

DRAFT 4/6/26 MINUTES

APPROVED ON _____

On _____, _____ moved to approve the 4/6/26 minutes as drafted (OR AMENDED) and _____ seconded. The Board unanimously approved and on _____, Melissa Manson signed the 4/6/26 minutes as drafted and submitted them to the clerk for publication.

TOWN OF FAIRFIELD

PLANNING COMMISSION AND ZONING BOARD OF ADJUSTMENT

SPECIAL MEETING MINUTES

Monday, April 6, 2026, 7:00 PM

Members Present: Dan Pipes, Melissa Manson (Chair), Vanessa Kittell, Julia Callan, Demetrius Bolduc, Don Wells

Not Present: Aaron Forbes

Public Present: Liesel Verderber, Jeff Corey, Dan Branon, Cathy Branon, John, “Brad” Ovitt, Katie Magnant, Albert Menard, Dawn Menard

Via Zoom: Josh Menard, Lynda Ulrich, Chuck Verderber, Patrick Cashman, Steve Regan, Andrew Wallace

Minute Taker: Vanessa Kittell

1. **Meeting, Called to Order**, 7:01 PM, and the Board determined a quorum was established.
2. **Adjustments to Agenda**: None. Julia Callan moved to adopt agenda as noticed and Don Wells seconded. The Board unanimously approved.
3. **Minutes: Approval of Minutes of 3/2/26**: Zoning Administrator, Molly Mashtare, requested that the minutes and Findings and Decision be amended to reflect the correct petition number of 837 Church Road. Vanessa Kittell requested that minutes and Findings and Decision be amended to incorporate referred exhibits as attachments in a single document. Don Wells moved to make both amendments as described and Dan Pipes seconded. The Board unanimously approved. Demetrius Bolduc moved to approve as amended and Dan Pipes seconded. The Board unanimously approved.
4. **Public Comment not Related to Agenda**: None.
5. **Other Business**:
 - **Error In Posting**: Vanessa Kittell noted that there was an administrative error resulting in the incorrect version of the 10/6/25 Final Approved Minutes being posted to the Town website. Vanessa Kittell stated that the documents reflect that the Board approved the correct version of the 10/6/25. Zoning Administrator, Molly Mashtare, stated that the correct version of the minutes has now been posted to the Town Website.

- **Amendment to Conditional Approval of Final Plan for Minor Subdivision at 370 Menard Road:** Melissa Manson stated that Petitioner requested that the Board amend the language of the conditional approval of the Final Plan for Minor Subdivision at 370 Menard Road to remove burden of responsibility for damage to well impacting landowner, Kelly Leroux’s property. Melissa Manson stated that Petitioner’s testimony at 3/2/26 hearing was that Petitioner agreed to take responsibility for damage to waterline as subdivision crossed over Leroux’s waterline but subdivision proposal had no impact on well. Dan Pipes moved to amend to remove “well,” from conditional approval. Don Wells seconded and the Board unanimously approved. Julia Callan abstained from vote.
- **Final Amended Conditional Approval of Final Plan for Minor Subdivision at 370 Menard Road:** The Board approved the Final Plat for minor subdivision upon the following conditions:
 1. Applicant to identify the waterline of the abutting landowner, Kelly Leroux, and take responsibility for any damage to waterline arising out of creation of easement or Lot 2 building; and
 2. Applicant to submit final plat for recording and satisfaction of LUR.

6. Public Hearing – Minor Subdivision Sketch Plan Located at 250 Elm Brook Rd;

John Ovitt:

