

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

Meeting on tapes 1-7, dated 6/15/09

APPROVAL OF MINUTES:

Jane Connolly moved that the Commission approve the minutes of June 1, 2009 with corrections by Dan Gilbert and Stephan Grozinger. Seconded by Dan Gilbert. Vote in favor (7-0)

Paul Heifetz moved that the Commission approve the minutes for the site walk of May 30, 2009 as prepared by Dan Gilbert.. Seconded by Jane Connolly. Vote in favor (7-0)

Jane Connolly moved that the Commission approve the minutes with correction by Dan Gilbert, for the Special Meeting with Robert Turner. Seconded by Don Saltzman. Vote in favor (6-0) Ridge Young absent.

CHAIRMAN'S REPORT:

Stephan Grozinger reported to the Commission members that he had met with James Pjura, Zoning Officer and Robert Turner, Consultant, regarding their proposed plan to divide the Town in quarters and ride around noting walls and fences for inventory purposes. A discussion also followed regarding lapsed building permits and certificate of occupancies and how to put the information in a file form. Also discussed were several zoning violations to include Georgetown Road, Blueberry Hill, Tower Drive and Autumn Ridge.

DISCUSSION: PROPOSED REVISED HOME OCCUPATION REGULATION (DON SALTZMAN)

Don Saltzman noted that after reading a proposed revised Home Occupation regulation drafted by Dan Gilbert, he changed his position. Don Saltzman thought that any change in the Home Occupation regulation is fraught with all kinds of problems. He felt the home owner needs to live in the building and conduct a business with an employee without a special permit and two employees with a special permit, per the present regulations now. He stated that the Commission should not have a regulation that allows a commercial business in a residential zone. The Commission should leave the concept of the Home Occupation regulation in tact as it is written.

Paul Heifetz was opposed to bringing about a new regulation as it opens up all kinds of problems by making it for a specific person and setting a precedent. He did not think it is the way the Commission wants to go.

PROPOSED REVISED HOME OCCUPATION REGULATION CONT:

Katie Gregory questioned “how did this situation with Dr. Lieberman go on for so long?” Paul Heifetz responded that it was impossible to prove if he lived at 4 Goodhill Road for his Home Occupation. A discussion followed. Dan Gilbert felt that Dr. Lieberman was satisfying a community need. Also what would it take to have a viable pediatric practice? It would involve 6 people and also needs to consider service. Paul Heifetz questioned “is there a community need for a pediatric office in Weston?” There are 11 pediatricians in Westport and he felt it does not meet a community need. Jane Connolly did not agree with Dan Gilbert’s draft regarding the possible revision of the special permit regulation. A discussion followed. Paul Heifetz felt the Commission should let it go until December 31, 2009 and feels Dr. Lieberman will conform.

Katie Gregory moved that the Commission retract the letter stating the end date as 12/31/09 and substitute the date of June 20, 2010 for need of the patients. Seconded by Ridge Young.

Discussion: Dr. Lieberman has been in violation for 23 years and has had more than enough time to conform to the regulations. Jane Connolly felt that he has brought this violation on himself. Our business is making sure that he abides by the regulations. Discussion ensued.

Public comment: Amy Sanborn submitted a copy of her letter to the Forum, published on Thursday, June 11th, 2009, in the Weston Forum; regarding her concerns to include traffic, etc. and leave the cease and desist date at 12/31/09.

Ellen Strauss felt that six months is more than generous and that it was high time.

Vote in favor: Katie Gregory and Ridge Young. Not in favor: Stephan Grozinger, Jane Connolly, Don Saltzman, Paul Heifetz, Dan Gilbert.

It was stated by the Chairman, that it is now off the agenda until it is put on again.

DISCUSSION: UPDATE OF TOWN ZONING EXEMPTION

To be addressed during the agenda item regarding the 8-24 Report for the Valley Forge Road bridge replacement.

RECEIPT OF APPLICATION: FASH SUBDIVISION, 27 ROGUES RIDGE ROAD (BLOOM)

