

**TOWN PLAN AND ZONING COMMISSION
TOWN OF FAIRFIELD
MINUTES OF MEETING – JUNE 28 2011**

The Town Plan and Zoning Commission held a meeting at 7:30 p.m., on Tuesday, June 14, 2011, in McKinley School, 60 Thompson Street, Fairfield, Connecticut.

Members Present: Bryan LeClerc, Chairman, Richard Jacobs, Secretary; Jim Kennelly, Deb Owens, Doug Soutar, Matthew Wagner

Alternate Members Present: Sally Parker, Gerry Alessi

Ms. Parker sat in place of Mr. Baratz

Town Department Members Present: Joseph Devonshuk, Director
James Wendt, Assistant Director

Meeting Minutes Motion was made by Mr. Kennelly, seconded by Mr. Wagner and the members present unanimously **VOTED TO APPROVE** the Meeting Minutes of June 14, 2011.

144 Tuller Road No action was taken on the review of preliminary subdivision plan for open space disposition.

85 Mill Plain Road Motion was made by Mr. Jacobs, seconded by Ms. Parker and the members present unanimously voted to approve the request of Fischel Properties for a 100% release of a \$7,550 bond pertaining to Special Permit improvements. D.I.D.

1118 Cross Highway Motion was made by Mr. Wagner, seconded by Mr. Jacobs and the members present unanimously **VOTED TO APPROVE** the request of the Patterson Club for 100% release of a \$139,600 bond pertaining to Special Exception improvements. AAA Zone

435 Old Stratfield Road Motion was made by Mr. Kennelly, seconded by Ms. Parker and the members present unanimously voted to schedule a public hearing on the Special Exception application of Dawn Tagliavia to expand a day care facility. Neigh. Des. Dist./Res B

2307 Post Road Motion to approve was made by Ms. Parker, seconded by Mr. Soutar and the members present **VOTED TO DENY** Special Permit Sect 24.0 and 25.0 and

Coastal Site Plan application of One Sasco Hill, LLC pertaining to the construction of a two-story commercial building. Des. Com. Dist. for the following reasons:

1. The application does not comply with Section 25.7.7 of the Zoning Regulations in that the development shown on the site and architectural plans is not of such character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values in the neighborhood, to preserve and enhance the appearance and beauty of the community, and to avoid undue traffic congestion in the following ways:

It has not been demonstrated that a truck can utilize the loading space and circulate around the rear of the building nor execute a safe turn onto Sasco Hill Road.

The turning movements required to enter and exit the below grade parking indicate a safety and congestion problem.

Inadequate information has been provided to evaluate the steepness of the ramps leading to and from the below grade parking and to evaluate winter operating conditions and snow removal.

Congestion is not avoided in that queuing at the traffic light currently backs up past the proposed driveway on Sasco Hill Road.

The drive lane at the proposed drive through window is too narrow for through traffic circulation.

The project is oversized for the site and does not harmonize with the neighborhood.

For motion to approve: none

Against motion to approve: LeClerc, Jacobs, Kennelly, Owens, Soutar, Wagner, Parker

Commerce Drive Area Zone Change Motion was made by Mr.. Jacobs, seconded by Ms. Owens and the members present unanimously voted to approve the application of the Town Plan and Zoning Commission to establish a Designed Commercial District on land presently zoned Designed Industrial District.

In accordance with the recommendations of the Commerce Drive Area Study, approved by the Town Plan and Zoning Commission on May 3, 2011, the following properties are approved to be changed from Designed Industrial District to Designed Commercial District:

Meadow Street: #'s 278, 332, 360, 361, 379, 391, 411, 418, 421, 433, 447, 451

New England Avenue: # 235

Kings Highway Cutoff: #'s 80, 90, 100, 142, 154, 178, 187, 278, 320

Commerce Drive: #'s 575, 600, 682, 730, 770

Black Rock Turnpike: #'s 111, 201, 306, 322, 348, 356

Duka Avenue: #'s 33, 55, 63, 75

Frank Street: #'s 34, 35

Timko Street: # 71

Kings Highway: #'s 1383, 1397, 1427, 1436, 1443, 1455, 1475, 1501, 1525

The area subject to the zone change is bounded and described as follows:

Area 1

Beginning at the centerline of Kings Highway Cutoff 1,000'± easterly of the intersection of Grasmere Avenue thence;

Northeasterly: along the centerline of the CT Turnpike, a distance of 2,380'± to the centerline of Kings Highway Cutoff thence;