- a. Town Zoning Administrator, Molly Mashtare, affirmed that hearing was properly warned and all abutting property landowners were noticed of public hearing and that she had previously met with and discussed proposal with Petitioner.
- b. Melissa Manson requested that Petitioner and any interested persons that sought to be heard come forward.
- c. John, “Brad” Ovitt came forward with his niece, Kate Magnant, on behalf of petition. Melissa Manson swore in each person. No interested person(s) identified themselves.
- d. Brad Ovitt testified in accord with a previously submitted plat and application. (Exhibit 1.1, Application with Sketch Plan for 250 Elm Brook Road.) Ovitt owns approx. 206-acre parcel and seeks permit to subdivide property into Lot 1 of (176 acres and Lot 2 of 30 acres to convey Lot 2 to niece, Kate Magnant. Brad Ovitt testified that the proposed subdivision met road frontage and setback requirements. Brad Ovitt testified that he had no plans to further subdivide the property.
- e. Katie Magnant testified that she sought to establish a horseback boarding enterprise at Lot 2 with riding ring and boarding barn with capacity for up to 10 horses. Kate Magnant testified that she anticipated developing Lot 2 to build a horse barn with a dwelling space overhead in barn. She testified that she presently lives in a mobile tiny house and anticipates locating this onto the property.
- f. The Board discussed with Petitioner and Katie Magnant that the Board and the Town’s LUR encourage minimizing impacts on conservation resources including adverse impact upon prime agricultural soils. The Board requested that Ms. Magnant consider location of

any prime agricultural soils or other conservation resources on the lot prior to locating building envelope for future anticipated development.

7. Public Hearing – Major Subdivision Sketch Located at 1036 Bradley Rd; Patrick Cashman

- a. Zoning Administrator, Molly Mashtare affirmed that hearing was properly warned and all abutting property landowners were noticed of public hearing.
- b. Melissa Manson requested that Petitioner and any interested persons that sought to be heard, come forward. Appearing via Zoom, Patrick Cashman identified himself as sole Trustee of the owner of parcel at 1036 Bradley Road on behalf of Petitioner. Interested persons included Steve Reagan and Dan Branon. Melissa Manson swore all persons.
- c. Petitioner testified in accord with the plat previously submitted to the Board. (Exhibit 2, Sketch Plat for 1036 Bradley Road.) Petitioner testified that he sought to divide the overall parcel of approximately 112 acres into 5 lots of Plot 1, 35.32 acres, Plot 2, 31.38 acres, Plot 3, 15.47 acres, Plot 4, 5.80 acres, and Plot 5, 17.09 acres. Petitioner testified that the property had not been surveyed. Petitioner testified that the parcel contained two buildings with one located on Plot 2 and the other on Plot 4. Petitioner testified that the remnants of a stone wall spanned the parcel running north/south and extending across Plot 1, 2 and 3. Petitioner testified that he did not plan to develop lots or further subdivide parcel and he anticipated either transferring the lots to his children or selling.
- d. Dan Branon testified that he presently sugared the property and had no objection to the subdivision proposal. Dan Branon added that he encouraged that the subdivided lots conserve the maple woods present to continue to allow sugaring activity.

8. Public Hearing – Major Subdivision Final, Located at 837 Church Rd, 837 Church LLC, Emily Biron;

- a. Zoning Administrator, Molly Mashtare affirmed that hearing was properly warned and all abutting property landowners were noticed of public hearing. Molly Mashtare stated that prior to hearing, Emily Biron submitted a mylar plat setting forth the three lots granted conditional approval of major subdivision at 837 Church Road following the Oct. 6, 2025, hearing.
- b. Melissa Manson requested that Petitioner and any interested persons that sought to be heard come forward. Melissa Manson swore Emily Biron on behalf of Petitioner and all interested persons. The interested parties are:
 - Andrew Wallace
 - Lisel Verderber
 - Chuck Verderber
 - Dawn & Albert Menard
 - Kathy Branon
 - Josh Menard

