

**TOWN PLAN AND ZONING COMMISSION  
TOWN OF FAIRFIELD  
MINUTES OF MEETING – MAY 28, 2013**

The Town Plan and Zoning Commission held a meeting at 7:30 p.m., on Tuesday, May 28, 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, Matt Wagner

Alternate Member Present: Sally Parker

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

**Supplemental Agenda** Motion was made by Mr. Jacobs, seconded by Mr. Baratz and the members present unanimously **VOTED TO ADD** two items on the agenda to be heard at the end of the meeting regarding a planning discussion and an outdoor patio permit.

**Meeting Minutes** Motion was made by Mr. Wagner, seconded by Mr. Baratz and the members present **VOTED TO APPROVE** the Meeting Minutes of May 14, 2013.

**620 Villa Avenue** Motion was made by Mr. Wagner, seconded by Mr. Jacobs and the members present unanimously **VOTED TO RECOMMEND TO PUBLIC HEARING** the Special Exception application of Mike Shullman for expansion of use for an existing car wash in a Des. Comm. Dist.

**4670 Congress Street** Motion was made by Mr. Kennelly, seconded by Mr. Jacobs and the members present unanimously **VOTED TO APPROVE** the Special Exception application of St. Timothy's Church for one story additions in a AAA Zone.

**2428 Easton Turnpike** Motion was made by Ms. Jacobson, seconded by Mr. Soutar and the members present **VOTED TO APPROVE** the Special Exception application of Cambridge Manor Realty, LLC for additions and alterations to an existing convalescent facility in an R-3 Zone.

**50 Chatham Road** Motion was made by Mr. Kennelly, seconded by Mr. Baratz to approve the Resubdivision application of 50 Development LLC for three (3) lots in an R-2 Zone.

For motion: No one

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

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

1. Pursuant to Section 1.1.15 of the Subdivision Regulations, the applicant has not demonstrated that the property to be subdivided is of such character that it can be used for three building lots as proposed without danger to health or public safety in that adequate sight lines have not been provided for individual driveways. The updated table three of the traffic report submitted on May 14, 2013, notes that the analysis takes into account the approximate ten percent grade on Chatham Road, however, the table provided does not reflect this analysis. The numbers shown for the left hand turn from a stop are for zero percent grade. Down grade stopping distance for a nine percent slope would appear to require one hundred seventy five feet. Therefore, the Commission is without the quantitative measurements to establish a safe sight line distance.

**837 Post Road** Motion was made by Mr. Wagner, seconded by Ms. Jacobson and the members present unanimously **VOTED TO APPROVE** the Compliance application of Jessica Gray to establish an indoor recreation facility (cycling studio) in a portion of an existing building in the Des. Comm. Dist.

**1243 Post Road** Motion was made by Mr. Kennelly, seconded by Mr. Jacobs and the members present unanimously **VOTED TO POSTPONE** the Compliance application of Fin Restaurant to expand the outdoor dining patio pending the approval of the Fire Marshal.

**3695 Post Road** Motion was made by Mr. Baratz, seconded by Mr. Kennelly to approve the Compliance application of Ray McClelland to modify a sign plan in the Des. Comm. Dist.

For motion: No one

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

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

1. The sign design is not consistent with the approved overall sign plan as required by Section 29.10 of the Zoning Regulations.

**85 Mill Plain Road** Motion was made by Mr. Kennelly, seconded by Ms. Jacobson to approve the Compliance application of 85 Pond Mill LLC, for a farmer's market.

For motion: No one

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

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

1. The Commission finds that the proposed retail use is not permitted in the Designed Industrial District.

## PUBLIC HEARING

1. **1410 South Pine Creek Road** Request of Calvin Munson for 100% release of a \$4,985.00 bond pertaining to subdivision improvements in an R-3 Zone.

No representative was here to present this application to the Commission.

2. **201 Fairmount Terrace** Request of M & R Associates for 100% release of a \$23,390.00 bond pertaining to subdivision improvements in an A Zone.

Atty. William Fitzpatrick presented this application to the Commission.

3. **Zoning Regulation Amendments** Application of the TPZ Commission to amend Sections 2.12, 32.1 and 32.8 of the Zoning Regulations for flood plain management.

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

4. **Zoning Regulation Amendments** Application of the TPZ Commission to amend Sections 2.8.2, 11.7 and 31.2.35 of the Zoning Regulations regarding post Sandy.

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

5. **1262 Post Road** Special Permit application of 1262 Post Road Holdings, LLC pertaining to additions and renovations to an existing building.

Atty. William Fitzpatrick presented this application to the Commission.

At the end of the public hearing, it was the consensus of the Commission to enter into executive session for discussion on the following topics.

Motion was made by Mr. Baratz, seconded by Mr. Kennelly and the members present unanimously decided to hold a public hearing where the Plan and Zoning Commission is the applicant in order to have presentations by both the Forestry Committee and the Bicycle Advisory Committees regarding updating the regulations.

Motion was made by Mr. Wagner, seconded by Mr. Kennelly and the members present unanimously decided to ask the RTM for a supplemental fee ordinance in order to fund experts in various fields on future applications.

**12 Unquowa Place** Motion was made by Mr. Jacobs, seconded by Ms. Jacobson and the members present unanimously voted to revoke the permit for outdoor dining to Irish Hound, LLC, the owners of Chelsea, for failing to comply with the terms of the application in that there is no lease with the Town for the outdoor dining area.

This meeting adjourned at 11:07 p.m.

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Richard B. Jacobs  
Secretary

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Dolores Sansonetti  
Clerk

