

**TOWN PLAN AND ZONING COMMISSION
TOWN OF FAIRFIELD
MINUTES OF MEETING – FEBRUARY 8, 2011**

The Town Plan and Zoning Commission held a meeting at 7:30 p.m., on Tuesday, February 8, 2011 in McKinley Elementary School, 60 Thompson Street, Fairfield, CT.

Members Present: Bryan LeClerc, Chairman; Seth Baratz, Vice Chairman; Rich Jacobs, Secretary; Jim Kennelly, Deb Owens, Doug Soutar

Alternate Members Present: Sally Parker, Marc Valera, Matthew Wagner

Town Department Members Present: Joseph Devonshuk, Planning Director
James Wendt, Assistant Planning Director
Dolores Sansonetti, Clerk

Ms. Parker sat in place for Mr. D'Andrea.

Meeting Minutes Motion was made by Ms. Parker, seconded by Ms. Owens and the members present unanimously **VOTED TO APPROVE** the Meeting Minutes of January 25, 2011.

Mr. Wagner voted in place of Mr. Kennelly.

1115 Fairfield Woods Road Motion was made by Mr. Soutar, seconded by Mr. Kennelly and the members present unanimously **VOTED TO APPROVE** the revised plans (sheets L.0.0 and L.1.1) as meeting the conditions of the original December 14, 2010 approval.

1073 North Benson Road Motion was made by Ms. Parker, seconded by Mr. Baratz and the members present unanimously **VOTED TO APPROVE** the request of Atty. John Fallon for Fairfield University, Village Dorm for a one-year extension of a Special Exception to February 24, 2012.

1073 North Benson Road Motion was made by Mr. Kennelly, seconded by Ms. Owens and the members present unanimously **VOTED TO APPROVE** the request of Atty. John Fallon for Fairfield University, Quad Dorm for a one-year extension of a Special Exception to February 24, 2012.

1215 Post Road Motion was made by Mr. Soutar, seconded by Mr. Jacobs and the members present unanimously **VOTED TO APPROVE** the request of Diane Byrne for a one-year recertification of the Brick Walk Farmers Market for the 2011 season.

118 Jefferson Street Motion was made by Mr. Baratz, seconded by Mr. Jacobs and the members present unanimously **VOTED TO APPROVE** the request of Atty. John Fallon for a one-year extension of a Special Exception for additions to a convalescent hospital, to March 17, 2012.

160 Woodrow Avenue Motion was made by Ms. Parker, seconded by Mr. Baratz and the members present unanimously **VOTED TO RECOMMEND TO PUBLIC HEARING** the Resubdivision Application of Harbor Homes, LLC for two (2) lots in a B Zone.

85 Mill Plain Road Motion was made by Mr. Kennelly, seconded by Ms. Parker and the members present unanimously **VOTED TO RECOMMEND TO PUBLIC HEARING** the Compliance Application of Fischel Properties for an indoor recreational facility with request for reduced parking. D.I.D.

437 Orchard Hill Lane Motion was made by Ms. Owens, seconded by Mr. Jacobs and the members present unanimously **VOTED TO APPROVE** the Special Permit Application of Stephen and Jill Ward for excavation and fill subject to the following condition:

1. The existing overhead service line shall be replaced with underground service as noted at the public hearing.

Mr. Wagner voted in place of Mr. Kennelly.

3685 Black Rock Turnpike Motion was made by Mr. Soutar, seconded by Mr. Baratz and the members present **VOTED TO APPROVE** the Special Exception Application of Black Rock Congregational Church pertaining to the construction of a new church facility in an AA Zone, subject to the following conditions:

1. Concrete curbs, sidewalks and driveway aprons are required along Black Rock Turnpike and shall meet Engineering Department specifications.
2. A maintenance plan for the porous pavement shall be submitted and adhered to.
3. The zoning grid shall be placed on the final site plan.
4. No ingress or egress shall be permitted via Lindamir Lane.
5. There shall be no increase in church activities at the two church owned residences on Lindamir Lane during or after construction.
6. The church shall continue to utilize police officers for directing traffic for all Sunday Services and at all other times as the need may be foreseeable.

7. The church shall assign parking at Notre Dame High School pursuant to the application.
8. No parking shall be permitted on Black Rock Turnpike.
9. The traffic light timing for the Black Rock Turnpike/Congress Street North/TR15 southbound on ramp intersection shall be fine-tuned as recommended in the traffic report.
10. Stop signs shall be required in areas recommended by the traffic report.
11. A bond shall be posted to secure site improvements.

For motion: Mr. Soutar, Mr. Baratz, Mr. LeClerc, Ms. Owens, Mr. Wagner
Against motion: Mr. Jacobs, Ms. Parker

Ms. Owens left the meeting at this time.

PUBLIC HEARING

Fencerow Drive/Merry Meet Circle Request of ARM Properties for 100% release of a \$14,000 bond pertaining to subdivision improvements in a AAA Zone.

Walter Stapleton presented this application to the Commission.

