

Present: Don Saltzman, Chairman; Jane Connolly, Vice Chairman; Paul Heifetz, Dan Gilbert, Stephan Grozinger, RidgeYoung Absent: Katie Gregory
Meeting on tapes 1-5 dated 7/7/08

REGULATIONS & ENFORCEMENT

1. Discussion cont: Review of March 23, 2006, letter to Zoning Enforcement Officer re: Limitation of Zoning Enforcement Officer Authority.

A discussion occurred where Stephan Grozinger stated that when the Code Enforcement makes a determination, should he have the authority to “override Planning & Zoning”?

Paul Heifetz, referring to the letter of March 23, 2006, felt the Commission could go with this wording. Stephan Grozinger was concerned that it keeps happening and it keeps coming up at all of our meetings and felt the Commission needs to address the issue quickly and perhaps make some correction to the Zoning Regulations. Paul Heifetz felt that the Code Enforcement either has the entire authority or let the Code Enforcement Officer do what the Commission wants. Dan Gilbert had an opposing view and discussed, what if Robert Turner had remembered what was in that letter of March 23, 2006? He also asked what happens when Weston Center comes to the Commission? If we take this on, really when Commission should be dealing with other matters, such as planning. The Commission would be under so much pressure and felt that planning is the most important thing the Commission does. Don Saltzman reminded the members that the Town Plan is going to take some time also. Stephan Grozinger stated that the Zoning Officer missed the Midtown application – after the Lunch Box issue. Stephan Grozinger felt the Commission should be willing to take the time to watch over the “commercial” applications. He referred to Westport regulations where they take all commercial applications to the Commission and they are not overwhelmed. Paul Heifetz asked if the Commission wants the zoning officer to bring all commercial applications to the Commission for approval? Paul Heifetz, Jane Connolly and Ridge Young were in favor of this and felt a letter should be drafted and Jane Connolly felt it should sent to all the tenants and owner of the Neighborhood Shopping Center and also put it in the zoning regulations, in the future. Stephan Grozinger suggested that the Commission live with this proposal for the next 6 months. He submitted a proposed draft letter to the members.

Stephan Grozinger moved that the Commission approve the “draft” letter and to send it to all the tenants and the owner of the Neighborhood Shopping Center and to put into the Zoning Regulations in the future. Also, that the Commission work with this concept for the next 6 months. Seconded by Paul Heifetz. Discussion on drafting an administrative list to also receive the letter like Weston Gardens and Cobbs Mill. Vote in favor (5-1) Dan Gilbert nay because he felt having the Commission review and approve all non-residential use applications and giving the Zoning Enforcement Officer the ability to bring to the Commission for its decision, controversial applications will result in the less than optimum use of the Commission’s time. Also, Dan Gilbert felt the regulations should be revised to reflect the Commission’s decision regarding its process for issuing Permits.

ZONING OFFICER CONT:

The letter proposed is as follows:

Re: Limitation of Zoning Enforcement Officer

“Pursuant to its authority under Connecticut General Statute 8-3(e), the Weston Planning and Zoning Commission hereby prohibits the issuance of any zoning permit in connection with any non-residential use including non-residential uses operating under a special permit, claiming pre-existing non-conforming status, or uses within the Neighborhood Shopping Center District. All such applications must be brought before the Commission for its review and decision.

You may continue to issue zoning permits in connection with the construction and alteration of single-family dwellings (and structures ancillary there) on lots which are not subject to subdivision regulation and are otherwise in full and clear compliance with Zoning Regulations of the Town of Weston. However, you are directed to bring to the Commission for its review and decision any applications which are, in your judgment, controversial or which require substantive interpretation of the Regulations.”

DISCUSSION – SUBDIVISION REGULATIONS AMENDMENTS RECOMMENDED BY CONSULTING ENGINEER – ILLICIT STORM WATER DISCHARGES, STORM WATER AND EROSION CONTROL, AT REQUEST OF JOHN CONTE, TOWN ENGINEER

The Land Use Director explained to the Commission that these amendments need to be inserted in the Subdivision Regulations. They have been recommended by a consulting engineer, hired by the Town, by DEP, because we have an aquifer within the Town and need some additional things to do. We need to revise the amendments with the consulting engineer and the Town Engineer.

