

Present: Don Saltzman, Chairman; Paul Heifetz, Dan Gilbert, Stephan Grozinger, Katie Gregory, Ridge Young –absent Jane Connolly, Vice Chairman (Tracy Kulikowski, Land Use Director also present)

Meeting on 4 tapes dated 1/28/08

EXECUTIVE SESSION: PERSONNEL – ZONING ENFORCEMENT OFFICER APPOINTMENT

Don Saltzman moved that the Commission go into Executive Session. Seconded by Stephan Grozinger. Vote in favor (6-0) Jane Connolly absent.

Don Saltzman moved that the Commission go out of Executive Session. Seconded by Stephan Grozinger. Vote in favor (6-0) Jane Connolly absent.

MOTION:

Don Saltzman moved that the Commission contact James Pjura to go before the Board of Selectmen, thru Tom Landry, Town Administrator; in order to accept him as the full time Zoning Enforcement Officer and then return to the Planning & Zoning Commission at his the earliest convenience, for the Commission to vote on his employment, as called for under State Law. Seconded by Stephan Grozinger. Vote in favor (6-0) Jane Connolly absent.

Tracy Kulikowski, Land Use Director, stated that she is meeting with James Pjura and the Town Administrator on Wednesday, January 30, 2008. The Selectmen's meeting will be on February 7th.

REGULATIONS:

PUBLIC HEARING CONT: ACCESSORY STRUCTURES, PROPOSED REGULATION 321.8 PRINCIPAL BUILDING ON RESIDENTIAL LOTS. SECTION 321.6 MAXIMUM BUILDING COVERAGE

The Land Use Director submitted a document "Building/Lot Coverage Research", dated 1/28/08, as requested by the Commission. This document provides additional information on building/lot coverage regulations in nearby towns with an attached table. Also the document summarized building coverage percentages for the last 3 years. She noted that most applicants do not provide building coverage data on their plans and it is not required at this time for a Zoning Permit either. The Code Enforcement Officer will do a rough calculation based on building plans submitted, but does not require detailed calculations provided by the applicant because the current maximum building coverage requirement is so high.

REGULATIONS CONTINUED:

A discussion followed regarding “impervious surface” and how this relates to the present building coverage. Don Saltzman felt that the Town of Weston has a very liberal policy and the Commission needs to discuss this matter. Stephan Grozinger felt that since there have been no complaints about recharging the aquifer, the Commission will have a long way to go.

Dan Gilbert submitted two documents to the members:

(1) Out Buildings – Section 321.6 Maximum Building/Impervious Coverage, dated 6/5/07 and (2) Maximum Lot Coverage.

A discussion followed.

DISCUSSION: PROPOSED SECTION 347.2 – ROBERT TURNER

Robert Turner, Zoning Officer, submitted a document on proposed wording for a proposed Section 347.2, dated 1/16/08. This section deals with accessory structures which has been seen by the Town Attorney.

A discussion followed and Stephan Grozinger felt it was plainly unconstitutional to make inspections. Dan Gilbert questioned “what can Planning & Zoning do to help Robert Turner enforce the regulations on permitted accessory uses? A procedural document was discussed.

RECEIPT OF APPLICATION: ACTIVITY IN A FLOOD PLAIN: HORNUNG 37 RIVER BANK ACCESSWAY & BRIDGE (GRUMMAN ENGINEERING)

Don Strait, Landscape Engineer with Grumman Engineering submitted an application for Activity in a Flood Plain for Mr. and Mrs. Hornung of 37 Riverbank Road for an access way and bridge. Also present was the owner/applicant, Mr. Hornung and Tim DeBartone of Cuoco Structural Engineers, LLC of Fairfield, Ct.

They presented a detailed map to the members and went over it in detail. It was stated that the site has an existing bridge (not passable) which will be redesigned and used as a driveway with a proposed driveway access onto Lyons Plains Road. It will essentially be a new bridge and very similar to Cartbridge Bridge with abutments on either side. The Hornung property is approximately 10 acres along Lyons Plains Road with accessway from Riverbank and proposed accessway driveway from Lyons Plains Road with a driveway cut opposite Smith Farm Road and has been approved by the Town Engineer in his memo dated 1/28/08.

HORNUNG CONTINUED:

Don Saltzman felt the construction of a structure (including bridges) in a flood plain must conform to the Flood Plain Regulations and be one foot above the flood level and all the other work involved must meet the regulations. He also felt that the Commission needs an Engineering Report with certification on the bridge and width and also has to certify that the bridge meets all of the regulations of the Flood Plain regulations. The Commission has the right to hire an engineer to perhaps challenge the applicant's report that is submitted. Also there may be a zoning issue of two driveways for this property. The applicant will also need a letter/report from Fire Marshal/Fire Chief John Pokorny.

