

Present: Stephan Grozinger, Chairman; Jane Connolly, Vice Chairman; Don Saltzman, Ridge Young, Joe Limone, David Allen (7:15 p.m.) Katie Gregory absent

Tracy Kulikowski, Land Use Director – present

Meeting on tapes 1 and 2, dated April 19, 2010

TOWN PLAN:

Commission members discussed a draft of the Town Plan.

CHAIRMAN’S REPORT: SCHEDULING ZEO PERFORMANCE REVIEW

The Commission discussed holding the ZEO Performance review at a regular meeting on May 17th.

Also discussed 47 Blueberry Hill, regarding two apartments, with no permits, in the house where the owner is absent. It was noted that one of the tenants is in the process of moving out.

Stephan Grozinger stated that the shipping containers at 26 Glory Road have been removed.

59 Lyons Plain regarding an existing junk yard where there are two shipping containers on the property. It was noted that shipping containers are considered structures and need to have building permits. The Commission will discuss at the next meeting.

PUBLIC HEARING: ACTIVITY IN A FLOOD ZONE, HERMAN, 25 LAKESIDE DRIVE, STONE WALL.

The Chairman read the legal notice for the public hearing into the record. The Commission members have walked the site.

Mr. Herman was present and stated that he had inadvertently built a small retaining stone wall near the water to prevent further erosion of his property. The engineering report from Grumman Engineering stated that the impact is very minimal and is the same report that he had presented to the Conservation Commission where his application was approved

Me. Herman felt it was an innocent activity for what he did in building the wall which is 18” high by 20” wide and 44 feet long. Mr. Herman submitted photos of the project and stated that the rocks were existing and had someone just finish the wall with mortar. The water does not even reach the wall.

PUBLIC HEARING: HERMAN – 25 LAKESIDE CONT:

Stephan Grozinger stated, per Flood Plain Regulations, that the applicant needed to submit an A2 survey along with the Engineering Report. Mr. Herman stated that he did not have the money to obtain an A2 survey or a second engineering report.

Stephan Grozinger read the engineering letter from Dean Martin P.E. of Grumman Engineering, dated 1/6/10 into the record:

“I received your letter concerning the Weston P&Z Commission’s request for an additional report for the small retaining wall adjacent to the stream in your back yard. Unfortunately, the report they are requesting is much more involved than the inspection and report I performed for the Conservation Commission.

In order to comply with the requirement of Section IV (B)2, an in depth engineering analysis of the river both upstream and downstream of the retaining wall needs to be performed using U.S. Army Corps of Engineers Hydraulic engineering computations, actual field located cross sections of the stream and surrounding area are required, and then a trial and error backwater analysis computation to determine if a change in water surface elevation occurs after installation of the wall as opposed to the pre wall condition. The fee to perform this engineering analysis would be \$2,500 - \$3,000. Let me know if you wish for to proceed.”

Mr. Herman also stated that he has been trying to reach Roland Gardner, Surveyor, for the past several months, with no success.

Mr. Herman is very concerned about the cost, which is a burden to him and would never have done the stone wall, if he had known what was entailed. He did not put any rock in, just cleaned it up.

Don Saltzman stated that even if Mr. Herman wanted to take the wall out he would still need to obtain permits.

Stephan Grozinger stated that the Commission has no permission or enablement right to give you a Flood Plain permit. He suggested that Mr. Herman could go to Zoning Board of Appeals and plead his case to them. There is no way for the Planning & Zoning Commission to give you a permit unless you obey the rules and submit an engineering analysis and an A2 survey. If you took the wall down you would have to get a permit. You do not have the right to overlook what you have done in the river. You are in a tough spot. Mr. Herman said he does not have the money or even money to take it down.

PUBLIC HEARING: HERMAN CONT:

Mr. Herman asked what the consequences would be if he did nothing and Mr. Grozinger felt that maybe a lien could be placed on his house. If the Commission gives you a denial, you can appeal to the Zoning Board of Appeals. Mr. Grozinger explained to Mr. Herman that Zoning Board of Appeals can vary Planning and Zoning regulations.

MOTION:

Jane Connolly moved that the Commission DENY the application for an already completed Activity in a Flood Zone, for Bret Herman, located at 25 Lakeside Drive for a stone wall because of failure of the applicant to submit an engineering report and an A2 survey required by the Flood Plain Regulations. Seconded by Joe Limone. Vote in favor (6-0) Katie Gregory absent.

PUBLIC HEARING: MODIFICATION OF A SUBDIVISION – FAR HORIZONS, SUBDIVISION, 10 LADDER HILL ROAD (ADC – 10 LADDER HILL LLC)

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

John Conte, Town Engineer was present.

C. Spath of the Huntington Company, representing the owner, Mr. DeCaro, was present to discuss the proposed modification of the approved subdivision with the Commission. Mr. Spath was requesting two additional waivers on the Far Horizon Subdivision, located at 10 Ladder Hill Road south, approved but not recorded, subdivision on the requirements and construction of a neighborhood lane.

“Section 3.10.13 c, e and f: to work close in harmony with the existing driveways grades. We are requesting that the portion from station 0 + 50 to 1 + 50 be allowed to be constructed with a grade not to exceed 15% as shown on the current approved plans sheet #P1,

Section 3.10.6a: With regards to constructing the standard turnaround, we are requesting that this be waived and be allowed to construct a non-standard turnaround, as shown on the current approved plans sheets R1 and S1, which have been previously approved by the Fire Marshal and the Town Engineer.

The intent for these additional waivers is to allow Lot 4 to be served by this modified neighborhood lane serving a total of 3 lots (Lot 4 being located approximately 350 feet west of Ladder Hill Road South) working closely with the natural characteristics of the land, section 3.2 and section 3.3 based upon this site’s unique topographical conditions and the reduction of the amount of earthwork required between the original five lot plan and the modification to four lots supports our waiver request. Again, no changes are proposed or required to the current approved plans.”

PUBLIC HEARING – MOD. FAR HORIZON’S SUB. CONT:

Mr. Spath went over the history of the subdivision and submitted a revised map and went over it in detail for the Commission.

A discussion followed to include safety issues and the size of the turnaround and also the technicalities of the road curves.

Stephan Grozinger asked the Town Engineer if he has any thing to add to his letters in the file and he stated “no”.

Public Comment: Dr. Jack Beal of 32 Ladder Hill questioned if there would be no new accesses from the private road – 32-34 “Old Lane”. Mr. Spath stated that the Dr Beal is correct. Dr. Beal just wanted to confirm that fact.

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

The Discussion/Decision will be on the agenda for the next meeting and the consensus of the members was in favor. Stephan Grozinger and the Land Use Director will draft the decision. It was decided that the decision would be just an amendment to the original approval. The mylar for the subdivision has not been filed due to an appeal.

DISCUSSION: PROPOSED AMENDMENTS TO FLOOD PLAIN REGULATIONS AND SECTION 3.11.6 OF THE SUBDIVISION REGULATIONS.

The Land Use Director went over, in detail, the proposed amendments to the Flood Plain Regulations with the Commission members. They need to be adopted by June 7th 2010, and also sent to DEP before the adoption before May 4th. A discussion followed. There will be a public hearing on June 7th, 2010 and due in by June 18th, 2010.

Meeting adjourned.

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval:

Joe Limone moved that the Commission approve the minutes of April 19, 2010. Seconded by Jane Connolly. Vote in favor (5-0) David Allen absent from meeting of approval and Katie Gregory absent from the meeting of April 19, 2010

