nd by Tom Corbett, vote failed 0-4. The Commission discussed their reasons for not giving a positive referral were as follows:

Susan Chapman stated she had too many questions and the Zoning Commission should have consulted the Planning Commission on what we do in regards to open space

Roger Wise stated there were too many moving parts to get a clear understanding of the regulations.

Tom Corbett stated he would like to have more time to review the zoning regulations and have some of his questions answered; especially regarding open space.

Phil Nelson stated he has a lot of unanswered questions and perhaps the answers are in the zoning regulations but he is not sure of this.

ADJOURN

Roger Wise made a motion to adjourn at 9:55pm, 2nd by Susan Chapman, all in favor.