DISCUSSION: APPOINTMENT OF THE PLANNING & ZONING COMMISSION’S SWRPA REPRESENTATIVE

Dan Wilder, the present SWRPA representative for the Planning & Zoning Commission for approximately 20 years, has requested to step down from this position to go on to other things and has requested the Commission to find a replacement. A discussion followed and it was the consensus of the Commission to approach Patty Gay of the Forum to do an article and also put an ad in the paper to find a new person. The position requires a once a month meeting on the first Monday of the month.

DISCUSSION/DECISION: GEORGETOWN ROAD (LOST TRAILS LLC/WALPUCK

Robert Walpuck was present. A letter had been received from Mr. Walpuck’s attorney, Attorney Fuller for an extension of time to hold the public hearing. A discussion followed regarding the completeness of the application and the following motion was made.

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DISCUSSION/DECISION GEORGETOWN RD. LOST TRAILS LLC/WALPUCK CONT:

Paul Heifetz moved that the application for Georgetown Road (Lost Trails LLC/Walpuck be granted an extension of time to the next meeting, July 21, 2008 to commence the public hearing. Seconded by Dan Gilbert. Vote in favor (6-0).

PUBLIC HEARING: FLOOD ZONE DEV. PERMIT, 34 RIVER ROAD, FISHWAY AT LOW'S DAM ON SAUGATUCK RIVER (NATURE CONSERVANCY)

Steve Patton, Director of the Nature Conservancy was present for Sally Harold. Don Saltzman read the public hearing notice into the record.

The members had done an independent site walk. Mr. Patton explained that the dam on Low's property, in connection with the proposed fish ladder, is just upstream from River Road. He also mentioned that all the fish ladders in place on the Saugatuck from Westport to this point. The purpose is to help the fish get up to the Saugatuck Dam.

The fish ladder does not change the cubic feet per second of the water over the dam. All it is going to do is help the fish to get upstream. The fish ladder will be made of stone.

Dan Gilbert questioned if the fish ladder make the river narrower. Mr. Patton stated that the ladder will not make the river narrower.

The application is still in need of a check for \$130. for the application fee which the Land Use Director stated was in process. There is also an approval letter from the Low's for the fish ladder.

Don Saltzman felt the applicant had an engineering report with the approved by the Town Attorney and also the two letters from the DEP stating their approval. Mr. Patton stated that they had Conservation approval and that Conservation will supervise the installation. Mr. Patton stated that they plan to do the installation during August, the time of low flow of the river.

Dan Gilbert read the DEP letters and felt that the flood plain regulations required that the applicant submit an authorization by a certified engineer that the fishway would not result in any increased flood levels and he felt the applicant had not satisfied the requirements of the Flood Plain Regulations with the proper certified maps. A discussion followed regarding the DEP letters in the file signed by a biologist and hydraulic engineer which the Land Use Director who had received Town Attorney approval to present, to fill the requirements of the Flood Plain regulations. The discussion continued to the point where it was the request of the Commission to have the applicant obtain an updated map with the flood lines and fish ladder in place and a statement stating that there is no increase of the flood level, by a certified engineer. In trying to help the applicant, the Commission suggested that the applicant return to C. Spath, who has the submitted the original map, for help.

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PUBLIC HEARING: FISHWAY AT LOW'S DAM NATURE CONSERVANCY CONT:

The public hearing will be continued to the next meeting on July 21, 2008 and Mr. Patton will contact C. Spath.

PUBLIC HEARING: MODIFICATION OF SUBDIVISION AND LOT LINE CHANGE: LOT 8 LAUREL LAKE ROAD – SMITH SUBDIVISION – (LAND TECH)

Tom Ryder of Land Tech was present to discuss the map for the modification of a subdivision and lot line change between Lot 7 and Lot 8 on Laurel Lake Road of the Smith Subdivision. He went over the map in detail of the equal area exchange of property and also that some of the property was coming into the Smith Subdivision from a neighboring lot not in the subdivision. Don Saltzman stated that the applicant, after this transaction, will need to file a new map in the Land Records.