Attorney Ira Bloom came forth with a Receipt of Application for the Fash Subdivision on 27 Rogues Road. He stated as follows: that on April 20, 2009, the Commission passed a resolution approving the validation of a subdivision of property consisting of 7.6 acres of land at 27 Rogues Ridge for Ms. Fash. According to Attorney Bloom, we approved the request for a certificate of zoning compliance, also as set forth in the approval. On May 13, 2009, Mr. Robert Walpuck filed an appeal through his company, 98 Lords Highway, LLC, of 27 Indian Valley Road, Weston, Connecticut. Wherein he claims that his company owns adjacent property and did not receive notice, a claim with which Attorney Bloom disagrees. More specifically, Mr. Walpuck, acting through his attorney, C. Vaugh, claims that the plaintiff "received no notice of the application" and, that the plaintiff "did not attend the public hearing". A quick review with the Secretary of State's Office reveals that the entity known as 98 Lords Highway, LLC has Mr. Walpuck as a principal and as agent for service. Nevertheless, after conferring with Town counsel, Attorney Bloom stated that he decided to reapply to the Commission at this time. He asked the Commission to accept this application, conduct a public hearing and pass the exact same resolution as it passed on April 30, 2009. He also asked that the entire Commission file from the prior proceeding be incorporated into this new application. Notice is being given to all adjacent parties and any parties across the street as required by your Weston regulations. Attorney Bloom stated that he had provided notice to 98 Lords Highway, LLC. Attorney Bloom added that if the Commission passes the identical resolution once again, the lawsuit filed by Mr. Walpuck's company will become moot. Also Attorney Bloom asked the Commission to consider a waiver of the application fee pursuant to Sections 2,4.2 and 3,14 of Weston's Subdivision Regulations". A discussion followed and it was decided that Attorney Bloom's client would pay for the legal notice. Attorney Bloom asked the Commission to receive the application and to conduct a public hearing on July 20th.

Katie Gregory raised the question of new information coming in from the public? Attorney Bloom stated that this is a chance we have to take. Don Saltzman questioned if Attorney Bloom could testify that the record is the same? Attorney Bloom stated that his client will pay for the legal notice.

Katie Gregory asked "if the Commission can wait on the waiver as to fees". Stephan Grozinger stated "yes".

Don Saltzman moved that the Commission to receive the application for the Fash Subdivision, 27 Rogues Ridge Road. Seconded by Katie Gregory. Vote in favor (7-0).

The members are to call Attorney Bloom if they wish to rewalk the site.

DISCUSSION/DECISION: FAR HORIZON SUBDIVISION, 4 LOTS, ADC 10 LADDER ROAD, LLC, 10 LADDER HILL (SPATH & BJORKLUND)

The Land Use Director had created draft conditions for the Commission members to review. After a discussion, several changes were made and the following motion was made.

Don Saltzman moved that the Commission approve of the waivers for the Far Horizon Subdivision, located at 10 Ladder Hill. Seconded by Jane Connolly. Vote in favor (7-0)

Dan Gilbert moved that the Commission approve the draft of conditions, as amended, for the Far Horizons Subdivision, as written. Seconded by Katie Gregory. Vote in favor (7-0)

Jane Connolly moved that the Commission lift the Cease and Desist order, dated 3/20/09 by Robert Turner. Seconded by Katie Gregory. Vote in favor (7-0)

PUBLIC HEARING CONT: SCHINDEL SUBDIVISION, 6 LOTS, MORTON SCHINDEL, ET ALS AT 389 NEWTOWN TURNPIKE (GUIDERA)

This agenda item was postponed until the next meeting on July 6, 2009, as Richard Bennett P. E., was not ready with his information and Conservation approval is needed.

PUBLIC HEARING: FLOOD ZONE DEVELOPMENT PERMIT: VALLEY FORGE ROAD BRIDGE REPLACEMENT (TOWN OF WESTON)

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

Engineer Jeff LeMay of the Maguire Group went over the plan in detail of the proposed bridge including improvements of the driveway serving two houses near the bridge on Valley Forge Road. Also that Conservation has given their approval.

It was stated that the proposed project consists of replacement of Valley Forge Road Bridge over the Saugatuck River with safety improvements along the approach roadways. This reach of the river in the vicinity of the bridge is located within a FEMA regulated floodplain Zone AE and has an established floodway. This project will not adversely impact the flood plain or floodway. There is no activity proposed within the 100 year floodplain or floodway of the Saugatuck River. The proposed bridge and foundations are located outside the 100 year floodplain boundary and floodway, and above the 100 year water surface elevation. The existing bridge footings are generally located above the 100 year water surface elevation, but will be left in place at the recommendation of the Connecticut Department of Environmental Protection, to further eliminate any potential hydraulic impacts.

This project is funded through the Federal Local Bridge Program and is administered by the State's liaison consultant Close, Jensen and Miller, P.C.

The time table for the demolishing of the bridge could be three weeks and there will be a temporary staging for shielding under the bridge to prevent any debris from going into the river.

This activity will be monitored by the Town Engineer and the Conservation Commission. The time frame for the construction of the bridge will be 5 to 6 months and a temporary detour route will be set up and well marked. Neighbors in the area will be notified.

The Chairman read the letter from the Maguire Group, dated May 27, 2009, signed by David Stock, P.E. Vice President, into the record.

