

Present: Don Saltzman, Chairman; Paul Heifetz, Dan Gilbert, Stephan Grozinger, Katie Gregory. Jane Connolly and Ridge Young absent

Tracy Kulokowski, Land Use Director also present
Robert Turner, Zoning Enforcement Officer also present

Meeting on tapes 1-7 dated 3/17/08

RECEIPT OF APPLICATION: SPECIAL PERMIT WESTON HISTORICAL SOCIETY 107 WESTON ROAD ADDITION – G. GUIDERA, ATTORNEY

Attorney George Guidera, representing the Weston Historical Society, presented an application for a special permit for the construction of an Archive building for the purpose of attracting the donation of valuable documents (letters, diaries, maps, deeds, etc.) and artifacts (tools, furniture and furnishings etc.) which are illustrative of the history of the inhabitants and geography of Weston.

The Commission approved a special permit in 1984 which allowed the Weston Historical Society to operate. The Society is a charitable organization which raises and spends its own funds without contribution from government. In 1984 the Society also obtained variances from the Weston Zoning Board of Appeals to allow the existing Coley homestead and its barns and sheds to remain where they are now located. We now need to resolve the placement of a new archive building and expanded parking. The property does have a dual access driveway.

Attorney Guidera went over the plot plan of the Historical Society's property dated November 3, 2007 showing existing conditions. Also submitted is a plan showing the new proposed archival building attached to the existing cider shed and floor plans. The proposed archival building's footprint will be 28 feet by 44 feet consisting of 1,250 square feet and the existing cider shed is 750 square feet. The proposed height is 32 feet. There will be no activity in the setback and there will be a 100 foot setback or greater for the proposed building. The applicant is in the process of requesting a letter from the Fire Marshal for the two entrances which are below ground.

Don Saltzman moved that the Commission receive the application for the Historical Society for a new proposed archival building and expanded parking. Seconded by Stephan Grozinger. Vote in favor (5-0) Jane Connolly and Ridge Young absent.

The Commission requested that the applicant stake the proposed addition and the members will do an independent walk. It was stated that the footprint is painted on the ground. To be on the agenda for the next meeting for a public hearing.

DISCUSSION: ZONING REGULATIONS REVISION TO SECTION 372.3 NON CONFORMING USE OF LAND AND SECTION 373.5 NON CONFORMING USE OF BUILDINGS.

The Land Use Director discussed a Memorandum of Decision, dated February 4, 2008 on Weston I, LLC v. Town of Weston and the Weston Planning and Zoning Commission document from Town Attorney Cohen and Wolf regarding the decision between word meaning “discontinuance and abandon”.

A discussion followed and the following motion was made.

Don Saltzman moved that the Commission approve forwarding the draft of the revision for Section 372.3 and 373.5 to SWRPA and holding a public hearing on April 7, 2008. Seconded by Stephan Grozinger. Vote in favor (5-0) Jane Connolly and Ridge Young absent.

The revision is as follows:

Section 372 Non conforming Use of Land

372.3 If such non-conforming use of land or any portion thereof, is intentionally abandoned or is changed to a conforming use, any future use of such land shall be in conformity with all requirements of these Regulations.

Section 373 Non conforming Use of Buildings

373.5 If any non-conforming use of the building or structure is intentionally abandoned or is changed to a conforming use, or if a structure in which such use is conducted or maintained is moved for any distance whatsoever, for any reason, then any future use of such building or structure and the land on which it was located shall be in conformity with all standards specified by these Regulations for the district in which it is located.

ZONING REGULATIONS – ADDITION ZERO INCREMENTAL RUNOFF REGULATIONS

Town Engineer John Conte was present for a discussion with the Commission members on Zero Incremental Runoff. It was stated that all new subdivisions must maintain zero incremental runoff per imposed conditions by the Commission. Lots that are pre existing do not fall under this regulation. The Zoning Regulations do not require lots not covered by the subdivision regulations to meet zero incremental requirements. Also noted that the site specific requirement in the conditions of the subdivision requires zero

ZERO INCREMENTAL RUNOFF CONTD:

incremental runoff. A statement of zero incremental runoff is usually given for the entire subdivision at the time of presentation. Robert Turner felt it should be made specific in the Subdivision Regulations for each lot. Dan Gilbert noted that every time you develop the land you should get an Engineering Study? John Conte noted that the Town of Westport has that requirement now. Don Saltzman felt that the Commission would be burdening the applicant with fees.

The discussion continued regarding if every request for a permit for construction would require an engineering study. Dan Gilbert suggested that a list of exceptions could be created. To be on the agenda for the next meeting.

CRITERIA FOR TOWN PLAN OF CONSERVATION & DEVELOPMENT
CONSULTANT

The Land Use Director stated that she has been contacting possible consultants for the Town Plan and stated the meetings that they would be giving their presentations.

OTHER BUSINESS:

Stephan Grozinger stated his concern regarding Robert Turner, Zoning Enforcement giving zoning permits to the construction activity in the bank, pharmacy and restaurant at Weston Center. He stated that Mr. Turner had been advised not to give out any permits for commercial activity at Weston Center before consulting the Planning & Zoning Commission, as per a March 23, 2006 letter signed by the Chairman of Planning & Zoning. Mr. Grozinger's also stated his concern regarding needed extra parking spaces for the restaurant as their requirements are different (as stated in the Zoning Regulations) because a wall has been changed in the restaurant to give it added space making the pharmacy smaller. Mr. Grozinger felt that the Zoning Enforcement Officer had exceeded his authority and wanted everything to be legal.

An extensive discussion continued.

The consensus of the meeting was for the Chairman to write a letter to Josh Tolk of Rand Realty who manages the Center to notify the three stores to come to a special meeting on Thursday, March 20th, 2008 to clean up the matter.

Don Saltzman moved that the Commission approve writing a letter to Josh Tolk of Rand Realty, to inform him that the Commission has never reviewed any of the plans for the three renovations. A special meeting will be held on Thursday, March 20th, 2008, to review and correct the process. Seconded by Dan Gilbert. Vote in favor 3 and 2 nay. Stephan Grozinger and Paul Heifetz nay.

Meeting adjourned.

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval: approved on May 6, 2008 with correction. Vote (5-0) Jane Connolly and Ridge Young absent.