The abutting neighbor, Barbara Rutzga was present with her map and stated that the acreage numbers of the land being exchanged did not agree with the map that Mr. Ryder of Land Tech was presenting.

At this point, the parties involved, left the room to discuss the discrepancies between the two maps.

PUBLIC COMMENT: Philip Hover, abutting neighbor located on Beaver Brook, noted that one of the conditions of the subdivision had been violated and that the owner of Lot 8, Mr. Discala, had not maintained the 40 foot buffer of trees as called for in the conditions. The Land Use Director felt that this had been resolved but will research the matter.

Mr. Ryder of Land Tech returned to the room to tell the Commission that they had partially resolved the problem but that there is also a driveway issue that needs to taken care of.

The public hearing will be continued to the next meeting on July 21, 2008.

MODIFICATION TO LOT DEVELOPMENT APPROVAL – LOT 8 LAUREL LAKE ROAD – SMITH SUB. (LAND TECH)

This modification will be heard when the subdivision lot lines for Lot 7 and 8 has been resolved.

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MODIFICATION LOT DEVELOPMENT APPROVAL – PUCCIO, 61 SINGING OAKS – INDOOR POOL (DUNN)

David Dunn, Architect was present and the Commission had conducted an independent site walk.

David Dunn, Architect, presented the coverage calculations for all the structures on the site at 61 Singing Oaks and they were also noted on the plan. The total coverage is 10.2% and the maximum allowed is 15%. The Commission asked Mr. Dunn to sign the plan.

Stephan Grozinger expressed his concern about an A2 survey being required and referred to Section 2.4.4 and 2.5.1a of the Subdivision Regulations. The Land Use Director produced an A2 survey in a previous file of the applicant's but without the lap pool. A discussion followed. David Dunn stated that he had used the subdivision A2 survey and not the certificate panel. The Commission then stated that in the future they will require an A2 survey and a document stating zero incremental runoff. It was then noted that the file has a drainage report and a document of zero incremental runoff.

Motion to Approve:

Don Saltzman moved that the Commission approve modifying the original Lot Development Approval, dated February 1, 1993 and modified on July 23, 2007 for Lot 9 of the Singing Oaks Subdivision, by Thomas and Kathleen Puccio, per the site entitled "Site Plan: Puccio Indoor Lap Pool, S1", "Plan, LP1, "Exterior Elevation, LP2", prepared by David Dunn, Architect, dated June 11, 2008 and "Site Plan, Details & Notes", prepared by Chappa and Paolini, Engineers, LLC., dated 5/8/08, subject to conditions. Copy of these conditions is attached.

Seconded by Ridge Young. Vote in favor (6-0) Katie Gregory absent.

DISCUSSION OF APPLICATION/DECISION: LOT DEVELOPMENT – NORDIC BUILDERS. 24 HILL CREST, HILL CREST SUB. NEW HOUSE (LAND TECH)

The son of Gier Hjorth of Nordic Builders was present. The Commission had completed an independent site walk of the site. Dan Gilbert went thru all the site specific requirements. Stephan Grozinger expressed a concern regarding the driveway and to refer it to the Town Engineer.

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DISCUSSION OF APPLICATION/DECISION LOT DEV. NORDIC BUILDERS CONT:

Motion for Approval:

Don Saltzman moved that the Commission approve the Lot Development Plan for 24 Hill Crest Lane of the Hill Crest Lane Subdivision, per site plan entitled "Site development Plan", prepared by Land Tech Consultants, Inc., dated 3/17/08, for owner Nordic Builders, subject to conditions.

Don Saltzman then added the following condition to the conditions presented:

10. The proposed driveway location shall be reviewed by the Town Engineer for compliance with the Town of Weston Driveway Ordinance (Section 12-35c) prior to issuance of the zoning permit.

Seconded by Stephan Grozinger. Vote in favor (6-0) Katie Gregory absent.

A copy of the conditions are attached to these minutes.

DISCUSSION/DECISION: LOT DEVELOPMENT 14 MICHAELS WAY (LOT 26) NEW HOUSE (ATLANTIC BUILDERS)

Mark Cefferri of Atlantic Builders, was present and submitted a sedimentation and control bond estimate for the file and approval by the Town Engineer. Dan Gilbert had walked the site. A discussion followed with the Land Use Director regarding neighbor complaints regarding the drainage in the area of this lot.

