



**Town of New Fairfield
Planning Commission
4 Brush Hill Road
New Fairfield, CT 06812**

MINUTES

**Monday, September 27, 2021, at 7:30 p.m.
Virtual meeting via Zoom**

Members Present: Cynthia Ross-Zweig (Chair), Patrick Hearty (Vice Chair), Kirsten Bennett, Patrick Callahan (Alternate), Keith Landa (Alternate)

Members not Present: George Martignetti (Alternate), Jeff Morrell, Cory Neumann

Others Present:

NF Attorney: Neil Marcus

NF Engineer: Tony Iadarola

Call to order

Network administrator Quintin Flowers explained the rules and procedures for virtual meetings. Chairman Cynthia Ross-Zweig called the meeting to order at 7:35 p.m.

Pledge of Allegiance

Appointments

Patrick Hearty made a motion to elevate Pat Callahan to full voting member. Kirsten Bennett seconded the motion. **Vote: 3-0-0 (Motion approved)**

Amendment to Agenda

Patrick Hearty made a motion to amend the agenda to add Barn Brook site plan revision under old business and move Lot Line revision 181x183 Ball Pond Road (Wild Turkey Estates) to new business. Pat Callahan seconded the motion. **Vote: 4-0-0**

Approval of Minutes

Patrick Hearty made a motion to approve the minutes from the regular meeting on 8/23/2021. Pat Callahan seconded the motion. **Vote: 3-0-1 (Motion approved, Kirsten Bennett abstained)**

Correspondence and Announcements

Cynthia Ross-Zweig stated she received correspondence from town engineer Tony Iadarola and forwarded to the commissioners. She noted she also received the budget expenditure report.

Public Comment: None

Old Business:

- Discussion – Barn Brook Estates Phase III – Commissioners discussed points raised in the previous meeting by town engineer Tony Iadarola. There was consensus that the commission should keep the best interest of the town in the forefront. One commissioner abstained from

the discussion due to a conflict of interest. One commissioner stated the conditions of approval for Barn Brook II from 2014 did not clearly state an HOA needed to be established. The commission noted that an HOA was created but the maintenance of the storm water management system was not specified.

Town attorney Neil Marcus stated the resolution of approval for phase II incorporates by reference the plans, correspondence, and reports from the town engineer. The attorney for the applicant provided a copy of the HOA agreement which states that each lot owner will be responsible for storm water management on their own lot, which is a contradiction of the town engineer's recommendation. Mr. Marcus stated that normally the HOA divides the cost of storm water management system maintenance. Mr. Marcus concluded the commission could put the maintenance responsibility on the HOA for the detention ponds and roadways that serve phase II & III as a condition of approval but that it should be concisely stated.

Town engineer Tony Iadarola provided comments on the approval of Barn Brook II from 2014 as well as the possible approval of Barn Brook III. He reiterated his recommendation and emphasized his interest is to support and protect the town.

Patrick Hearty made a motion to accept the application for Barn Brook Estates phase III on the condition that the HOA is responsible to maintain the detention ponds and catch basins satisfactory to the Town Engineer and Town Council and proper language spelled out clearly.

Chairman Cynthia Ross-Zweig stated the motion was to approve phase III of Barn Brook Estates subject to the condition of maintenance of the bins by the HOA and under review of the Town Engineer and Town Council and subject to bonding of \$767,000.00 and the additional recommendations by the Town Engineer.

Patrick Callahan seconded the motion.

Town Attorney Neil Marcus added:

1. The conditions to accept include that an HOA is created to maintain the detention pond under the supervision of the Town Engineer and Town Council for compliance.
2. A performance bond of \$767,000.00 be set.
3. Adopt all the recommendations outlined in the reports of the Town Engineer.

Town Engineer Tony Iadarola added:

With the creation of phase III there is an additional detention system that is being proposed therefore there are two detention systems. To be clear, phase III and homeowners of phase III would be responsible for the small detention system which is being created as part of phase III but ultimately would be responsible for phase II maintenance. There's a detention system in phase III, there's a detention system in phase II that takes the water from phase III and phase II.

4. The town engineer reserves the right to require guardrails were it deemed necessary as the road construction starts to take shape. The same would apply for any additional

requirements necessary and determined by the Town Engineer during the construction of improvements.

5. Fall protection fencing around the new detention basin should be required based on the Town Engineers recommendation. There is a definitive fencing requirement that impounds the detention systems to protect all abutting property owners.
6. A mandatory HOA is established as part of phase III that would maintain the responsibility of the detention system in phase III and the detention system in phase II.
7. The planning commission should recommend \$767,000.00 bond to cover all the improvements.
8. The Town Engineers inspections are made at the cost of the developer.

Attorney Neil Marcus added:

9. The final resolution language of the motion is subject to approval by the commission once it is drafted and presented.

All in favor of the motion with amendments: Vote 3-0-1 (Motion approved – Kirsten Benett O'Rourke abstained)

- Barn Brook Estates Phase II site plan revision – Town engineer Tony Iadarola explained this item is to find a format to address the modification to the plantings of phase II. Attorney Marcus advised a formal application attached to the drawing would streamline the process. Members discussed the fact that the town does not have an actual site plan revision application. It was determined the applicant could utilize the subdivision application for the purpose of a site plan modification.

New Business

- **Lot Line revision application 181 & 183 Ball Pond Road (Wild Turkey Estates) –** Members determined that the map needed for this item was not scanned in for review. This item was pended to the October 25th meeting.
- **Review of monthly budget –** Chairman Cynthia Ross-Zweig read the budget for the record noting \$6,055.05 as the total available balance.
- **Discussion of the POCD -** Chairman Cynthia Ross-Zweig reminded the commissioners the POCD is due to be revised by 2024. Commissioners agreed to revisit the discussion in 2022.

Standing Items

- **Lighting Study –** Pending a response from Patty Motta.
- **Subdivision Update –** Kirsten Bennett provided a brief update of the subdivision log.

Adjournment

Patrick Callahan made a motion to adjourn the meeting at 9:10pm. Kirsten Bennett seconded the motion. **Vote: 3-0-0 (Motion approved)**