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 **MINUTES**

**Planning Commission Public Hearing – Aberdeen Acres, 26 Bear Mountain Road**

**Monday, August 24th, 2020**

**7:00 PM**

**Virtual meeting via Zoom**

**Members present via Zoom:**

Ms. Cynthia Ross-Zweig, Chairman

Ms. Kirsten Bennett

Mr. Keith Landa, Alternate

Mr. Jeff Morrell

**Members not present**

Mr. Patrick Hearty, Vice Chairman

Mr. Cory Neumann

Mr. Patrick Callahan, Alternate

Mr. George Martignetti, Alternate

**Other Town Officials Present:**

Mr, Neil Marcus, Town Attorney

**Call to Order -** Chairman Cynthia Ross-Zweig called the meeting to order at 7:28pm. In addition to the commissioners and Town Attorney there were about seven members of the public present. The purpose of this public hearing was for the resubdivision application for Aberdeen Acres located at 26 Bear Mountain Road.

Cynthia Ross-Zweig made a motion to amend the agenda to add elevation alternates. Jeff Morrell seconded the motion. **Vote: 3-0-0 (Motion approved)**

Jeff Morrell made a motion to elevate Keith Landa to full voting member. Kirsten Bennett seconded the motion. **Vote: 3-0-0 (Motion approved)**

**Pledge of Allegiance**

**Opening of public hearing**

* Chairman Cynthia Ross-Zweig instructed commissioners to open the Aberdeen Acres Resubdivision application packet and advise if all items from the PC checklist were received.
	+ Keith Landa noted this application lists waivers that will require a separate written request from the applicant.
	+ Michelle Micoli from Artel Engineering clarified the two waivers on the application are no longer needed. Since an access way is provided it is no longer considered an interior lot and therefore a waiver is not needed. The second waiver on the access way width is no longer needed since the access way ends just past the first lot driveway. The applicant is asking for a new waiver to use millings instead of concrete as the surface for the common driveway. A letter from Attorney Tim Taggart was provided requesting that waiver.
	+ Cynthia Ross-Zweig asked Attorney Marcus to expand on the waiver request since he was in communication with the parties.
	+ Attorney Marcus stated he was asked to compare section 4.02 of the planning regulations with section 3.2.5 of the zoning regulations. He continued that the regulations would allow the development of the lots that are shown on the map without a waiver of 125 feet as long as the access way meets the regulations, which it appears to on the initial review. Attorney Marcus then stated he would defer to the town engineer Tony Iadarola to make sure he has no issue with it.
	+ Michelle Micoli stated that they had received approval from Inland/Wetlands. Cynthia Ross-Zweig noted that the PC would need a copy of the approval.
	+ Michelle Micoli presented the resubdivision plans to the commission.
	+ Michelle Micoli asked attorney Marcus if the access way had to go all the way to the start of the lot or does it stop where the individual driveway starts? Attorney Marcus responded that usually the access way stops when it becomes an individual driveway.
	+ Cynthia Ross-Zweig requested the applicant present an easement and maintenance agreement for the access way.
	+ Larry Link of 12 Bear Mountain Road asked the following questions:
		- Where the existing structures are and Where the proposed new structures are going to be? Michelle reviewed the plans and clarified existing and new structures.
		- When the construction would begin on the houses? Michelle stated since it is a working farm, the construction on one house would begin shortly after approval. The other house sometime soon.
		- What is the proposed surface of the driveway? Attorney Marcus described that millings are a reuse of town materials derived from repaving projects.
		- What is the fire protection for the house on the interior lot? Michelle stated the ordinance calls for 3 lots or more, so nothing additional is required.
	+ Karin Bauer (owner) requested that the PC make a decision tonight with a few stipulations, so she wouldn’t have to wait another month.
	+ Cynthia Ross-Zweig stated that the PC would require information from the town engineer. She then requested attorney Marcus share his thoughts on providing an approval with stipulations.
	+ Attorney Marcus stated for the PC to grant the waiver three quarters of the five commissioners would have to be present, which he confirmed were present. He continued that input would be required from the town engineer but that he did not want to discourage the project from moving forward quickly.
	+ Cynthia reiterated that the PC would need more information on the waivers and the town engineer’s information.
	+ Karin Bauer stated she spoke to Tony Iadarola prior to his leaving for vacation. She stated he gave her verbal approval of her plans and told her to get him the application and the fee for the driveway. She continued that he told her he would have no problem signing off on it and she would get a letter from him stating that.
	+ Cynthia commented that there seemed to be a consensus among commissioners to vote on the resubdivision application with stipulations.

Cynthia Ross Zweig made a motion to approve the resubdivision application of 26 Bear Mountain Road based upon stipulations of the town engineers plan, on the easement and driveway, turning and site lines, a proposed easement and maintenance agreement, receipt of the certified mail receipts and recommendation from Inland/Wetlands. Kirsten Bennett seconded the motion. **Vote: 4-0-0 (Motion approved)**

* + Attorney Marcus requested the PC entertain a motion to grant the waiver as requested.

Kirsten Bennett made a motion to approve the waiver finding that the requirements on regulation 7.03 (2) and (4) have been met. Keith Landa seconded the motion. **Vote: 4-0-0 (Motion approved)**

**Adjournment** – Keith Landa made a motion to adjourn the meeting at 8:26pm. Jeff Morrell seconded the motion. **Vote: 4-0-0 (Motion approved)**