

Edited by Joe Limone and Land Use Director 6/25/12 and S. Grozinger & P. Ratte on 7/2/12

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

Also present: Land Use Director
Digitally recorded 6/18/12

Vice Chairman Joe Limone presided as Chair for this meeting in the absence of the Chairman.

APPROVAL OF MINUTES:

Don Saltzman moved that the Commission approve the edited minutes of 5/21/12. Seconded by Britta Lerner. Vote in favor (5-0) Jane Connolly absent and Pierre Ratte late to the meeting.

RECEIPT OF APPLICATION AND POSSIBLE DISCUSSION/DECISION: REFERRAL FOR CGS SECTION 8-24 REPORT, TRANSFER OF PARCELS A, B AND C ON MAPS 2095 AND 32881 TO ADJACENT PROPERTY OWNERS, OAK LANE, ROLLING HILLS SUBDIVISION, SECTION D (TOWN OF WESTON)

Present: First Selectman Gayle Weinstein, Mr. and Mrs. Chadwick and Mr. Gans.

Ms. Weinstein explained the 8-24 Referral which involves the transfers of small slivers of land that were part of the Oak Lane turnaround before the road was extended into the Grey Fox Subdivision. These transfers from the Town to the adjacent lot owners were discussed by the Commission in the late 1960's when the Rolling Hills Subdivision was approved and again in the 1990's when the Grey Fox Subdivision was approved. The transfers never happened. This meeting is only dealing with slivers A, B and C.

Don Saltzman moved that the Commission approve the application by the Town of Weston for a 8-24 Report on the transfer of parcels A, B and C, as shown on Maps 2095 and 32881 to adjacent property owners. Seconded by Ken Edgar. Vote in favor (6-0) Jane Connolly absent.

It was noted by the First Selectman that this approval will have to go before a Town Meeting for approval.

31 mins. 36 sec.

PUBLIC HEARING: MODIFICATION OF A SUBDIVISION APPROVAL; FASH SUBDIVISION, LOTS 8A AND 9A, 27 ROGUES RIDGE ROAD (DR. STRAUSS)

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

Present: Owner/applicant, Mr. Strauss and Attorney Fuller.

Attorney Fuller presented copies of the deeds showing that Mr. Strauss purchased the property and also a letter from Victoria Fash, dated April 25, 2012 and other documents. Attorney Fuller stated that the 2009 subdivision approval was unnecessary and continued with the history of this property. Also stated that since 1951 the property (2 lots) has been in common ownership by the same people. At this point, Commissioner Stephan Grozinger noted that the deeds presented have two different ownerships on the lots (approximately 7 acres). The deeds were recorded on June 15, 2012. A discussion followed.

Don Saltzman felt it needed to be clarified but that under State law, the Commission cannot revoke a subdivision. The Commission referred to Attorney Fuller's book on Connecticut Law and Land Use Practices where it states that fact and Attorney Fuller explained his position. Don Saltzman felt the Commission should get a legal opinion from the Town Attorney.

Public Comment:

Robert Walpuck of 90 Lords Highway never thought this subdivision was necessary.

A resident of Rogue's Ridge questioned about the noticing the neighbors, concern regarding the wetlands and runoff, and access.

Kathryn DeSousa of 94 Lords Highway stated that her property is to the south of lot 9A and there is a swale that comes down to her house.

Don Saltzman called for a sense of the meeting from the Commissioners and felt that revocation of the subdivision would not be appropriate.

Ken Edgar, Stephan Grozinger, Britta Lerner opposed revoking the subdivision.

Pierre Ratte was not that familiar with all the legal ramifications that would occur especially now with two different owners.

Joe Limone moved that the Commission close the public hearing. Seconded by Don Saltzman. Vote in favor (6-0) Jane Connolly absent.

PUBLIC HEARING – FASH CONT:

Joe Limone moved that the Commission deny the application. Seconded by Don Saltzman. Vote in favor (6-0) Jane Connolly absent.

1hr20mins

DISCUSSION/DECISION: FEBRUARY 28, 2012 NOTICE OF VIOLATION, 12 GLORY ROAD (ARKIN)

James Pjura, Zoning Office, explained to the Commission the Notice of Violation, dated February 28, 2012 for Mr. Arkin of 12 Glory stating “It has come to my attention that the fence at 12 Glory Road has been constructed without a permit in violation of The Zoning Regulations of The Town of Weston Section 410. You are required to apply for a permit within ten days upon receipt of this letter. Also, Certificate of Zoning Compliance cannot be issued due to the fact that your spa and pool equipment appear to be within the setbacks. This is in violation of Town of Weston ZR 321.6. Please contact my office within ten days upon receipt of this letter to apply for a zoning permit for your fence and a plan for remediation of the setback issues for the spa and pool equipment.”

The Arkin’s were not present and it was noted that they are going to the Zoning Board of Appeals for a variance. The pool was built in 1984. Photographs were submitted by the abutting neighbor. A discussion followed.

Joe Limone recommended that the Town Attorney draft a citation to be sent out to Mr. and Mrs. Arkin and issued by the Code Enforcement Officer. The fine would run from the citation itself working for remediation.

DISCUSSION/DECISION: DETERMINATION OF WHETHER TAX ASSESSOR LOTS 1-3-20 AND 1-3-21 HAVE MERGED BY SECTION 311.5 OF THE ZONING REGULATIONS 115-119 GEORGETOWN ROAD (MEHOS)

This item was put on the agenda by the Chairman as Mr. and Mr. Mehos are requesting an opinion letter.

A letter was received from Attorney J. Casey Healy of Gregory and Adams, dated June 18, 2012 requesting a continuance for this agenda item. To be on the agenda for the July 2, 2012 meeting.

DISCUSSION: PROCESS BY WHICH MATTERS COME TO THE COMMISSION AND ARE INTRODUCED AT MEETINGS.

Commissioner Pierre Ratte stated that he requested that this matter be placed on the agenda for discussion.

A discussion followed on how to make the Commissioners more informed about upcoming items on the agendas to include a folder of information being placed in the Weston Library, talking to the Land Use Director, creating individual packets for each member to include maps, an introduction letter from the applicant and important correspondence.

OTHER BUSINESS:

Don Saltzman reported on an ad from the Forum regarding a tag sale at the Grange which he felt was a blatant commercial use and beyond the Grange's agricultural grandfathered use.

Meeting adjourned.

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval; Unanimous approval on July 2, 2012