Southwesterly: along the centerline of Kings Highway Cutoff, a distance of 1,280'± to a point, thence;

Southeasterly: along Kings Highway Cutoff and parcel 171 on Assessor's Map #80, a distance of 275'± to a point, thence;

Southwesterly: along parcel 171 on Assessor's Map #80, a distance of 156'± to a point thence;

Northwesterly: along parcel 171 on Assessor's Map #80 and Kings Highway Cutoff, a distance of 285'± to the centerline of Kings Highway Cutoff thence;

Southwesterly: along the centerline of Kings Highway Cutoff, a distance of 850'± to the point of the beginning

Area 2

Beginning at the northeasterly corner of the intersection of Kings Highway and Commerce Drive thence;

Northerly: along parcel 157 on Assessor's Map 80, a distance of 110'± to a point, thence;

Northeasterly: along an irregular line following parcels 157, 156 and 155 on Assessor's Map 80, a distance of 460'± to a point thence;

Easterly: along parcel 55 on Assessor's Map 80, a distance of 290'± to the northerly streetline of Commerce Drive, thence;

Southwesterly: along the northerly streetline of Commerce Drive, a distance of 620'± to the point of the beginning;

Area 3

Beginning at the centerline of Kings Highway, a distance of 200'± northwesterly of the centerline northeasterly of the centerline of Vermont Ave thence;

Northerly: along the centerline of Kings Highway, a distance of 700'± to a point thence;

Northwesterly: along Kings Highway and the centerline of Rhode Island Ave, a distance of 200'± to a point thence;

Northeasterly: along Rhode Island Ave and parcels 165 and 164 on Assessor's Map 80, a distance of 140'± to a point thence;

Southeasterly: along parcel 164 on Assessor's Map 80 and Kings Highway, a distance of 150'± to the centerline of Kings Highway, thence;

Northerly: along the centerline of Kings Highway, a distance of 280'± to a point thence;

Southeasterly: along Kings Highway and parcels 40 and 38 on Assessor's Map 80, a distance of 185'± to a point thence;

Southerly: along parcel 38 on Assessor's Map 80, a distance of 120'± to a point thence;

Northeasterly: along an irregular line following parcels 49-B, 49-A, 711 and 665 on Assessor's Map 80, a distance of 1,190'± to the centerline of Black Rock Turnpike thence;

Southerly: along the centerline of Black Rock Turnpike a distance of 970'± to a point thence;

Southwesterly: along Black Rock Turnpike and parcel 4 on Assessor's Map 80, a distance of 115'± to a point thence;

Northwesterly: along parcel 4 on Assessor's Map 80 and across the railroad right of way, a distance of 780'± to the northerly boundary of the railroad right of way, thence

Southwesterly: along the northerly boundary of the railroad right of way, a distance of 1,850'± to a point thence;

Northwesterly: along parcel 50 on Assessor's Map 128 and Kings Highway, a distance 40'± to the point of the beginning.

Area 4

Beginning at the centerline of the intersection of Black Rock Turnpike and Commerce Drive thence;

Northwesterly: along the centerline of Black Rock Turnpike, a distance of 530'± to the centerline of the Southerly branch of Kings Highway thence;

Northwesterly: along the southerly branch of Kings Highway and the centerline of Johnson Drive, a distance of 280'± to a point thence;

Southeasterly: along Johnson Drive, the centerline of Duka Ave a distance of 590'± to the centerline of Commerce Drive thence,

Southwesterly: along the centerline of Commerce Drive a distance of 250'+/- to the point of the beginning.

ZONE OVERLAY Motion was made by Mr. Jacobs, seconded by Ms. Owens and the members present unanimously voted to approve the application of the Town Plan and Zoning Commission to establish the Commerce Drive Area Designed District.

