

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

Meeting on tapes 1-5 dated 7/20/09

Jane Connolly, Vice Chairman presided over the meeting in the absence of Stephan Grozinger, Chairman.

PRESENTATION: DAN WILDER, SWRPA (DAN GILBERT)

Dan Gilbert presented Dan Wilder a proclamation from the Town of Weston and Planning & Zoning Commission thanking him for his 21 years of service, representing the Planning and Zoning Commission to SWRPA.

APPROVAL OF MINUTES:

Dan Gilbert moved that the Commission approve the minutes of July 6, 2009, with corrections by Dan Gilbert and Jane Connolly. Seconded by Paul Heifetz. Vote in favor (6-0) Stephan Grozinger absent.

CHAIRMAN'S REPORT:

The Land Use Director reported to the Commission members on a cease and desist being issued for Mr. Sarfaz of 41 Norfield Woods Road, dated 6/25/2009. There will be a meeting on August 3, 2009 to discuss.

It was announced that there will be a special meeting on August 3, 2009 for a public hearing on the 8-24 Report for the Valley Forge Road Bridge replacement.

OTHER BUSINESS - LAND USE DIRECTOR

The Land Use Director stated that Andy Frank of 112 Georgetown Road was issued a cease and desist and is under appeal. He is now going before Zoning Board of Appeals on August 25, 2009. The Town Attorney's presence is up to the Code Enforcement Officer.

Discussion of the procedure to reconfirm an existing apartment when there is a new owner of the property. It was suggested that the Code Enforcement Officer could do an administrative reconfirmation if all the parameters were in order.

Don Saltzman moved that the Commission approve administrative approval, for reconfirmation of an existing apartment, be done by the Code Enforcement Officer and for him to inspect the premises and to see if the application meets all the parameters. Seconded by Ridge Young. Vote in favor (6-0) Stephan Grozinger absent.

The Land Use Director reported that the lawsuit for the Far Horizon Subdivision is in and that the Land Use Director, Stephan Grozinger, Chairman of Planning & Zoning and the applicant's engineer will discuss the matter with both Town Attorney's.

DISCUSSION CONT: UPDATE OF TOWN ZONING EXEMPTION

Dan Gilbert gave an update and stated that he had talked to Attorney Steven Byrne regarding a quote for a legal opinion but has not received a definite confirmation of the cost. He felt that they needed to sit down with the Town Attorney regarding a simple resolution and go forward in September. He also suggested that a Town Meeting be called on whether the Town should be exempt.

Don Saltzman moved that the Commission consider a Town Meeting to be convened by a petition to the conditions of the charter, to consider the question of the Town being exempt from the Zoning Regulations. Seconded by Paul Heifetz. Vote in favor (5) Nay (1) Katie Gregory. Absent: Stephan Grozinger.

**PUBLIC HEARING: SUBDIVISION & CERTIFICATE OF ZONING COMPLIANCE
FASH, 27 ROGUES RIDGE (BLOOM)**

Jane Connolly, Vice Chairman, read the legal notice into the record, for the public hearing.

Attorney Ira Bloom, representing his client Victoria Fash Living Trust, 27 Rogues Ridge, went over the history of the application and that on April 20th, 2009, the Commission passed a resolution approving the validation of a subdivision for his client consisting of 7.6 acres, with conditions.

Robert Walpuck filed an appeal by 98 Lords Highway LLC stating that he owned adjacent property. Attorney Bloom does not agree with that statement. A discussion followed. Attorney Bloom also stated that the ownership claims are in dispute and Mr. Walpuck did not get noticed but came to the meeting and spoke, so that claim gets waived.

Attorney Bloom then came back to the Commission and submitted a new application and added 98 Lords Highway LLC to the list of neighbors, for a re-hearing of the approved word for word April 20, 2009 approval. Attorney Bloom asked that the previous record be incorporated into the file. The Commission questioned if this is exactly the same application? Katie Gregory felt the only difference would be the one name added to the list of neighbors.

Also the May 21, 2009 minutes from the Conservation Commission stated that Fred Anderson, Conservation Planner's decision holds.

It was stated that the legal notice was sent out by the Town and 'certificate of mailing' with the receipts, from the Post Office, done by the Land Use Director.

PUBLIC HEARING: FASH CONT:

Attorney Bloom submitted the following:

1. Documentation for checking on 98 Lords Highway LLC of Indian Valley Road that it is an active company at 27 Indian Valley Road run by Robert Walpuck.
2. The original lawsuit that Robert Walpuck filed October 3, 2006 impending quiet title – a discussion followed.
3. A document showing the answer filed that denied their ownership claim and has been disputed over the ownership and Attorney Bloom has not accepted it. A discussion followed. Attorney Bloom stated that if we lost the final piece of land, the Fash subdivision would still be in compliance.

Public Comment:

Jane Connolly, Vice Chairman; read a letter from Robert Walpuck, which arrived in the Planning & Zoning office at 3:30 p.m. today, because he could not attend the meeting this evening. A copy is attached to these minutes.

Attorney Bloom responded and stated that the court trial date is January of 2010.

Jane Connolly then raised the question of a waiver of the fee per Sections 3.14.1 and 3.14.2, requested by the applicant. Ms. Connolly felt that these were two separate applications. Dan Gilbert felt that since the Commission was not in error, that the Commission shouldn't waive the fee in the amount of \$530. A discussion followed and Paul Heifetz felt that the waiver does not meet the test.

It was stated that the vote for the April 20, 2009 minutes was 5 in favor and 1 nay on the certificate of compliance and 4 in favor and 2 nay for the subdivision with Jane Connolly absent both times.

Don Saltzman felt that the Commission should approve the application in two parts, the subdivision part and the certificate of compliance part.

