

Present: Jane Connolly, Chairman; Joe Limone, Vice chairman; Don Saltzman, Stephan Grozinger Britta Lerner. Absent: Ken Edgar, Pierre Ratte

Also the Land Use Director was not present.

Meeting digitally recorded on April 16, 2012

Approval of Minutes – April 2, 2012

Deferred to the next meeting by a motion from the Chairman and seconded by Britta Lerner. Vote in favor (5-0) Ken Edgar and Pierre Ratte absent.

DISCUSSION/DECISION CONT: STATUS REPORT, LENHART, 118 GEORGETOWN ROAD, OCTOBER 31, 2010

Scott Poryanda, P. E., the engineer for the application was present along with Mr. Beausoleil. Mr. Poryanda submitted a Flood Zone Development Certification, dated 10/14/11 rev. 4/10/12. A discussion followed regarding the retaining walls, fill and elevation of the basement floor. Mr. Poryanda showed the Commission a revised map where FEMA had taken the property out of the Flood Zone. The Town Engineer has checked the revised FEMA map and concurred with this finding. Mr. Poryanda stated that the construction of the house and the caisson on which it rests was in full compliance with the Flood Regulations. The Flood Regulations were referred to and it was stated by the engineer that construction, the fill and the retaining walls have no effect on the river.

Motion

Joe Limone moved that the Commission revoke the order of the removal dated October 31, 2010 regarding a potential flood plain violation located at 118 Georgetown Road, on the basis of recent information and analysis by the engineering firm and based on the Town Engineer's review. Seconded by Britta Lerner. Vote in favor (5-0) Ken Edgar and Pierre Ratte absent.

DISCUSSION/DECISION CONT: SOIL DISTURBANCE PERMIT ISSUED PURSUANT TO CONDITIONS SET FORTH ON MARCH 5, 2012 COBBS MILL INN PARKING LOT, 12 OLD MILL ROAD

Present were Peter Romano of Land Tech Consultants, representing Drew Friedman and Mr. Cocchia, both present.

The Chairman stated that she realized that the Soil Disturbance Permit was never voted on at the last meeting and therefore proceeded to make a motion:

Jane Connolly moved that the Commission approve the Soil Disturbance Permit issued to 12 Old Mill LLC. They have complied with all the pre-requisites for that Soil Disturbance Permit. Seconded by Don Saltzman

There was no vote taken because the neighbor Mr. Cheng asked to be heard on the matter and the Commission allowed further discussion.

Abutting neighbor, Mr. Cheng of 13 Old Mill came forward and stated his concern that there was run off from the parking lot onto his property as a result of recent re-grading. When asked if he had seen any run-off after this re-grading he stated there was none because of the lack of rain and that he drew his conclusion of what would happen regarding runoff based solely on his observations of the re-grading. A discussion followed whereby Mr. Romano stated that he was unaware of the re-grading but if there was re-grading that would have to be taken care of in accordance with the plan submitted to the Commission. He also stated that if there was run-off then Mr. Friedman would fix it. Mr. Cheng also presented photos of the property which he pointed out demonstrated that a portion of the parking lot was used as tennis courts in the 1950's. A lengthy discussion followed. Commissioner Limone pointed out that photographs were extremely grainy and practically unreadable. Various other members of the public as well as other Commissioners pointed out that the use of that area has been for parking for many years. The Chairman reminded the Commission that the question as to whether the land at issue can be used as a parking lot was next on the agenda.

Mr. Romano submitted a map of the Cobb's Mill property and went over it detail.

Cobb's Mill Soil Disturbance Permit motion:

Stephan Grozinger moved that the Commission approve the Soil Disturbance Permit for grading and soil erosion controls shown on the map dated March 26, 2012, prepared by Land Tech Consultants, provided that soil and erosion controls be put in place in seven days, all work is to

COBB'S MILL CONT:

be completed within 60 days from beginning of construction and the applicant must obtain a certificate of compliance, per the Regulations. A performance bond is to be submitted to the Town of Weston for \$10,000. Seconded by Jane Connolly. Vote in favor (5-0) Ken Edgar and Pierre Ratte absent.

