

Present: Stephan Grozinger, Chairman; Jane Connolly, Vice Chairman; Don Saltzman; Ridge Young; Joe Limone; Katie Gregory—David Allen absent

Also present: Land Use Director—Tracy Kulikowski

Meeting on tapes 1-6 dated 6/21/10

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6:00 p.m.—TOWN PLAN:

The members discussed with First Selectman Gayle Weinstein, Selectman Dan Gilbert, and Selectman David Muller, the changes that the Board of Selectmen recommended to the Town Plan. The Commission and the Board of Selectmen had a lengthy discussion regarding revisions to language in the Town Plan about property taxes, home occupations, commercial development, economic development, and the Fromson-Strassler property. An electronic version of the revised Town Plan following this meeting was made available on the Town website and twenty-four copies will be available at the Town Plan Public Hearing on Thursday, June 24, 2010.

7:55 p.m.— PUBLIC HEARING: Activity in Flood Zone, house and site improvements – 118 Georgetown Road (Lenhart/Weston 1 LLC)

Stephan Grozinger read the legal notice into the record for the public hearing.

Victor Benni, a civil engineer licensed in the State of Connecticut, identified himself as the representative for Lenhart. Paul Lenhart, the applicant's son, was also present. Mr. Benni described the location, size, and natural features of the property as well as the design plans from 2006 which showed the proposed driveway and proposed dwelling. The subject parcel is 1.68, or approximately 1.7 acres, and Jane Connolly asked the size of the lot behind the subject parcel which Mr. Lenhart owns as well. Paul Lenhart said that there were no plans to do any activity on the lot behind, but that he was only focusing on the work which was permitted and completed several years ago, but which didn't address the floodplain line in relation to where the house was put. Chairman Grozinger clarified for the Commission that the applicants were coming in for a retro-active permit for floodzone development. Jane Connolly, Don Saltzman, and Stephan Grozinger discussed the merging of the two properties owned by the Lenharts. Chairman Grozinger had a question regarding the elevation certificate issued by the U.S. Department of Homeland Security, which detailed the base elevation as 314.5 feet with the top of the bottom floor as 314.0 feet. Mr. Benni said that in the notes section of the elevation certificate, the retaining wall is at 317 feet and for flood waters during a 100 year flood to reach the basement would require the water to exceed the 317 foot level. Chairman Grozinger read section IV.A of the Floodplain Management Regulations:

“CONSTRUCTION IN SPECIAL FLOOD HAZARD AREAS: New construction or substantial improvement of any residential or non-residential structure shall have the lowest floor elevated one foot or more above the Base Flood Elevation.” Don Saltzman

**PUBLIC HEARING CONT:**

asked when the retaining wall was constructed, to which Paul Lenhart replied that most of the work was done in 2007, but without a floodplain permit. Paul Lenhart said that the basement is only half-finished and part of it is utility use. Chairman Grozinger said that the application was in violation of the regulations which means that the Lenharts would need a variance from the Zoning Board of Appeals. Jane Connolly agreed. The Commission and Land Use Director explained the procedure for obtaining a variance. Land Use Director went through the time line of the Lenhart's permits and projects to date. The Commission tried to determine whether it was necessary to deny the Lenhart application or whether to extend the public hearing.

**MOTION:** Chairman Grozinger moved that the Commission approve to extend the public hearing for 65 days, leaving it open for a total of 100 days. Don Saltzman seconded the motion. Vote in favor, 6-0, David Allen absent.

To be on the agenda September 7, 2010.

**DISCUSSION/DECISION CONTINUED:** Referral pursuant to 7/7/08 Letter to Zoning Enforcement Officer and Section 322.8, Zoning Permit Application, Interior Renovation, Building No. 1, Weston Shopping Center, 190 Weston Road (Josh Tolk, Manager)

No one was present for this discussion, but Tracy Kulikowski presented the application on Josh Tolk's behalf.

