

Present: Stephan Grozinger, Chairman; Jane Connolly, Vice Chairman; Don Saltzman (late 8 p.m.) Paul Heifetz, Dan Gilbert, Katie Gregory, Ridge Young

Meeting on tapes dated 6/1/09

Land Use Director Tracy Kulikowski was present.

APPROVAL OF MINUTES:

Stephan Grozinger moved that the Commission approve the minutes of May 18, 2009 with corrections by Dan Gilbert and Stephan Grozinger. Seconded by Katie Gregory. Vote in favor (6-0) Don Saltzman absent.

CHAIRMAN'S REPORT

Stephan Grozinger reported to the Commission members that enforcement was being stepped up and referred to violations for 177 Goodhill, 40 Weston Road, 10 Autumn Ridge, 7 Tower Drive; also 112 Georgetown Road, 11 Blueberry Hill. Also discussed Subdivision Cataloguing Project, Survey Guidelines and boiler plate for Cease and Desists and silt fences on 26 Old Mill Road.

DISCUSSION: PEDIATRICIAN FOR MEDICAL OFFICES/DR. LIEBERMAN'S LETTER OF 5/19/09

Dan Gilbert raised the question of whether we have a need to respond to the letter received from Dr. Lieberman, dated 5/19/09. Stephan Grozinger did not think so and Paul Heifetz felt that Dr. Lieberman should get a response to some of the questions in his letter. It was felt that the Commission should discuss Dr. Lieberman's status once the December 31, 2009 deadlines passes. Dan Gilbert felt it would take the Commission months to refine the regulation but need to confirm what will take place when December 31, 2009 comes. Katie Gregory felt the Commission is really not meeting the needs of the residents losing Dr. Lieberman. Jane Connolly stated that the "Commission clearly denied the request at the last meeting and Dr. Lieberman was in violation of the regulations. Paul Heifetz stated "that a decision was issued and the Commission was very fair in granting him eight months to resolve his situation if he continues to be in violation and a cease and desist will be issued." Katie Gregory felt the Commission owes him a response. Ridge Young also felt that Dr. Lieberman deserves a response to his letter.

Don Saltzman arrived 8 p.m. to the meeting. He questioned who will draft a proposed changes regulation to the regulations? Dan Gilbert felt that given that Dr. Lieberman has been in business for over 20 years, that there is a need for a pediatrician in Weston. He felt that the Commission should consider refining the regulation.. He submitted a draft proposal for Section 343.10 Home Occupation. Discussion followed regarding the proposed changes.

MEDICAL OFFICE -PEDIATRICIAN – DR. LIEBERMAN CONT:

Paul Heifetz also added that there are other issues the Commission has to address such as traffic, parking problems. He also felt that the Town has EMS emergency service and we do not need a physician's office in Weston.

Katie Gregory asked the Commission if they would be interested in moving the cease and desist date for Dr. Lieberman if they do not get a new regulation in place? Paul Heifetz questioned if the Commission is going to do this for everyone? Jane Connolly stated that Dr. Lieberman has been in violation for 25 years and the Commission can't extend it any more. A sense of the Commission was taken and most of the Commission members were opposed.

Don Saltzman suggested again a minor adjustment to the Home Occupation regulation and that he would offer to draft a proposal and consider Dan Gilbert's proposal. A discussion followed.

Paul Heifetz suggested that this item be put on the agenda for the next meeting so that the Commission has a chance to read what Dan Gilbert and Don Saltzman propose.

DISCUSSION: WOODY BLISS'S LETTER OF 5/14/09

Woody Bliss was present and it was noted that he is a member of the Planning & Zoning Commission ex-officio but cannot vote.

A discussion followed regarding Woody Bliss's letter of May 14, 2009 regarding Section 8-24 Municipal improvements. (copy attached to these minutes). A discussion followed to include a proposed response written by Dan Gilbert and to be considered by the Commission members.