Paul Heifetz asked the purpose of the bridge? Mr. Hornung stated he was not happy with the condition of Riverbank Road access which is very narrow and unsafe and serves 6 houses. He stated that the residents, for some reason, do not want to fix the road. Mr. Hornung does not want to build on the other side of the bridge (Lyons Plains side) and just wants it for his own entrance. The application is asking to extend the driveway on the other side of the Saugatuck River to Lyons Plains Road with a new bridge and stated that he will not close the Riverbank Road as one of the residents has asked for him to keep open the turnaround.

The engineer from Cuoco Structural Engineers, LLC, showed the elevations of the proposed bridge. He explained the present elevations and the proposed elevations which he felt met the Flood Plain Regulations. He also felt that the applicant will be making an improvement to the existing bridge.

Don Saltzman asked if the applicant meets the Flood Plain Regulations and questioned the volume calculations for the new bridge proposed. He also referred to the submitted Drainage Report, dated May 29, 2007 and revised January 9, 2008.

The applicant went to the Conservation Commission on January 17 and is waiting for Administrative approval by Fred Anderson, Conservation Planner.

The area is staked for members to do an independent walk by parking in the turnaround and going down onto the property from Riverbank. Mr. Hornung stated he is not living in the house as it going under renovation and they can go anytime they want. The driveway is staked but they cannot walk on the existing bridge. There are also stakes on the Lyons Plains side. Members will walk by the next meeting.

Stephen Grozinger referred to Page 4, Section B2 of the Flood Plain Management Regulations, effective March 23, 1998, which requests a hydrologic and hydraulic analyses .

Stephan Grozinger moved that the Commission receive the application for Mr. and Mrs. Hornung for an activity in a flood plain at 37 River Bank for an access way and bridge. Seconded by Ridge Young. Vote in favor (6-0) Jane Connolly absent.

WAIVER OF SECTION 3.10.4 SUBDIVISION REGULATIONS TO ALLOW 13 HOUSES ON A DEADEND ROAD, TANNERY LANE SUBDIVISION, LOT 8 BANKS DRIVE (HARPER/DILLON)

Mark Harper and Mr. Dillon were present. The Commission members walked the site.

Paul Heifetz and Dan Gilbert felt that the request meets the three criteria test for a waiver. They referred to Page 36 of the Subdivision Regulations where it stated that the Commission needs a $\frac{3}{4}$ vote of 7 members, so would need 6 votes to approve this waiver and also the three criteria.

Mark Harper felt the proposed driveway would be a much better grade and this was in agreement with the Town Engineer's memo of December 17, 2007. Stephan Grozinger felt the waiver conditions have been met. After a discussion, a consensus was reached that the members would grant a waiver.

MOTION:

Don Saltzman moved that the Commission approve the application for a waiver as submitted by the applicant to allow 13 driveways off the subdivision dead end road system of the Tannery Lane Subdivision. Note that this waiver still requires site specific approval of Lot 8 when the owner decides to develop it. The waiver has met the three types of criteria for a waiver in the Subdivision Regulations and that is the basis for the approval. Seconded by Ridge Young. Vote in favor (6-0) Jane Connolly absent.

APPROVAL OF MINUTES:

Don Saltzman moved that the Commission approve the minutes of November 6, 2007; December 17, 2007 and January 7, 2008 with correction. Seconded by Ridge Young. Vote in favor (6-0) Jane Connolly absent.

P&Z COMMISSION AS DESIGNATED AQUIFER PROTECTION AGENCY
DISCUSSION/DECISION: MAP OF AQUIFER PROTECTION AREA BOUNDARY

Tracy Kulikowski, Land Use Director, presented a map of the Aquifer Protection Area Boundary Coleytown Well Field, for the Town of Weston, for the Commission to approve. Katie Gregory asked if there are regulations to go along with the map? Tracy Kulikowski stated there were and would be presenting those at a future meeting. The regulations mainly deal with commercial activity in this Crystal Lake area shown on the map. Weston is mainly 2 acre residential activity. Dan Gilbert requested a set of the Model Regulations.

AQUIFER PROTECTION MAP CONT:

MOTION.

Don Saltzman moved that the Commission adopt the Aquifer Protection Area Boundry Coleytown Well Field map, prepared by Department of Environmental Protection, showing the aquifer in the southwest corner of the Town of Weston. This map will be effective on the date of publication. Seconded by Katie Gregory. Vote in favor (6-0) Jane Connolly absent.

OTHER BUSINESS:

TOWN PLAN: The Commission discussed Planning & Zoning application for grant money that is available from the State. Tracy Kulikowski, Land Use Director will handle.

DISCUSSION:

Stephan Grozinger requested a list, from the Land Use Director, of the lawsuits against P&Z.

Meeting adjourned.

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval: Unanimous approval on 2/4/08