

**TOWN PLAN AND ZONING COMMISSION
TOWN OF FAIRFIELD
MINUTES OF MEETING – SEPTEMBER 10, 2013**

The Town Plan and Zoning Commission held a meeting at 7:30 p.m., on Tuesday, September 10, 2013, in McKinley Elementary School, 60 Thompson Street, Fairfield, CT.

Members Present: Seth Baratz, Vice Chairman; Gerry Alessi, Rich Jacobs, Secretary; Pat Jacobson, Jim Kennelly, Matt Wagner

Alternate Members Present: Anthony Calabrese, Sally Parker

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

Mr. Calabrese sat in place for Mr. Soutar.

Meeting Minutes Motion was made by Mr. Calabrese, seconded by Ms. Parker and the members present unanimously **VOTED TO APPROVE** the Meeting Minutes of August 27, 2013.

Mr. Jacobs and Mr. Kennelly excused themselves from voting on the minutes.
Ms. Parker voted in place of Mr. Jacobs.

989 Kings Highway West Motion was made by Mr. Alessi, seconded by Mr. Jacobs and the members present unanimously **VOTED TO APPROVE** the request of The Wilton Bank for 50% release of a \$20,565 bond to subdivision improvements.

Mr. Soutar arrived at this time and voted on this application.

2500 Hillside Road Motion was made by Mr. Kennelly, seconded by Mr. Wagner and the members present unanimously **VOTED TO RECOMMEND** the proposed open space dedication to The Audubon Society as an appropriate disposition of open space pursuant to Section 2.3.9 of the Subdivision Regulations.

600 Hoydens Lane It was the consensus of the Commission to hear the application first on the open space disposition, no action is required at this time.

Zoning Regulation Amendment Motion was made by Mr. Jacobs, seconded by Ms. Jacobson and the members present unanimously **VOTED TO APPROVE** the application of the Town Plan and Zoning Commission to amend Section 2.7 Access and Rear Lots and Section 5.2.1 Access Zoning Regulation Amendment as stated:

2.7 Access and Rear Lots

No rear lot as defined in Section 31.2.28 shall be used or occupied in Zones R-3, R-2, A, B, C, Flood Plain or Beach District, for anything other than a farm building not used for human occupancy. No lot shall be used for or occupied by a building or other structure except for a farm building not used for human occupancy unless such lot has frontage [of twenty (20) feet or more in width] on an improved public street **equal to that of the required lot square width in the District in which it is located or in the AA and AAA Zones such lot may also have** [has an unobstructed easement of access]**the required frontage on a private street pursuant to the subdivision regulations.** [or private right-of-way, which is everywhere twenty (20) feet or more in width to an improved public street. Not more than one (1) dwelling shall be served from such easement of access or private right-of-way except as otherwise provided in the Subdivision Regulations. The required twenty (20) foot frontage or easement or private right-of-way shall be of such character and location so as to provide a safe and practical means of access to the lot, to permit a convenient driveway across said frontage or easement or private right-of-way into the lot and to allow the physical construction of a driveway at least ten (10) feet in width.] If the location or character of such frontage, [easement, or private right-of-way] is such that an Inland Wetlands and Watercourses Permit or Special Permit for excavation and fill will be required to make use of it for driveway purposes, the Commission may require that such permit be obtained before the requirements of this section are deemed satisfied.

5.2.1 Access:

Subject to the provision of Section 2.7 of the Zoning Regulations, each lot shall have a frontage [of twenty (20) feet or more] on a public street **equal to that of the required lot square width in the District in which it is located or in the AA and AAA Zones such lot may also have** [has an unobstructed easement of access] **the required frontage on a private street pursuant to the subdivision regulations.** [or shall have an unobstructed easement of access or private right of way which is everywhere twenty (20) feet or more in width to a public street.] However, no walk or driveway shall be permitted giving access to any business or industrial use or district. The required [twenty (20) foot] frontage [or easement or private right-of-way] shall be of such character and location so as to provide a safe and practical means of access to the lot, to permit a convenient driveway across said frontage, [or easement or private right-of-way] into the lot and to allow the physical construction of a driveway at least ten (10) feet in width. If the location or character of such frontage, [easement or private right-of-way] is such that an Inland Wetland and Watercourses Permit or Special Permit for excavation

and fill will be required to make use of it for driveway purposes, the Commission may require that such permit be obtained before the requirements of this section are deemed satisfied.