Tracy Kulikowski presented the new proposal for relocating the air conditioning units on a platform above a shed behind the building where they would not be visible from the front of the building. Don Saltzman asked whether the plans provided any screening for the neighbors across the alley, to which Tracy replied no, since the Commission's recommendation at their previous meeting was to simply get the air compressors off the roof. Don Saltzman asked about the height regulation in setbacks. Chairman Grozinger said that this plan was in violation of setback regulations and that the applicant would need to obtain a variance. The alternative would be to relocate the air compressors onto the roof, which was the original proposition, but which the Commission rejected for aesthetic reasons. Chairman Grozinger said that since the applicant has a 100-foot setback, that he can locate the air compressors elsewhere without having to go to ZBA. Don Saltzman suggested that the applicant move the compressors to a remote location and connect them to the building with careful engineering, but Chairman Grozinger said he preferred to have the compressors in the proposed area above the shed. He said this would require a variance to 322.4 (f) of the Zoning Regulations.

**MOTION:** Chairman Grozinger moved to deny the application for failure to conform to regulations. Seconded by Joe Limone. Vote in favor, 6-0, David Allen absent.

**DISCUSSION: Release of the Subdivision Bond for the Tannery Lane South Subdivision (Guidera)**

Tracy Kulikowski said that the road was done and accepted, though Mr. Guidera still owes a designation of open space. She clarified that the remaining portion of the bond is related to the road, in the amount of \$69,414.29, minus Town's expenses for signs and catch basins. Tracy clarified that Mr. Guidera and his lender have asked for the release of the bond and that Mr. Conte, Town Engineer, signed a sign-off letter and approved the roads. Jane Connolly and Don Saltzman discussed whether the open space was a condition and whether it is included in the bond. Tracy Kulikowski said that \$33,000 was intended for the second coat of asphalt on both roads and 15 percent contingency. The original total bond was for \$253,775 with nothing related to open space. Tracy Kulikowski said that the Commission has approved other reductions of the bond for this particular subdivision without having the open space as a condition. Tracy Kulikowski was doubtful that Mr. Guidera has conveyed the land without notifying the Commission. The Commission gave him a deadline of December 31, 2010 to do so. Tracy Kulikowski said that the Commission does not send reminders of deadlines. Jane Connolly suggested that in the future, bonds are linked to open space so that all conditions are satisfied, not just construction.

**MOTION:** Don Saltzman moved that the Commission approve the release of the Subdivision Bond for the Tannery Lane South Subdivision, per John Conte's letter of recommendation. Seconded by Joe Limone. Vote in favor, 6-0, David Allen absent.

**DISCUSSION: Proposed Zoning Regulations, Section 341.8 Public Cemetery Special Permit and Section 341.9, Family Cemetery Special Permit**

The members discussed changes to Chairman Grozinger's proposed cemetery regulations, specifically regarding acreage requirements, family burials on private properties, and headstone dimensions.

**MOTION:** Chairman Grozinger moved that the Commission continue the discussion on cemetery regulations on September 7, 2010 and at the Public Hearing September 20, 2010. Joe Limone Seconded. Vote in favor, 5-1, Katie Gregory did not vote in favor and David Allen absent.

To be on the agenda September 7, 2010.

To be discussed at the Public Hearing September 20, 2010.

**DISCUSSION CONTINUED:** Further revisions to the Town Plan of Conservation and Development

The members discussed the language on the first page of the Plan, particularly related to the second bullet point. The members also discussed other comments made by the Board of Selectmen earlier in the meeting.

**APPROVAL OF MINUTES:**

Chairman Grozinger moved that the Commission approve the minutes of June 7, 2010. Seconded by Ridge Young. Vote in favor 5-0. Joe Limone was absent from the June 7, 2010 meeting and David Allen was absent from this meeting.

**CHAIRMAN'S REPORT:**

The members discussed the weekly memo from Chairman Grozinger, dated June 21, 2010.

Meeting adjourned.

Respectfully submitted,

By Victoria Farr in the absence of  
Joan Lewis, Administrative Assistant

**Approval:**

Jane Connolly moved that the Commission approve the minutes of 6/21/10 with correction. Seconded by Katie Gregory. Vote in favor (5) two members absent: Stephan Grozinger and David Allen