

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

Tracy Kulikowski – Land Use Director

Meeting on tapes 1-4 dated 10/06/08

Don Saltzman moved that the Commission add to the agenda, the receipt of Section 8-24 Referral – Food Pantry Facility on Town Property. Seconded by Paul Heifetz. Vote in favor (7-0).

RECEIPT OF SECTION 8-24 REFERRAL – FOOD PANTRY FACILITY ON TOWN PROPERTY

First Selectman Woody Bliss presented an application for a Section 8-24 Referral for a food pantry facility on Town property to the members of the Commission. Tom Landry, Town Administrator was also present.

“On behalf of the Board of Selectmen, I submit an application seeking Commission concurrence to allow the Town to place a pre-fabricated wooden building in the Town Hall parking lot. It will be located at the former site of the Park and Recreation office trailer. Commission concurrence is requested under the provisions of Connecticut General Statutes Section 8-24.

The purpose of the facility is to serve as a community food pantry. As you undoubtedly know, the long standing food pantry at Norfield Church will be discontinued at the end of this month. A community search for a suitable replacement has identified this location as the preferred site. The Board of Selectmen directed that I make this application to the Commission at its October 2nd meeting. Particulars of the operation are as follows:

The purchase cost of the structure will be paid by private donations from the community.

This siting proposal requires both Planning and Zoning Commission and Historic District Commission approvals. If received, the structure will then be gifted to the Town for the purpose of a food pantry. The Town will then assume maintenance responsibility for the structure.

The intended structure is pre-fabricated. It is 12 X 20 feet, is of wood construction, and has an asphalt shingle roof. It will be insulated, and hooked up to utility service for lighting, cooling and heating. Some building specifics are attached.

FOOD PANTRY CONT:

The utility costs of the facility will be paid for from Town operating funds. Board of Health rules require temperature controls for stored food.

The ongoing food pantry operation will be managed by a volunteer group, which will be established as a 501c3 charitable organization.

Mr. Bliss requested that the Commission could perhaps approve this application tonight.

The facility will be open 24 hours a day, seven days a week. This is to assure the privacy of its clients. Ample parking is available.

A discussion followed to include inspections by the Fire Marshal, Building Inspector and the Board of Selectmen. The Historic District Commission will hold a special meeting on October 15th. The exact location on the site of the previous Parks & Rec. trailer and there will be no signage. People learn about the Food Pantry thru Charlene Hillman, Director of Social Services for the Town and mostly they come after dark.

The building will be gifted to the Town. The Commission questioned if this is a good use of Town land? Paul Heifetz asked if the Town's insurance will cover it and the answer was yes.

Don Saltzman questioned the Commissioners if they would like to hold a public hearing? A straw vote and the consensus was "yes". Dan Gilbert asked Mr. Bliss how this public hearing would slow down the process? Mr. Bliss explained that the unit has been ordered from Amish Land on Route 7, with a delivery dated of October 17th. Then the unit needs to be wired inside, shelving and several inspections next, to make it by the move out date from Norfield Church on October 31.

Stephan Grozinger then asked Mr. Bliss if this request was just for an 8-24 Report or a Special Permit? Mr. Bliss stated that the request was for just an 8-24 Report and was concerned about not disrupting the service of the Food Pantry. A discussion followed stating that a public hearing could be held at the next Planning & Zoning meeting on October 20th. Then it was also noted that the Commission would need a Special Permit application in accordance with the Zoning Regulations. Dan Gilbert stated that the Town has been operating illegally for a number of years by not submitting special permit applications for buildings on Town land. Last year, after a considerable amount of research, Commissioner Dan Gilbert found evidence that he believes shows the Town never legally exempted itself from zoning approvals. Last year, the Commission updated its municipal regulations and sent a letter to the Board of Selectmen telling them the Town was no longer exempt from zoning requirements. The Board of Selectmen did not say if they would follow the Commission's directive.

FOOD PANTRY 8-24 CONTINUED:

It was then discussed that a public hearing could be conducted on October 20th to approve the Section 8-24 Report for the Food Pantry and stipulate that the Board of Selectmen have to come back with a Special Permit application. Jane Connolly noted that if the Board of Selectmen do not come back with a Special Permit application (without prejudice), the application may have to go to court.

Stephan Grozinger wanted to condition the 8-24 Report and it was stated that you cannot add conditions to an 8-24 Report. The condition would be the Special Permit application. Don Saltzman stated that it will be ignored by the Board of Selectmen. Dan Gilbert suggested that the Commission do the 8-24 report and handle a Special Permit application separately.

Stephan Grozinger felt that he needs to uphold the Zoning Regulations. The Land Use Director was then asked if the setbacks were okay and she stated yes.