Also Don Saltzman questioned the time frame of the 8-24 on Valley Forge Bridge Replacement and would the 8-24 Report have time to get enough material on the bridge so that the Commission could make an informed decision? Stephan Grozinger stated that the Commission would apply the standards to judge the 8-24 report to obtain a favorable report. A discussion followed on sending Dan Gilbert's submitted verbiage to the First Selectman.

Jane Connolly moved that the Commission put Dan Gilbert's verbiage into a letter to the First Selectman regarding Section 8-24 Municipal improvements. Seconded by Ridge Young. Vote in favor (7-0)

RECEIPT OF APPLICATION: SPECIAL PERMIT – POOL & POOL HOUSE –
ASPETUCK VALLEY CC, 67 OLD REDDING, (FALLON)

Attorney Fallon and Charles Torrence, General Manager for the Aspetuck Valley Country Club, presented an application to amend the Special Permit for a private recreational club pursuant to Section 341.4 of the Regulations as approved on July 9, 1990, and as subsequently amended by the Commission on November 11, 1993 and September 27, 1996, for a pool and pool house and other improvements to its facilities.

The components of the present application are as follows:

1. The Club seeks permission to construct a new pool and pool house as shown on the plans submitted herewith replacing the aging pool and pool house. As shown on the plans, the new pool will be comparable in size to the existing pool. The pool house will be enlarged so as to meet the ongoing needs of the Club's current membership. Hours of operation will remain consistent with the past historic use of the pool and pool house facilities encompassing activities between Memorial Day weekend to Labor Day. General hours of operation will be from 11 a.m. to 7 p.m. daily. In addition, a summer camp will run from the end of June through mid August (approximately 7 weeks) and involve use of the pool facilities between 8:30 a.m. to 3 p.m.
2. Conversion of the existing garage apartment to a seasonal facility to be used in conjunction with the day camp is also proposed.....
3. The plan also addresses minor relocation by approximately 20 feet of three existing paddle tennis courts and the construction of one additional court to meet the ongoing needs of the membership. A small paddle tennis warming hut is also proposed.
4. The construction of three new tennis courts on the portion of the property designated as 47 Old Redding Road. The existing residence on that property will be demolished. There will be no net increase in the number of tennis courts on the Club property since as shown on the site plan submitted herewith three presently existing tennis courts will be eliminated in order to create a new pervious parking area to be used by staff and for special events parking.
5. Construction of a new cart barn is proposed.
6. A new maintenance building is proposed to be located partially on the former Ally property where the existing house will be demolished.

DRAFT**RECEIPT OF APPLICATION: AVCC SPECIAL PERMIT CONT:**

Jane Connolly raised the question again regarding the pile of dirt on the Club property. Attorney Fallon stated that the Club owes a soil report to the Commission that should come to the Commission this week. The pile of dirt was from the dredging of Pond 1 and the material was unstable and is drying out. The dredging was approved by the Conservation Commission. Jane Connolly did not agree and felt that Conservation did not give the Club approval to do this. She requested to move it and fix it. Ms. Connolly also questioned the future of the large tree near the Kimberly house. Attorney Fallon stated that the Club was going to use the dirt to fill the foundations of the two proposed demolished houses.

A site walk of the Club, guided by Attorney Fallon, will be set up in the next week.

Paul Heifetz moved that the Commission receive the application for an amendment to the Special Permit for the Aspetuck Valley Country Club, located on Old Redding Road, for a new pool and pool house and associated improvements. Seconded by Dan Gilbert.
Vote in favor (7-0)

PUBLIC HEARING: SPECIAL PERMIT – CAMP ASPETUCK GIRL CAMP, 88 OLD EASTON TURNPIKE (WESTCHESTER MODULAR HOMES)

Stephan Grozinger read the public hearing notice into the record.

Katie Gregory recused herself from this application.

Present were Rob Beebe, director of construction for the Westchester Modular Homes of Fairfield County, and Attorney Scalzo to discuss obtaining permission from the Commission to build a new lodge. Attorney Scalzo's letter of May 5, 2009 was referred regarding the building and shed on the northeast boundary line and the existing parking area which are all grandfathered. They are considered legally nonconforming and do not require a variance. The gravel parking area that also violates current setback regulations from the front property line (within 100") would be considered a use. Any use or structure erected prior to the adoption of the Zoning Regulations would be a legal nonconforming use or structure. It is considered a nonconforming parking area.