Don Saltzman questioned if they will have to deal with any excess water coming over the dam? Mr. Lemay stated that the 500 year flood level is well below this bridge. Ridge Young questioned that the bases are remaining? Mr. LeMay stated that yes they are but are not being used for the new bridge. The Town Engineer (present) had no concern about the remaining bases.

Public Comment: none

Don Saltzman moved that the Commission close the public hearing. Seconded by Paul Heifetz. Vote in favor (7-0)

The Chairman handed out a draft approval created by the Land Use Director for the Commissioners to read. A discussion followed.

Don Saltzman moved that the Commission approve the Flood Zone Development Permit for the Town of Weston for the replacement of the Valley Forge Road Bridge over the Saugatuck River, as amended, subject to conditions. Seconded by Jane Connolly. Vote in favor (7-0)

**PUBLIC HEARING: 8-24 REPORT VALLEY FORGE ROAD BRIDGE
REPLACEMENT (TOWN OF WESTON)**

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

A request for an 8-24 Report from the Board of Selectmen, dated May 8, 2009, is the demolition and reconstruction of the Valley Forge Road Bridge, originally constructed in 1938, and the related road realignment and storm drainage improvements is an appropriate municipal improvement and appropriate use of the Town owned property.

The proposed bridge replacement, as described by the Town's engineering consultants and the Project Statement and other materials submitted, involves the removal of the existing single-span concrete arch bridge and the construction of a 90 foot pre-stressed concrete arch bridge with a total width of 33 feet between the inside face of the parapets.

PUBLIC HEARING: 8-24 REPORT CONTINUED:

The existing bridge footings will be left in place at the recommendation of the Connecticut Department of Environmental Protection to eliminate any potential hydraulic impacts on the Saugatuck River. The proposed bridge will be located just south of the existing structure, and will be rotated slightly to accommodate the larger radius approaching curbs. The proposed bridge will rest on cast in place concrete footings founded on bedrock. Erosion and sedimentation controls have been incorporated into the project. The Town of Weston has also developed a Flood Contingency Plan for the project.

Don Saltzman questioned that there are no additional property owners affected except the two houses on the improved driveway, for safety purposes. Mr. LeMay stated yes.

The Town Engineer felt that it was an appropriate use of Town Land and agreed with the site line for the position of the proposed bridge alignment. It also meets the DOT standards and the bridge will be 24 feet wide in order to obtain the grant.

The Chairman questioned if an A2 survey had been submitted? Mr. LeMay stated that the survey was a Class D and T-2. A discussion followed on different grades of surveys.

Mr. LeMay stated that they would start construction in May of 2110 and it will be completed in 5 to 6 months.

The Town Engineer stated that there is a fire protection plan for the Town during that period. He also stated that the bridge has structural deficiencies now and has been inspected by the State for the past ten years. It is not feasible to fix it. Required replacement is not imminent but has to be done by five years.

Public Comment: none

Dan Gilbert moved that the Commission close the public hearing. Seconded by Don Saltzman. Vote in favor (7-0).

Discussion/Decision:

The Chairman stated that he was in opposition to the 8-24 Report as the Commission had requested that the Board of Selectman provide the Commission, back in April, 2009, with an A2 survey, as required by the Zoning Regulations, and had not received one. He felt that an A2 is more detailed and was needed by the Commission to make a decision.

Dan Gilbert and Don Saltzman were in favor of a positive reply to the 8-24. Jane Connolly, Katie Gregory, Paul Heifetz, Ridge Young and Stephan Grozinger were opposed.

PUBLIC HEARING: 8-24 CONTINUED:

The Land Use Director created a draft for both an approval or a denial of the 8-24 Report. The Chairman read the denial draft into the record as follows:

The Planning & Zoning Commission has reviewed the board of Selectmen's application, dated May 8, 2009, and accompanying materials related to the proposed replacement of the Valley Forge Road Bridge over the Saugatuck River, road safety improvements along the approach roadways, and related storm drainage improvements, and finds as follows:

The proposal is disapproved because the Town of Weston did not submit a class A-2 survey pursuant to the Commission's April 15, 2009 letter to the Office of the First Selectman. Failure to submit an A-2 survey deprives the Commission of basic information it requires to fully evaluate the application. Furthermore, the Commission believes that proceeding on a project of this magnitude without the benefit of an A-2 survey exposes the town to undue risk.

Katie Gregory moved that the Commission approve the denial of the 8-24 Report for the Valley Forge Road Bridge as written. Seconded by Paul Heifetz. Vote in favor of the denial was Jane Connolly, Katie Gregory, Paul Heifetz, Ridge Young and Stephan Grozinger. Those opposed were Don Saltzman and Dan Gilbert.