PUBLIC HEARING: FASH CONT:

Don Saltzman moved that the Commission approve the same application as before us today for a subdivision of the Fash Living Trust, located at 27 Rogues Ridge, as per the draft approval that has been submitted to the Commission. No second.

Public Comment: none

Attorney Bloom requested that it be done the same as before.

Jane Connolly moved that the Commission close the public hearing. Seconded by Dan Gilbert. Vote in favor (6-0) Stephan Grozinger absent.

Jane Connolly moved that the Commission approve the application of a validation of the subdivision of the Fash Living Trust Subdivision at 27 Rogues Ridge be approved. Seconded by Ridge Young. Vote in favor (6-0). Stephen Grozinger absent.

Jane Connolly moved that the Commission approve the request for issuance of a Zoning Certificate per the application before us for the Fash Living Trust property 27 Rogues Ridge. Seconded by Ridge Young. Vote in favor (6-0). Stephen Grozinger absent.

Jane Connolly moved that the Commission approve waiving the reading of the draft for the Fash Living Trust into the record. Seconded by Paul Heifetz. Vote in favor (6-0) Stephan Grozinger absent.

Jane Connolly moved that the Commission approve the draft decision with amendments, for approval of the Fash Living Trust located at 27 Rogues Ridge. Seconded by Katie Gregory. Vote in favor (6-0) Stephan Grozinger, absent.

PUBLIC HEARING CONT: SCHINDEL SUBDIVISION, 6 LOTS, MORTON SCHINDEL, ET ALS. 389 NEWTOWN TURNPIKE (GUIDERA)

Attorney George Guidera, Morton Schindel and Richard Bennett, P. E. were present.

Paul Heifetz requested a clarification of the open space for this proposed subdivision and how it would be affected if Lot 6 were divided into two or three parcels if a museum permit is not granted. The Chairman stated that the Commission does not have an application for a museum before us, it is just for a subdivision. A discussion followed.

The applicant does have health approval. The Town Engineer stated his concern, in a memo dated July 20, 2009, about the drainage and the pond on Lot 6 and has requested that this lot contain the drainage and not to get the Town involved. Richard Bennett, P. E. stated that Lot 6 will be responsible for all its drainage. Attorney Guidera felt that it should be a condition of approval. Attorney Guidera suggested getting permission for Lot 6 to enter onto Lot 3. Paul Heifetz stated again that Lot 6 could be the potential museum lot.

Attorney Guidera stated that the applicant, at present, is trying to bring this property up to code and a discussion of easements and open space followed which included that if the Lot 6 (Museum lot) does not happen and it becomes two/three lots, would it change the open space? Paul Heifetz referred to Section 3.12.3 referencing negative space and a discussion ensued.

Dan Gilbert asked about Lot 6 and did it exist before? Attorney Guidera stated that Lot 6 was broken up into much smaller parcels and the other lots were pre-existing non conforming.

Dan Gilbert then referred to Section 321 to the definition of what is a dwelling and read from the regulations. He question if Lot 2B is part of a previous subdivision or not? A discussion followed. Also is it valid to have more than one dwelling on Lot 6?

Attorney Guidera discussed Lot 6 and its size and stated that if there is a museum there, there will be no dwellings on the property.

The applicant has addressed the following as requested from the last meeting:
Zero incremental runoff – Town Engineer has responded in his memo of 7/20/09.
Health and septic feasibility have been approved by the Health District, dated 7/20/09.
The Sedimentation and Erosion controls are stated on the plan.
A bond estimate for the road has been submitted in the amount of \$150,815.

Dan Gilbert was still concerned about the zero incremental runoff Drainage Report from Richard Bennett, P. E. and requested a statement from a professional engineer for additional wording. Richard Bennett P. E. fulfilled the request for the proper certification wording.

It was requested that the Conservation easement on the plan be reviewed by the Town Attorney. A discussion followed regarding clarification and deletion of a paragraph on Page 4, Section 3 in the “Grant of Conservation Restriction” document . Attorney Guidera will research.

The Fire Chief/Marshal Pokorny stated that he has no issues on fire protection. Dan Gilbert requested that he would like a letter in the file from the Fire Chief stating that he has no issues.

Items still needed as follows:

1. A letter from the Fire chief
2. Conservation restrictions

PUBLIC HEARING CONT: SCHINDEL SUB. CONT:

The Commission agreed to keep the public hearing open and have a letter of extension from Attorney Guidera until September 10th for this application. The next meeting of the Commission, after the August recess, is September 8th.

DISCUSSION/DECISION: SPECIAL PERMIT – POOL, POOL HOUSE & OTHER IMPROVEMENTS ASPETUCK VALLEY CC, 43, 47, AND 67 OLD REDDING ROAD (FALLON)

The Land Use Director submitted a draft approval with conditions to the members of the Commission for their approval. A discussion followed to include that Don Saltzman stated he would like a landscaping plan on the improvements. The Land Use Director noted that the plan was already in the file. A discussion followed.

There was a consensus of the members that the members present were in favor of an approval.

Don Saltzman moved that the Commission approve the draft as amended for the application of the Aspetuck Valley Country Club to amend its Special Permit to construct a new pool and pool house, convert an existing garage apartment to a seasonal facility, relocated 3 paddle tennis courts and construct one additional court, construct a paddle tennis warming hut, construct three new tennis courts, to provide additional parking, construct a new cart barn, construction a new maintenance building and demolish the existing homes at 43 and 47 Old Redding Road, all as more particularly described in the applicant's application dated May 22, 2009 and on the submitted Plans.

Seconded by Dan Gilbert. Vote in favor (6-0) Stephan Grozinger absent.

Meeting adjourned.

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval: Approved by a vote of 5-0 – Stephan Grozinger and Jane Connolly absent.