The new lodge is approximately 2,000 square feet with two bathrooms and area for a nurse. Stephan Grozinger confirmed that the Girl Scout camp does not have a current Special Permit as it was grandfathered, being constructed before the regulations were in place.

Don Saltzman asked if the new lodge meets all the requirements of a new permit. The answer was yes.

GIRL SCOUTS CONT:

Dan Gilbert raised the question of the pre existing parking lot. Attorney Scalzo referred to his letter of May 5, 2009. The camp has been there for a very long time and is grandfathered. He felt it did not need a variance. There is no other parking on the site and has been there from the beginning.

Stephan Grozinger requested that the applicant submit the Girl Scout mission to answer the community need. The capacity for the camp is 80 and they come from Weston and Westport. A lot of the staff come from the area.

Don Saltzman stated that there are mandates for improving the camp and they have been delineated and this application is an upgrade. Stephan Grozinger stated that the camp is in a residential neighborhood but all the buildings and the parking area are grandfathered in.

Dan Gilbert questioned the density of use and the percentage which would be less than 1% of the site and the set back is 238 feet.

The applicant has an A2 survey; received approval from the Weston Health District and have not heard yet for alarm and sprinkler approval from the Fire chief. The building will not have sprinklers because it is not lived in. It was stated that there are two pools on site on an extraordinarily large property.

Dan Gilbert did not think a site walk was necessary because the application was for minimal use.

PUBLIC COMMENT:

Lucy Boden stated that she is a grand parent of a baby scout and Weston resident and does enjoy the site.

The consensus was for approval.

The Land Use director submitted a draft approval to the Commission members and Stephan Grozinger read it into the record.

Stephan Grozinger moved that the Commission approve the draft approval as read. Seconded by Jane Connolly. Vote in favor (6-0) Katie Gregory recused.

PUBLIC HEARING CONT: FAR HORIZON SUBDIVISION, 4 LOTS, ADC 10
LADDER ROAD, LLC, 10 LADDER HILL (SPATH & BJORKLUND)

Chick Spath of the Huntington Co. was present. Stephan Grozinger had left the public hearing open to receive a report on zero incremental runoff. Also noted were letters from the Fire chief, John Pokorny; dated May 28, 2009, regarding residential sprinklers; and a memo regarding the bond estimate from the Town Engineer, John Conte, dated June 1, 2009, in the amount of \$180,000. These letters were read into the record

Mr. Spath stated that he did go to the Westport Weston Health District but has not heard from them yet.

Mr. Spath felt that the subdivision now complies with the Odd Lots regulation and that Lot 1 complies with 2.09 acres. The open space will be called Association Space, consisting of the 4 owners, and will be a private consisting of 35% of the 17.9 acres of the subdivision.

Dan Gilbert referred to the John J. Mack, P. E. letter, dated May 29, 2009, regarding zero increase of storm water and stated that the words rate and speed were not there, just the word volume. A discussion followed including an explanation by C. Spath. There is no increase in the volume or increase of storm water discharge. Paul Heifetz felt the engineer's letter does not attest to that and felt it was not a complete letter. Stephan Grozinger stated that it relates to rate and speed coverage but not erosion. A discussion followed.

Stephan Grozinger and Dan Gilbert felt that Mr. Spath could testify to this information and submit a follow up letter regarding Dan Gilbert's request.

Don Saltzman asked Mr. Spath if the subdivision meets all the requirements of the subdivision regulations and Mr. Spath responded yes.

Public Comment – none

Dan Gilbert moved that the Commission close the public hearing. Seconded by Jane Connolly. Vote in favor (7-0).

To be on the agenda for a formal decision at the next meeting.

OTHER BUSINESS:

Paul Heifetz requested that a continued discussion of the zoning exemption with the Town be on the next agenda.

Meeting adjourned.

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval: Unanimous approval on 6/15/09