The Commerce Drive Area Designed District is an overlay zone. The permitted uses are these that are permitted in the underlying district shall apply. The boundary of the District is bounded and described as follows:

Beginning at the centerline of Kings Highway at the intersection of Grasmere Ave thence;

Northeasterly: along the centerline of Kings Highway, a distance of 2,050'± to a point thence;

Northwesterly: along Kings Highway and the centerline of Rhode Island Ave, a distance of 200'± to a point thence;

Northwesterly: along Rhode Island Ave and parcels 165 and 164 on Assessor's Map 80, a distance of 140'± to a point thence;

Northwesterly: along parcels 173 and 171 on Assessor's Map 80, and Kings Highway Cutoff, a distance of 570'± to a point thence;

Southwesterly: along the centerline of Kings Highway Cutoff, a distance of 870'± to a point thence;

- Northwesterly: along an irregular line along Kings Highway Cutoff, parcel 140 on Assessor's Map 128, Meadow Street and the CT Turnpike right of way, a distance of 502'± to the centerline of the CT Turnpike thence;
- Northeasterly: along the centerline of the CT Turnpike, a distance of 2,395'± to the centerline of Kings Highway Cutoff thence;
- Northwesterly: along the centerline of Kings Highway Cutoff and the centerline of Black Rock Turnpike, a distance of 370'± to a point thence;
- Northeasterly: along Black Rock Turnpike and the centerline of Castle Avenue, a distance of 890'± to a point thence;
- Southeasterly: along Castle Avenue and parcel 177 on Assessor's Map 79 and Kings Highway East, a distance of 410'± to a point thence;
- Southwesterly: along an irregular line being the southern boundary of the Designed Commercial District, a distance of 830'± to the centerline of Kings Highway East thence;
- Southeasterly: along the centerline of Kings Highway East, a distance of 100'± to the centerline of the CT Turnpike thence;
- Northeasterly: along the centerline of the CT Turnpike, a distance of 1,940'± to a point thence;
- Southeasterly: along the CT Turnpike and the centerline of Berwick Court, a distance of 420' ± to the centerline of Commerce Drive thence;
- Northeasterly: along the centerline of Commerce Drive, a distance of 45'± to a point thence;
- Southeasterly: along Commerce Drive and parcel 20 on Assessor's Map 80, a distance of 500'± to the centerline of Metro North Rail right of way thence;
- Southwesterly: along the centerline of the Metro North Rail right of way, a distance of 1,950'± to a point thence;
- Southeasterly: along a line parallel to and 220' easterly of Black Rock Turnpike, a distance of 930'± to the centerline of Ash Creek thence;
- Southwesterly: along the centerline of Ash Creek, a distance of 2,620'± to a point thence;
- Northwesterly: along Ash Creek and parcel 260 on Assessor's Map 130, a distance of 390'± to the centerline of Kenwood Ave thence;

Southwesterly; along the centerline of Kenwood Ave, a distance of 100'± to a point thence;

Northwesterly: along Kenwood Ave and parcel 12 on Assessor's Map 128, a distance of 125'± to a point thence;

Southwesterly: along parcels 11, 10, 9, 8, 7, 6, 5, 4 and 3 on Assessor's Map 128, a distance of 500'± to a point thence;

Northwesterly: along parcel 3 on Assessor's Map 128, Ardmore Street and parcel 27 on Assessor's Map 128, a distance of 310'± to a point thence;

Southwesterly: along the southern boundary of the Metro North Railroad right of way, a distance of 300'± to the centerline of Grasmere Ave thence;

Northwesterly: along the centerline of Grasmere Ave, a distance of 190'± to the point of the beginning.

569 Commerce Drive Motion was made by Mr. Jacobs, seconded by Mr. Soutar and the members present unanimously voted to approve the Zoning Compliance application of CLS Investments to establish a contract carrier (taxi and limo business) in an existing building. Des. Ind. Dist. subject to the following condition:

1. A pedestrian lane from Commerce Drive must be designated on the plan.

PUBLIC HEARING

250 Fern Street Special Exception application of the Town of Fairfield pertaining to additions and alterations to Sherman School. A Zone

Atty. John Fallon presented this application to the Commission.

At the request of the applicant, the following matters were postponed to a later date and were not heard:

4185 Black Rock Turnpike Zone change application of New Way Associates, LLC to establish a Neighborhood Designed District on land presently zoned Residence AAA

Zoning Regulation Amendment Application of New Way Associates, LLC to amend Section 10.3.2

4185 Black Rock Turnpike Special Permit application of Fairfield Gateway, LLC pertaining to the construction of a two-story medical office building.

Following the Public hearing the Commission voted on the following matter:

250 Fern Street Motion was made by Mr. Kennelly, seconded by Mr. Sotar and the members present unanimously voted to approve the Special Exception application of the Town of Fairfield pertaining to additions and alterations to Sherman School. A Zone

This meeting adjourned at 9:45 p.m.

Richard B. Jacobs
Secretary

James R. Wendt
Acting Clerk