

Present: Jane Connolly, Chairman; Don Saltzman, Stephan Grozinger, Britta Lerner (late), Ken Edgar, Pierre Ratte – Absent: Joe Limone, Vice Chairman

Also present: Land Use Director

Meeting digitally recorded on April 2, 2012

APPROVAL OF MINUTES, 2/21/12, 3/5/12 AND 3/19/12 - Agenda item moved to the end of the meeting.

PUBLIC HEARING: MODIFICATION OF A SUBDIVISION APPROVAL, 24 & 28 MARTIN ROAD (LITTLE MOUNTAIN ENTERPRISES, INC.)

The Chairman read the legal notice for the public hearing into the record.

Don Gary was present and gave the history of lots C & D, shown on maps 3693 and 3633 and is requesting to make them into one lot. The open space will remain the same. A discussion followed about the open space.

Public Comment: none

The Chairman asked for a sense of the meeting and there was no objection to the modification. The Land Use Director submitted a draft of an approval for the members to read. A discussion followed.

Stephan Grozinger moved that the Commission approve the Modification of a Subdivision Approval, 24 & 28 Martin Road for Little Mountain Enterprises, Inc. Seconded by Jane Connolly. Vote in favor (5-0) Britta Lerner and Joe Limone absent.

DISCUSSION/DECISION CONT: STATUS REPORT, LENHART, 118 GEORGETOWN ROAD, OCTOBER 31, 2010, ORDER OF REMOVAL (BEAUSOLEIL)

The Land Use Director explained that the “The HEC-RAS Report” by Connecticut Consulting Engineers, had been received this morning in relation to 118 Georgetown Road. This document has been turned over to John Conte, Town Engineer, for review. A discussion followed. The Report will be on the agenda for the next meeting with the Town Engineer present.

DISCUSSION/DECISION CONT: NEIGHBORS COMPLAINT REGARDING SOIL DISTURBANCE PERMIT ISSUED ON MARCH 5, COBB'S MILL INN PARKING LOT, 12 OLD MILL ROAD

REFERRAL FROM ZONING ENFORCEMENT OFFICER, ZONING PERMIT APPLICATION, PARKING LOT IMPROVEMENTS, COBBS MILL INN, 12 OLD MILL ROAD (LAND TECH CONSULTANTS, INC.)

The Chairman suggested that the two agenda items be discussed together. Peter Romano of Land Tech Consultants, representing Drew Friedman, also present, made the presentation. The neighbor, Mr. Cheng, was also in attendance.

Mr. Romano presented several maps to include a map from 1990 showing an area with asphalt pavement; topography and placement of the ramp. Mr. Romano went over these maps in detail. He also submitted a document on the Soil Disturbance permit for the Cobb's Mill property and discussed the soil disturbance plan, including the history of what he described as the lower parking area and the ramp. Mr. Romano clarified the plan showing the traffic flow, entrances and design of the parking places for more efficiency. The number of spaces remains the same. A discussion followed regarding safety.

Britta Lerner arrived.

Stephan Grozinger asked Mr. Romano if he was here for a Zoning Permit. Mr. Romano was not sure. The Chairman stated that the applicant needs one as this is a pre existing non conforming use.

Public Comment: Mr. Cheng, the neighbor, submitted photos indicating that the lower parking lot contained two tennis courts in 1950. A discussion ensued. The Chairman requested Mr. Romano demonstrate that the "lower parking area" was in fact used for parking.

Public Comment: Cliff Peak of Old Mill Road expressed his concern over the use of the parking lot.

COBBS MILL CONTINUED:

Stephan Grozinger questioned whether the placement of the large rocks on the “lower parking area” indicated an abandonment of use as a parking area, regardless of its previous use. Mr. Romano will research and address this question at the next meeting. The applicant was requested to keep status quo on the parking lot until the next meeting. The matter was continued to the next meeting.

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

Commissioner Ken Edgar recused himself as he was an alternate member of the Zoning Board of Appeals when this case was heard.

Gloria Gouveia of Land Use Consultants and Attorney Robert Fuller were in attendance. Ms. Gouveia read a brief history of the property. She also submitted information regarding the “grid” for the survey map as requested by Stephan Grozinger.

Ms. Gouveia submitted her report entitled “The Corner House Cottage 306 Lyons Plains Road, dated 3/25/12” and Attorney Fuller submitted his report entitled “Legal Memo on Toad Hall LLC Application to the file. A detailed presentation by Attorney Fuller included a definition of a non conforming use and reference to two court cases. He also did not think that Section 375.1 of the Zoning Regulations was legal and argued that it was obsolete. The Chairman responded that the Commission is bound by the Regulations. A discussion followed.

The Chairman opined that the Commission needs time to read Attorney Fuller’s and Ms. Gouveia’s reports and requested the Land Use Director to have a draft denial and approval ready for the next meeting.

APPOINTMENT OF A TEMPORARY ZONING ENFORCEMENT OFFICER FROM APRIL
23 TO APRIL 27, 2012.

Jane Connolly nominated Tracy Kulikowski, Land Use Director, to be the Temporary Zoning Enforcement Officer from April 23 to April 27, 2012 while James Pjura is on vacation. Seconded by Stephan Grozinger. Vote in favor (5-0) Joe Limone and Ken Edgar absent

STAFF ENFORCEMENT REPORT:

The Land Use Director stated that there were no new items.

APPROVAL OF MINUTES:

Stephan Grozinger moved that the Commission approve the minutes of February 21, 2012, March 5, 2012 and March 19, 2012. Seconded by Jane Connolly. Vote in favor (5-0) Joe Limone and Ken Edgar absent.

Meeting adjourned.

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval:

Unanimous approval on May 7th, 2012 with Joe Limone absent

Ken Edgar was recused from the section of the application of 306 Lyons Plain Road (ZBA)