- c. Emily Biron testified on behalf of Petitioner and testified in accord with application and survey plat submitted to the Board on or about March 17, 2026. (Exhibit 3.1, Application and Plat for Final Major Subdivision at 837 Church Road.)
- d. Emily Biron testified that she sought permit for major subdivision of Lot 1 within the 21.84-acre parcel for Lot 1A of 2.67 acres, Lot 1B of 2.63 acres, Lot 1C of 2.30 acres, and Lot 1D of 1.64 acres with building envelopes for each lot as set forth on subdivision plan at Exhibit 3.1. Petitioner testified that the driveway as shown on the plat was 24' feet from entry off road onto Lot 2, narrowed to 16' wide at Lot 1B and further narrowed as it reached Lots 1C and Lot 1D as shown on Plat. Petitioner testified that she had no plans to subdivide the 21.84-acre parcel at time of final subdivision hearing on Oct. 6, 2025. Petitioner testified that due to a fire that destroyed a building on the property subsequent to the Oct. 6, 2025, hearing, she now sought additional lots on the parcel. Petitioner testified that she has no plans to further subdivide the 21.84-acre parcel. Petitioner testified that she objected to submitting the present petition to the Board as an amendment to Major Final Subdivision approved by the Board following the 10/6/25 hearing.
- e. Albert Menard testified that the destruction of a single existing building was not proportionate to the Petitioner's request to add four more lots on the parcel. Albert Menard testified that the proposed subdivision location of the driveway in Lot 2 with Lots 1A – Lots 1D encouraged further development suggesting further planned or phased development on the overall parcel.
- f. Liesel Verderber testified that the location of the proposed additional (4) strip lots on Lot 1, with a shared driveway as depicted on the plat would create substantial risk for run-off concern on an already wet property, especially with a 24' driveway/easement running through middle of parcel. In support of testimony, Liesel Verderber submitted two videos to the Board demonstrating existing run-off conditions at parcel. (Exhibit 3.2, Videos.)
- g. Lynda Ulrich testified that the proposed subdivision violated Town LUR 4.3 by as incompatible with the subject area, violated LUR 7.9 by proposing four narrow strip lots obstructing scenic views, fragmenting the land and visual landscape and character, violated LUR 8.4 by having undue adverse effect upon conservation resources by locating four narrow strip lots that cause fragmentation of existing agricultural soils and failing to follow linear features or locating structures and easements closer to edges of boundary lines. In support, Lynda Ulrich submitted written testimony. (Exhibit 3.3, Violations of Fairfield's Land Use and Development.) Lynda Ulrich testified that the Board should request that a condition of the project was to include a bond based upon a potential risk of environmental damage caused by the density of the subdivision proposal and driveway and relative inexperience of developer, Petitioner. Lynda Ulrich submitted written testimony in support. (Exhibit 3.4 , Requirement for a Performance Bond.)

h. Petitioner testified that she has attempted to locate the building envelopes to minimize visibility of buildings from the road and to minimize adverse effect upon agricultural soils. Petitioner testified that no wastewater permits had been obtained.

9. **Zoning Administrator's Report:** Town Zoning Administrator, Molly Mashtare stated that she had undertaken various calls in the preceding month including one for a certificate of occupancy and consultation meeting with a petitioner seeking a boundary line adjustment. Molly Mashtare stated that the new Town Land Use Regulations went into effect in mid-March 2026 and are now posted on the Town website.

10. Confirmation of next meeting:

- Regular Monthly Meeting of DRB/PC: Monday, May 4, 2026, at 7:00 PM.
- Town Planning Meeting with Emily Kloft, Monday, May 18th, at 7:00 PM.

11. Deliberative Session: Board moved to deliberative session at 8:58 PM.

At 10:12 PM, the Board exited Deliberative Session and Julia Callan moved to conditionally approve the sketch plan proposal for 250 Elm Brook Road, and Vanessa Kittell seconded. The Board unanimously approved. The condition for the sketch approval was that the proposal avoid creating any landlocked or “orphaned,” parcels, making each lot contiguous. Any proposed modifications of subdivision plan must be resubmitted to the Board for review under section 7.4 (A)(3), and other applicable LUR, including but not limited to any phasing proposals for further subdivision. LUR 7.4(A)(3)(a), 7.8.

Should petitioner seek Final approval of minor subdivision at 250 Elm Brook, petitioner must satisfy the standards set forth under LUR table 7.1, and LUR 8.4 and/or any other LUR applicable at the time of petition, providing lot identification, property boundary survey, contour, lines, identification of access features, proposed structures, and proposed utilities, wastewater and septic permits, all associated rights of way, satisfaction of all road and driveway standards and requirements for easements.

The Board encourages any petitioner of minor subdivision to provide information about the location of conservation resources, including agricultural soils, and petitioner’s attempt to avoid undue or adverse impact upon conservation resources, including prime agricultural soils.

The Board remains in Deliberative session on 1036 Bradley Road and 837 Church Road petitions.

12. **Adjourn:** Vanessa Kittell moved to adjourn and Julia Callan seconded. Meeting adjourned at 10:12 PM.