PUBLIC HEARING: SPECIAL PERMIT – POOL & POOL HOUSE – ASPETUCK VALLEY CC, 67 OLD REDDING ROAD (FALLON)

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

Present: Attorney Fallon, Charles Torrence, General Manager for the Aspetuck Valley Country Club; Ron Ochman, P. E. Site Engineer; James Rogers, Architect; Jan Goldfluss, Landscape Architect with Wesley Stout Associates.

Attorney Fallon, representing the Aspetuck Valley Country Club, presented an application to amend the Special Permit for a private recreational club pursuant to Section 341.4 of the Regulations as approved on July 9, 1990, and as subsequently amended by the Commission on November 11, 1993 and September 27, 1996, for a pool and pool house and other improvements to its facilities.

PUBLIC HEARING: ASPETUCK VALLEY CC CONT:

The components of the present application are as follows:

1. The Club seeks permission to construct a new pool and pool house as shown on plans submitted herewith replacing the aging pool and pool house. As shown on the plans, the new pool will be comparable in size to the existing pool. The pool house will be enlarged so as to meet the ongoing needs of the Club's current membership. Hours of operation will remain consistent with the past historic use of the pool and pool house facilities encompassing activities between Memorial Day weekend to Labor Day. General hours of operation will be from 11 a.m. to 7 p.m. daily... In addition, a summer camp will run from the end of June through mid August (approximately 7 weeks) and involve use of the pool facilities between 8:30 a.m. to 3 p.m.
2. Conversion of the existing garage apartment to a seasonal facility to be used in conjunction with the day camp is also proposed.
3. The plan also addresses minor relocation by approximately 20 feet of three existing paddle tennis courts and the construction of one additional court to meet the ongoing needs of the membership. A small paddle tennis warming hut is also proposed.
4. The construction of three new tennis courts on the portion of the property designated as 47 Old Redding Road. The existing residence on that property will be demolished. There will be no net increase in the number of tennis courts on the Club property since as shown on the site plan submitted herewith three presently existing tennis courts will be eliminated in order to create a new pervious parking area to be used by staff and for special events parking. The parking area will be gravel and adequately screened from the abutting neighbor, Keith Lord. A letter was submitted for the file from Keith Lord approving the changes. Parking spaces for the Club consist of 174 spaces and will increase to 270.
5. Construction of a new cart barn is proposed at approximately 4,500 square feet. This barn will house the electric carts.
6. A new maintenance building is proposed to be located partially on the former Ally property where the existing house will be demolished. This building will be designed to look like a one story barn about 11,500 square feet in size.

The plans are based on an A-2 survey.

Attorney Fallon explained the merging of the properties to make it all one.

PUBLIC HEARING: ASPETUCK VALLEY CC CONT:

Ron Ochman, P. E. and site engineer for the project went over the details of the buildings, septic systems and drainage for the entire site of the Club.

Jan Goldfluss, Landscape Architect with Wesley Stout Associates, went over, in detail, the landscaping details and the lighting plan for the proposed project.

Jim Rogers, Architect, went over, in detail, the construction and design of the buildings incorporated in the new proposed plan.

Public Comment: Mr. and Mrs. Roberts of 50 Old Redding expressed their concern regarding drainage across the road directly from the club house which floods after rain storms, from the two ponds, (one old and other new) and does not flow properly thru the pinch point going under Old Redding Road. A discussion followed. Attorney Fallon felt that this concern was not relevant to this application but will look into it with the Town.

The Town Engineer's memo, dated June 15th, 2009, re this application, was read into the record.

Members of the Commission expressed their concern regarding the amount of impervious surface for the project – existing and proposed. Jane Connolly requested the breakdown of coverage for each property.

There will also be two dry hydrants – one by the pool and one existing on Old Redding Road.

The Public Hearing will be continued to the next meeting on July 7th.

OTHER BUSINESS:

Dan Gilbert moved that the Commission add to the agenda the discussion of a proclamation for Dan Wilder, to the agenda. Seconded by Paul Heifetz. Vote in favor (7-0)

Dan Gilbert discussed with the Commission members on creating a proclamation for Dan Wilder for his service to the Town by being the Planning & Zoning representative to SWRPA for 20 years. He handed out a draft to the members for their approval.

Katie Gregory moved that the Commission proceed with the proclamation for Dan Wilder. Seconded by Dan Gilbert. Vote in favor (7-0)

Town Plan: Katie Gregory will proceed to set a meeting date for a one hour discussion on surveys.

Meeting adjourned. Respectfully submitted. Joan Lewis, Administrative Assistant
Approval: Unanimous approval on July 7, 2009