Peter Romano of Land Tech submitted a booklet entitled "Index of Exhibits" and went through the marked highlights in detail. Mr. Romano made some closing comments and will meet with Mr. Cheng regarding landscaping. Mr. Cheng felt his house is up higher than the parking lot and neither a fence nor landscaping will hide the cars and noise.

Stephan Grozinger asked for a consensus from the Commission members. Mr. Grozinger went over the points that Peter Romano presented and felt Mr. Romano had adequately demonstrated that the area was used as a parking lot in the 1950's and the placement of boulders and planting of trees in the 2000's did not interfere with the use of the land and therefore it did not constitute "abandonment"

Jane Connolly cited the license agreement which includes the right of the owner of Cobb's Mill to remove the boulders.

Don Saltzman felt that when Cobb's Mill has an event, they have the right to parking and agreed with Stephan Grozinger.

Britta Lerner concurs with the Commissioner's position

Joe Limone did not comment.

Motion:

Jane Connolly moved that the Commission approve the application of the parking lot provided the applicant comply with the reasons set forth in the Town Engineer's letter dated 4/12/12.—The Chairman read the letter into the record. Copy attached. Seconded by Joe Limone. Vote in favor (5-0) Ken Edgar and Pierre Ratte absent

The Chairman stated that Drew Friedman may not assume the cabaret and entertainment use for Cobb's Mill is legal as a non-conforming use and that he needs to come back to the Commission to state what he proposes.

DISCUSSION/DECISION CONT: REFERRAL FROM ZONING ENFORCEMENT OFFICER, ZONING PERMIT APPLICATION: RENOVATION OF NON CONFORMING COTTAGE/REBUILD, 306 LYONS PLAIN ROAD (LAND USE CONSULTANTS)

Gloria Gouveia of Land Use Consultants and Attorney Robert Fuller, representing Jay Faillace, (present), were present to continue the discussion of the request for a Zoning Permit Application for the renovation of a non-conforming cottage/rebuild located at 306 Lyons Plain Road. Ms. Gouveia submitted a draft summary of comments from the last meeting and copies of letters received from the neighbors. She also went through the Zoning Regulations on how they affect this application. Attorney Robert Fuller addressed a few questions raised from the last meeting.

Attorney Fuller again addressed Section 375.1 of the Zoning Regulations as being inconsistent and obsolete. He also read from a court case Taylor vs. ZBA of 2001. Attorney Fuller felt the Commission should consider appealing that regulation and the client should be allowed to rebuild his cottage.

Don Saltzman referred to abandonment and demolishing the building without a permit. The discussion ensued.

Jay Faillace of 29 Davis Hill, the applicant, admitted that he should have gotten a zoning permit.

Sense of the meeting:

Don Saltzman stated that he cannot vote for the Zoning Permit because it would violate the Regulations.

Britta Lerner stated she would vote for the Zoning Permit

Stephan Grozinger was not in favor

Joe Limone was not in favor

Jane Connolly was not in favor

Stephan Grozinger offered to draft an opinion.

PUBLIC HEARING: PROPOSED ZONING REGULATION AMENDMENT SECTION 313 FENCES

The Chairman read the public hearing notice into the record.

There was no one present.

FENCE REGULATION CONT:

A discussion followed regarding outside comments that were received by letter. The Chairman requested an amendment to the proposed regulation prohibiting the use of razor wire, barbed wire, corrugated metal, orange plastic and like materials in fences.

Jane Connolly moved that the Commission close the public hearing. Seconded by Don Saltzman. Vote in favor (5-0) Ken Edgar and Pierre Rate absent.

Motion:

Stephan Grozinger moved that the Commission approve the Zoning Regulation Amendment Section 313 for Fences as amended. Seconded by Joe Limone. Vote in favor (5-0) Ken Edgar and Pierre Ratte absent.

STAFF ENFORCEMENT REPORT:

Moved to the next meeting.

Meeting adjourned

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval:

Unanimous approval on May 7th, 2012 Ken Edgar and Pierre Ratte absent