Purpose: To reduce the impact of new subdivision lots on the built environment around them

960 North Benson Road Motion was made by Ms. Parker, seconded by Mr. Alessi and the members present unanimously **VOTED TO APPROVE** the Subdivision Application of 960 North Benson Road, LLC for two (2) lots in an A Zone subject to the following conditions:

1. North Benson Road is a State Highway Route 135. Any work required in the State Right of Way will require a permit from the State of Connecticut DOT. Work will include the new sidewalk and driveway apron.
2. Concrete curbing is waived and asphalt curbing is allowed in lieu of concrete curbs along North Benson Road and Dill Road. However, all other items, such as the driveway aprons and sidewalk shall be constructed in concrete and meet the Town of Fairfield's specifications. The pedestrian ramp on the corner of North Benson and Dill roads shall be constructed in accordance with the State of Connecticut specifications. The details for the sidewalk, driveway apron and pedestrian ramps shall be shown on the plans.
3. The on-site detention system shall have an outlet for level overflows from each lot. The high level overflow can be tied into the Town of Fairfield's drainage system on Dill Road and Wormwood. It is required that this connection be made to provide an outlet for each on-site detention system that will connect flows into the Town's drainage system and not onto neighboring properties. A drainage easement will be required on Lot 8-A-2 in favor of Lot 8-A-1 to accommodate the drainage outlet from that lot. The on-site detention systems must be sized for the actual house proposed to be constructed.
4. Earthen berms are required along the southeasterly corners and easterly property lines of each lot to direct runoff into the yard drains and to intercept runoff generated from this proposal that may flow onto adjacent properties. Provide a detail of the earthen berms on the plans.
5. Each yard drain located adjacent to the proposed driveways shall have a 12" to 18" deep sump for the purpose of intercepting solids (sand, leaves, etc.) before they enter the subsurface drainage system. All runoff from the driveway on Lot 8-A-2 shall be captured by means of either trench drain and/or a combination of curbing and yard drain and directed into the on-site detention system.

6. While the existing driveway to the original dwelling is intended to remain, it is recommended to relocate it further from North Benson Road to provide an increase in the stopping sight distance. If the new location of the driveway is adjacent to any street trees then the Town Tree Warden must be contacted at (203) 256-3181.
7. On Sheet 4 or 6, the graphic scale shows 1" = 20' while the actual scale of the drawing is 1" = 40'. Please revise.
8. Provide concrete monuments at all property corners that intercept with the street lines and at the PC and PT of the curve. Provide iron pins at all other property corners.
9. Street trees are required. Contact the Town Tree Warden for the location and type.
10. Proper sediment and erosion Control Devices must be shown on the plans.
11. Compliance with the following numbered items on the attached Subdivision of Final Approval: 1, 2, 3, 4, 6, 8, 9, 10, 11, 12, 14, 15, 16, 21, 22, 23, 24, 25.

50 Chatham Road Motion was made by Mr. Kennelly, seconded by Mr. Soutar and the members present **VOTED TO APPROVE** the Subdivision application of 50 Development, LLC for three (3) lots in an R-2 Zone subject to the following conditions:

1. A structure with a 12" to 18" deep sump should be installed within close proximity to each trench drain for the purpose of removing solids and sediment from the driveway runoff prior to it entering into the detention systems.
2. On lot 1, a retaining wall is proposed. A swale is now incorporated into the grading along the top of the wall. Also proposed is a yard drain in the southwest corner. A berm shall be constructed around the back side of the yard drain, extending from the retaining wall for the purpose of capturing and directing surface water into this basin.
3. On Lots 2 and 3, it is strongly recommended that yard drains be installed in the southwest sides of each of these lots along with berms. These yard drains can then be connected into the manhole structures located on each lot and will therefore have no impact on the individual detention systems.
4. Provide details of the yard drains to be used.
5. Compliance with the following numbered items on the attached Subdivision Conditions of Final Approval: 1, 2, 3, 4, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25.

For motion: Mr. Soutar, Mr. Baratz, Mr. Alessi, Ms. Jacobson, Ms. Parker
Against motion: Mr. Kennelly, Mr. Calabrese

425 Tunxis Hill Cutoff Motion was made by Mr. Soutar, seconded by Mr. Alessi and the members present **VOTED TO APPROVE** the request of Lee Miro for recertification for one year for the sale of Christmas tree sales for the 2013 season in a Des. Comm. Dist.

For motion: Mr. Soutar, Mr. Alessi, Mr. Baratz, Mr. Kennelly, Mr. Wagner
Against motion: Mr. Jacobs, Ms. Jacobson

400 Post Road Motion was made by Mr. Wagner, seconded by Mr. Jacobs and the members present unanimously **VOTED TO TABLE** the Compliance application of Robert Schulten to establish a medical marijuana dispensary in a portion of an existing building in the Des. Comm. Dist.

PUBLIC HEARING

1. **500 Algonquin Road** Special Exception application of Brooklawn Country Club for renovations and additions to an existing pool house in the AAA Zone.

Atty. John Fallon presented this application to the Commission.

2. **222 Post Road** Compliance application of CT Wellness Center, LLC to establish a medical marijuana dispensary in a portion of an existing building in the Des. Comm. Dist.

Atty. Diane Whitney presented this application to the Commission.

This hearing is continued to September 24, 2013.

This meeting adjourned at 10:45 p.m.

Richard B. Jacobs
Secretary

Dolores Sansonetti
Clerk

