

**TOWN PLAN AND ZONING COMMISSION
TOWN OF FAIRFIELD
MINUTES OF MEETING – MAY 14, 2013**

The Town Plan and Zoning Commission held a meeting at 7:30 p.m., on Tuesday, May 14, 2013 in McKinley Elementary School, 60 Thompson Street, Fairfield, CT

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

Alternate Members Present: Sally Parker

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

Meeting Minutes Motion was made by Ms. Jacobson, seconded by Mr. Baratz and the members present **VOTED TO APPROVE** the Meeting Minutes of April 23.

Mr. Kennelly recused himself from voting. Motion was made by Mr. Jacobs, seconded by Ms. Parker and the members present unanimously **VOTED TO APPROVE** the meeting minutes of May 7, 2013.

682 Commerce Drive Motion was made by Ms. Jacobson, seconded by Mr. Kennelly and the members present unanimously **VOTED TO APPROVE** the request of Paul Gustavson for 50% release of a \$19,430 bond pertaining to Special Exception improvements.

Ms. Neiley arrived at this time.

5060 Congress Street Motion was made by Mr. Kennelly, seconded by Mr. Jacobs and the members present unanimously **VOTED TO RECOMMEND TO PUBLIC HEARING** the Resubdivision application of Lynn and Susan Rotando for two (2) lots in a AAA Zone.

680 Stillson Road Motion was made by Mr. Kennelly, seconded by Ms. Parker and the members present unanimously **VOTED TO RECOMMEND TO PUBLIC HEARING** the Subdivision application of the estate of Joseph Cremona for two (2) lots in an A Zone.

742 Kings Highway West Motion was made by Mr. Kennelly, seconded by Ms. Jacobson and the members present unanimously **VOTED TO RECOMMEND TO PUBLIC HEARING** the Special Permit application of J. Maxwell Soper for a two story garage/office building. Des. Comm. Dist.

1262 Post Road Motion was made by Ms. Parker, seconded by Mr. Jacobs and the members present unanimously **VOTED TO RECOMMEND TO PUBLIC HEARING** the Special Permit application of 1262 Post Road Holdings, LLC for additions and alterations (former Post Office). Cent. Des. Dist.

145 Brookside Drive Motion was made by Mr. Kennelly, seconded by Mr. Baratz and the members present unanimously **VOTED TO RECOMMEND TO PUBLIC HEARING** the Subdivision application of Brookside Acres, LLC for three (3) lots in an A Zone.

3611 Post Road Motion was made by Mr. Soutar, seconded by Mr. Kennelly and the members present **VOTED TO RECOMMEND TO PUBLIC HEARING** the Zone Change application of 3611 Post Road, LLC to establish a Designed Commercial District on land presently zoned Des. Ind. and Res. B.

Mr. LeClerc recused himself.

3611 Post Road Motion was made by Mr. Soutar, seconded by Mr. Kennelly and the members present **VOTED TO RECOMMEND TO PUBLIC HEARING** the Special Permit application of 3611 Post Road, LLC for a new retail building.

Mr. LeClerc recused himself.

155 Woodrow Avenue Motion was made by Ms. Jacobson, seconded by Ms. Parker and the members present unanimously **VOTED TO RECOMMEND TO PUBLIC HEARING** the Resubdivision application of Theresa Demattia for two (2) lots in a B Zone.

Mr. Wagner arrived at this time.

Zoning Regulation Amendment Motion was made by Mr. Kennelly, seconded by Mr. Baratz to approve the application of 185 Thorpe Street Corp., to amend Sections 10.7.2 and 10.12.

Mr. Kennelly watched the portions of the meetings on TV of March 26th and April 23rd and listened to the first part of the tape on public hearing portion of May 7th.

For motion: No one

Against motion: Kennelly, Baratz, LeClerc, Jacobs, Jacobson, Soutar, Wagner

Therefore this motion failed and the application is denied for the following reasons:

1. The proposed regulation amendment is not consistent with the Plan of Conservation and Development.

2. Time, experience and responsible planning for contemporary or future conditions does not reasonably indicate the need for the proposed amendments.
3. It has not been demonstrated that the proposed amendments are warranted and would serve the general health, welfare and safety of the Town of Fairfield.
4. The proposed amendments would promote a level of development that would not serve to protect property values in the neighborhood and enhance the community.
5. The proposed amendments would permit a level of development that would increase undue traffic congestion.

185 Thorpe Street Motion was made by Mr. Kennelly, seconded by Mr. Baratz to approve the Zone Change application of 185 Thorpe Street Corp., to establish a Designed Residence District on land presently zoned Designed Industrial District.

For motion: No one

Against motion: Kennelly, Baratz, LeClerc, Jacobs, Jacobson, Soutar, Wagner

Therefore, this motion failed and the application is denied for the following reason:

In the absence of approval of the regulation amendment, this property which does not front on a major or collector road is not eligible for Designed Residence District designation.

185 Thorpe Street Motion was made by Mr. Kennelly, seconded by Mr. Baratz to approve the Special Permit and Coastal Site Plan application of 185 Thorpe Street Corp., pertaining to a sixty five (65) unit residential development.

For motion: No one

Against motion: Kennelly, Baratz, LeClerc, Jacobs, Jacobson, Soutar, Wagner

Therefore, this motion failed and the application is denied for the following reason:

In the absence of a zone change, the proposed use is not a permitted use in the Designed Industrial District.

3671 Post Road Motion was made by Mr. Kennelly, seconded by Mr. Wagner and the members present unanimously **VOTED TO APPROVE** the Compliance application of Michael Cusato on behalf of Wafu Asian Bistro for 150 sq. feet of outdoor dining subject to the following conditions:

1. Subject to annual renewal.
2. Season runs from April 1st through October 31st.

3. No outside music or sound system.
4. There shall be no additional signage.
5. Tables and chairs must be removed in the off season.

55 Miller Street Motion was made by Mr. Kennelly, seconded by Mr. Wagner and the members present unanimously **VOTED TO DENY** the Compliance application of Bryan Vassar for a ground sign for the following reasons:

1. The Commission denies the request to allow a streetline setback less than the required ten feet.
2. The Commission denies the request to allow letter heights below the minimum required.

PUBLIC HEARING

1. **4670 Congress Street** Special Exception application of St. Timothy's Church for a one story addition.

Atty. John Fallon presented this application to the Commission.

2. **2428 Easton Turnpike** Special Exception application of Cambridge Manor Realty, LLC for additions and alterations to an existing convalescent facility. R-3 Zone

Atty. John Fallon presented this application to the Commission.

3. **50 Chatham Road** Resubdivision application of 50 Development, LLC for three (3) lots in an R-2 Zone.

Atty. James Walsh presented this application to the Commission.

This meeting adjourned at 10:40 p.m.

Richard B. Jacobs
Secretary

Dolores Sansonetti
Clerk