(Commissioner Stephan Grozinger left the meeting)

Motion to Approve:

Don Saltzman moved that the Commission approve a lot development plan for Lot 26, 14 Michael's Way, of the Byebrook Subdivision per site plan entitled "Septic system Plan & Site Plan" and "Site Construction Details", prepared by Grumman Engineering, LLC, dated 6/2/08, for owner Thomas J. St. Denis, subject to conditions". A copy of this approval is attached to the minutes.

Seconded by Paul Heifetz. Vote in favor (5-0) Stephan Grozinger and Katie Gregory absent.

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RECEIPT OF APPLICATION: LOT DEVELOPMENT LEVINE, 75 LORDS HIGHWAY (LOT 5 SMITH SUB.) NEW HOUSE (LAND TECH)

Tom Ryder of Land Tech, presented a lot development plan for Mr. and Mrs. Levine for Lot 5 of the Smith Subdivision, consisting of a 6 bedroom dwelling, septic system and proposed swimming pool.

The Commission expressed concern regarding the radius of the turnaround in the driveway was suitable for a fire truck and to check with Fire Chief John Pokorny. The applicant also needs Conservation approval and a bond estimate for sedimentation and erosion controls, to the Town Engineer .

Don Saltzman moved that the Commission receive the application for lot development for Mr. and Mrs. Levine at 75 Lords Highway (Lot 5 Smith Sub.). Seconded by Dan Gilbert. Vote in favor (5-0) Stephan Grozinger and Katie Gregory absent.

The Commission members will conduct an independent walk before the next meeting.

To be on the agenda for the next meeting on July 21, 2008.

RECEIPT OF APPLICATION: MODIFICATION TO LOT DEVELOPMENT APPROVAL – GARDNER, 22 TWIN WALLS, TALL PINES SUB. (LOT 24) BASKET BALL COURT.

John Giancola of Kirby LLC presented a plan for the 2.09 acre lot of Ms. Gardner of 22 Twin Walls of the Tall Pines Subdivision for a proposed basketball court. The size of the court will be 50 feet by 84 feet with possible lighting. There are no wetlands on the site and the coverage for all structures is 10.5% out of a maximum total of 15%. The applicant was requested to bring a document showing zero incremental runoff for this lot.

The lot is staked and ready for an independent walk by the Commission members before the next meeting on July 21, 2008.

Don Saltzman moved that the Commission receive the application for a modification to lot development approval for Ms. Gardner of 22 Twin Walls, of the Tall Pines Subdivision for a basket ball court. Seconded by Jane Connolly. Vote in favor (5-0) Stephan Grozinger and Katie Gregory absent.

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DISCUSSION/DECISION: APPLICATION FOR MODIFICATION TO CONDITIONS OF APPROVAL AND APPROVAL FOR EXTENSION OF TIME – TANNERY LANE SUB. PAVING (GUIDERA)

Attorney George Guidera came before the Commission to request an extension of time for the final paving of the roads in the Tannery Lane Subdivision. Since making the request, he has been told by the paving company that they will be paving on Wednesday of this week; therefore no need for an extension; but just in case:

Motion to Approve:

Don Saltzman moved that the Commission approve amending the subdivision conditions to provide an extension of time so that the paving can be accomplished by November 1, 2008. Seconded by Jane Connolly. Vote in favor (5-0) Stephan Grozinger and Katie Gregory absent.

A discussion followed regarding the open space parcels within the Tannery Lane Subdivision which included George Guidera talking both to the Aspetuck Land Trust and the Nature Conservancy. The subdivision was approved January 5, 2004 with a 5 year limit and thus has six months time to make a decision.

APPROVAL OF MINUTES

Dan Gilbert moved that the Commission approve the minutes of July 7, 2008 with correction. Seconded by Paul Heifetz. Vote in favor (4-0) Stephan Grozinger, Katie Gregory and Jane Connolly (not present at this meeting)

Respectfully submitted.

Meeting adjourned.

Joan Lewis, Administrative Assistant

Approval: 7/21/2008