Regarding Section 341.7b, the Commission would like the Board of Selectmen to release the opinion letter to the Planning & Zoning Commission from the Town Attorney. It was stated that the Commission does not want to slow this 8-24 Report down and also stated that the Building Inspector cannot issue a building permit without a Zoning Permit. Tom Landry, Town Administrator stated that the Board of Selectmen will look at what you recommend and then we will see where we go. A discussion followed on the need for the Special Permit and the Land Use Director will work out the details for the permit with the Town Administrator.

Betsy Peyreigne, Food Pantry volunteer, asked when she could have the Food Pantry building delivered? Dan Gilbert felt that this is such a good idea (the Food Pantry) and to talk to Mr. Bliss. Jane Connolly felt that they should just have it delivered and it can always be taken down. Stephan Grozinger felt that they can have the building components delivered and not use it.

Dan Gilbert stated we will know the outcome on October 20th. Don Saltzman stated that the Commission is setting a public hearing for October 20, for the 8-24 Report. Also the Board of Selectmen need to make a decision on whether or not they are going to submit a Special Permit application. The next meeting will be, hopefully, to approve the 8-24 Report.

ZONING REGULATIONS – DISCUSSION OF A PROPOSED CHANGE RELATED TO ACCESSORY BUILDINGS (R. SISKA)

Attorney Andrew Cordas, was present, representing Daniel Crown, owner of the property in question, regarding the proposed change related to accessory buildings. Mr. Siska is the builder for the proposed accessory building. Attorney Cordas was informed by the Land Use Director, that the application was not complete and he would like to withdraw that application and make a text change per the zoning regulation applying with Section 500 of the Regulations and submit again.

The reason for the request is that Mr. Crown would like an accessory building for servants which is not attached to the main house. Mr. Crown owns approximately 4 acres on Kellogg Hill.

RECEIPT OF APPLICATION PURSUANT TO 7/7/08 LETTER TO ENFORCEMENT OFFICER: ZONING PERMIT, AUTOMOBILE REPAIR FACILITY, 107 GEORGETOWN ROAD (WESTON 1 LLC/HALLORAN & SAGE LLP)

Attorney Larry Weisman of Halloran & Sage was presented a second application for the Automobile Repair Facility at 107 Georgetown Road and stated that he felt the non-conforming use was never abandoned. The owner only had to stop business because of a requested remediation of the property. This use continues as a pre-existing use and the new owner wants it to continue. Attorney Weisman wants the Commission to here this application again.

The Land Use Director stated that there is a box with folders from the previous application and it is agreed that the box will be reinstated for this application.

The previous owner had to let the license go and did the remediation and sold the property and never got the license back.

Jane Connolly stated there was not a record “appeal”. Don Saltzman stated that this application will be from scratch. Also that there is a transcript for the newer members of the Commission, to read along with Stephan Grozinger’s draft decision.

Don Saltzman moved that the Commission receive the application submitted by Weston 1 LLC, to conduct business as a repair service facility at 107 Georgetown Road. Seconded by Stephan Grozinger. Vote in favor (7-0)

A public hearing will be set for October 20th , 2008.

RECEIPT OF APPLICATION: ACTIVITY IN A FLOOD PLAIN, KONHEIM, 52 VALLEY FORGE ROAD, NEW HOUSE (LANDTECH)

Peter Romano of Land Tech presented an application for an activity in a flood plain, for a new house for Mr. and Mrs. Konheim at 52 Valley Forge Road,

Mr. Romano submitted a plan and went over it in detail with the Commission members. Also stated that this application has Conservation approval. He also explained that some of the activity is in the flood fringe and outside of the floodway. He also referred to the Town Engineer's memo dated 10/6/08, regarding that structures have to be one foot above the flood elevation, especially the garage. Mr. Romano stated that Robert Oley, P. E. with Land Tech read the memo and did not agree with this statement and felt that the garage is not habitable space and therefore not applicable to be one foot above the flood elevation.

Mr. Romano stated that the property is staked and ready for a site walk and felt that it should be a group site walk. The Commission agreed to walk the site with Mr. Romano on Friday, October 10, at 11 a.m., meeting at the site.

Don Saltzman moved that the Commission receive the application for Konheim, Activity in a Flood Plain application at 52 Valley Forge Road. Seconded by Dan Gilbert. Vote in favor (7-0).

APPROVAL OF MINUTES:

Dan Gilbert moved that the Commission approve the minutes of September 22nd, 2008, with his corrections read before the Commission. Seconded by Don Saltzman. Vote in favor (7-0).

OTHER BUSINESS:

Dan Gilbert submitted to the Commission members a proposed regulation regarding zero incremental runoff.

TOWN PLAN:

Katie Gregory submitted a revised list of meeting dates for the Town Plan workshop, to the members.

SWRPA REPRESENTATIVE:

Discussion of the needed criteria needed for a replacement for Dan Wilder, Planning & Zoning's representative to SWRPA until the end of the year.

Meeting adjourned.

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval: Unanimous approval on 12/1/08