

TOWN of WESTON, CONNECTICUT



Incorporated 1787

Planning & Zoning Commission

LEGAL NOTICE

DECISION

Notice is hereby given that at a special meeting of the Weston Planning & Zoning held Friday, January 29, 1999, upon the application of Smith & Smith Building Corp., dated January 26, 1999, to waive a subdivision regulation and modify certain conditions contained in a resubdivision approval dated May 26, 1998, for property now or formerly know as 96 Norfield Road, Weston, Connecticut, the Commission approved the requested waiver and certain modifications of conditions of said resubdivision by vote 5-1-1 (one abstention due to recuse) subject to the conditions set forth below.

WAIVER

Because of the natural and physical conditions of the site and the fact that other options such as removing a very large, rare and ancient oak tree would have significant negative impact on the environment and the Town Plan to preserve and protect to the fullest extent possible the unique natural conditions within the Town and that a waiver of the condition to remove said oak tree will allow for the feasible development, protection of existing natural resources, and would be consistent with our regulations to protect health, safety, and welfare as set forth in Section 3.14.1, a waiver is hereby granted to permit the sight line at the intersection of the Private Lane and Norfield Road to be less than those required under Section 3.10 upon evidence satisfactory in form and substance to the Weston Town Engineer and Planning & Zoning Commission of the completion of the following conditions:

- i That the sight line at the intersection of the Private Lane and Norfield Road which Private Lane is located between Lots 1 and 2 in the subdivision be improved by installation of the following.
 - a. a stop sign on the Private Lane, located in the Town's right of way, approximately ten (10') feet back from the intersection of Norfield Road and the Private Lane; and in a location which gives the driver a clear sight line in both directions of Norfield Road for a distance of 315'.

- b. a painted white stripe ban at the stop sign described in a. above, crossing the paved portion of the accessway to the Private Lane; and or such other requirement that may be established by the Town Engineer.
 - c. two (2) warning signs, on Norfield Road, to be located approximately 315 feet from the Private Lane, easterly and westerly of the Private Lane; the wording on said signs and their location to be established by the Town Engineer of Weston; and
 - d. a convex mirror or mirrors on Norfield Road opposite the Private Lane, to assist drivers of vehicles exiting the Private Lane to see both easterly and westerly as directed for location size and materials by the Town Engineer; and
 - e. pavement on the access to the Private Lane in the Town right of way, extending from Norfield Road to a point parallel to the stone wall on Lot 2; and
 - f. a painted white shoulder line on the northerly side of Norfield Road, easterly of the Private Lane, in accordance with the specification of the Town Engineer.
 - g. That reflectors be installed in appropriate places at the trunk and limb of the large oak tree, as established by the Town Engineer.
2. The Town of Weston "remove the hump" on Norfield Road westerly (easterly) of the Private Lane, substantially in accordance with the plan of the Town of Weston, submitted to the Commission by the Town Engineer, dated January 29, 1999, attached hereto and part hereof. "Removal of hump" is to be to a depth which gives a minimum 315' sight line
 3. No improvements shall be constructed on, or trees or shrubs planted in the Town's right of way bordering Lots 1 and 2 which shall restrict the sight line from the stop sign on the Private Lane.
 4. (a) The Town of Weston has agreed to install the improvements set forth in a letter from the First Selectman to the Chairman of the Planning & Zoning Commission, January 26, 1999 (a copy of which is attached hereto and made part hereof). To the extent that any of the conditions set forth in this modification require improvements to be installed on property owned or controlled by the Town of Weston, the requirements set forth herein shall be deemed to have been satisfied by the installation of the improvements by the Town of Weston. To the extent that the Town of Weston needs any temporary easement or license to install or to maintain any of the required improvements, the Town shall be granted such easement or license in a manner acceptable to the Town Attorney. Any conveyance of Lot 2 shall be subject to such easement or license.

(b) Applicant shall make every reasonable effort to assist the Town of Weston and cause the improvements to be completed within the times set forth in the letter from the First Selectman attached hereto.

5. Condition 6 of the Re-subdivision Approval dated May 26, 1998, be amended by adding the following.

“Any portion of the bond that has been posted for subdivision work that remains outstanding as of the date of this approval will not be released until all of the conditions of this approval have been satisfied.”

6. Any installation of trees that are now shown on the Resubdivision Plan that are located at the intersection of the Private Lane and Norfield Road shall be installed in such a manner as not to interfere with the sight line established by this approval. In the event that the plantings at said intersection are no longer feasible because of this modification, the Town Engineer shall have the right to either relocate the tree or trees to be planted or eliminate the same.

7. Condition 33 of the Resubdivision Approval is deleted.

8. Except as modified or waived herein, all of the conditions and requirements of the resubdivision Approval dated May 26, 1998, shall remain in full force and effect.

Dated at Weston, Connecticut, February 4, 1999

By: Marguerite Terzian
Chairman
Planning & Zoning Commission

To be published in:
Weston Forum 2/4/99