North Benson Road/Centerbrook Place Request of Frank Michno for 100% release of a \$9,640 bond pertaining to subdivision improvements in an A Zone.

Atty. William Fitzpatrick presented this application to the Commission.

537 Reid Street Subdivision Application of John Sabo for two (2) lots in an A Zone.

Atty. William Fitzpatrick presented this application to the Commission.

201 Fairmount Terrace Subdivision Application of M & R Associates, LLC for two (2) lots in an A Zone.

Atty. William Fitzpatrick presented this application to the Commission.

Zoning Regulation Amendment Application of the Town Plan and Zoning Commission to amend Section 2.23 (Public Hearing and Decision).

James Wendt, Assistant Director presented this application to the Commission.

Motion was made by Mr. Baratz, seconded by Mr. Soutar and the members present unanimously **VOTED TO RETURN** to Executive Session and vote on the following applications:

Mr. Wagner sat in place for Ms. Owens.

Fencerow Drive/Merry Meet Circle Motion was made by Mr. Baratz, seconded by Mr. Wagner and the members present unanimously **VOTED TO APPROVE** the request of ARM Properties for 100% release of a \$14,000 bond pertaining to subdivision improvements in a AAA Zone.

North Benson Road/Centerbrook Place Motion was made by Mr. Baratz, seconded by Mr. Kennelly and the members present unanimously **VOTED TO APPROVE** the request of Frank Michno for 100% release of a \$9,640 bond pertaining to subdivision improvements in an A Zone.

Zoning Regulation Amendment Motion was made by Mr. Baratz, seconded by Ms. Parker and the members present unanimously **VOTED TO APPROVE** the application of the Town Plan and Zoning Commission to amend Section 2.23 (Public Hearing and Decision) as follows:

2.23 **Public Hearing and Decision**

(current language to be deleted [is bracketed], new language is in bold)

Whenever a public hearing on any application is to be held pursuant to the requirements of the foregoing sections of the Zoning Regulations, other than the public hearing for an amendment to the Zoning Regulations, the procedure for which is set forth in Section 2.39 of the Zoning Regulations, [the following shall apply:] **The Commission shall proceed in accordance with the requirements of the Connecticut General Statutes.**

- [2.23.1 Prior to holding any public hearing, the Commission shall place a statement in the application file identifying each document, plan or drawing submitted by the applicant as part of the application; and
- 2.23.2 Notice of a public hearing shall be published in a newspaper having substantial circulation in the Town at least twice at intervals of not more than fifteen (15), nor less than ten (10) days, and the last not less than two (2) days before the public hearing.
- 2.23.3 The Commission shall, in the following time schedule, or such other time schedule as may be prescribed by the General Statutes of the State of Connecticut:
 - (a) commence the public hearing within sixty-five (65) days after receipt of the completed application:

- (b) complete such public hearing within thirty (30) days after the same commences; and
- (c) make its decision by approving, approving with modification, or disapproving the application within sixty-five (65) days after the completion of such hearing, stating the grounds for any disapproval in the records of the Commission.
- (d) for the purpose of this section the date of receipt of an application shall be the date of the next regularly scheduled meeting of the Commission immediately following the date of submission of the application or 35 days after such submission, whichever is sooner.

2.23.4 The applicant may consent to one (1) or more extensions of the time periods set forth in 2.23.3 of the Zoning Regulations, provided the total extension of any single time period shall not be longer than the original period.

2.23.5 Approval or approval with modification shall constitute approval conditioned upon completion of the proposed use in accordance with the Zoning Regulations within a period of two (2) years from the date of such approval.

2.23.6 (a) Upon failure to complete within such two (2) year period, the approval or approval with modification shall become null and void, unless an appeal to court is filed within such period, whereupon the two (2) year period shall commence from the date of the final judicial determination of such appeal. Three (3) extensions of such period for an additional period not to exceed one (1) year may be granted, subject to appropriate conditions and safeguards necessary to conserve the public health, safety, convenience, welfare and property values in the neighborhood. However, as to Special Permits relating to subdivisions, the Commission may grant such extensions as it deems necessary, subject to the aforesaid conditions and safeguards.

(b) With regard to approvals or approvals with modification granted on or before October 1, 1989, upon failure to complete within such two (2) year period, the approval or approval with modification shall become null and void, whereupon the two (2) year period shall commence from the date of the final judicial determination of such appeal. Five (5) extensions of such period for an additional period not to exceed one (1) year each may be granted, subject to appropriate conditions and safeguards necessary to conserve the public health, safety, convenience, welfare and property values in the neighborhood.

2.23.7 In application under Section 24.0 of the Zoning Regulations, the two (2) year period cited 2.23.6 and 2.23.7 of the Zoning Regulations may be reduced, if the Commission so requires.]

Purpose: The purpose of the proposed amendment is to repeal language that is inconsistent with current statutory requirements. Rather than adopt statute language as part of the regulations, which may change from time to time reference is made to the statutes.

This meeting adjourned at 9:52 p.m.

Richard B. Jacobs
Secretary

Dolores Sansonetti
Clerk

