

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

Present: Land Use Director Tracy Kulikowski

Meeting on 5 tapes dated 3/15/2010

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#### TOWN PLAN

The members discussed the status of the second draft; charts, graphs and maps; PIC and PIC charts; survey recount, photos by volunteers(s) and final edit by a third party.

A discussion was held on whether to hire extra help to go over the survey count. The following motion was made:

Don Saltzman moved that the Town Plan Committee approve spending \$400. for additional work to help finish the count on the survey. Seconded by Jane Connolly. Discussion followed on obtaining an accurate count.

Vote in favor: Don Saltzman, Stephan Grozinger, Jane Connolly, Tom Failla and Ridge Young were in favor. Joe Limone and Katie Gregory were opposed.

#### APPROVAL OF MINUTES:

Don Saltzman moved that the Commission approve the minutes of March 1, 2010. Seconded by Ridge Young. Vote in favor 5 and 2 abstaining – Katie Gregory because was not present at the March 1, 2010 meeting and David Allen because he was not present at this meeting.

#### CHAIRMAN'S REPORT:

Stephan Grozinger went over his Chairman's Report in detail. A copy is attached.

#### PUBLIC HEARING: ACTIVITY IN A FLOOD ZONE – SHED, 82 NEWTOWN TURNPIKE, KOPULOS-VALITUTTO (WARDELL EST.) (CHAPPA-PAOLINI P.E.)

This public hearing application has been postponed until April 5. The applicant is waiting for the architectural plans for the project.

DISCUSSION/DECISION CONT: SUBDIVISION TIME EXTENSION – BRENDA AUSTIN SUBDIVISION, MAP 3652A, HIDDEN SPRING DRIVE, HIDDEN SPRING ASSOCIATES, LLC (ANTOLINO)

Peter Romano of Land Tech Consultants was present. The following letter was submitted addressed to the Town Engineer from Peter Romano:

“Thank you for meeting with me and the members of the Planning & Zoning Commission on February 25<sup>th</sup> at Hidden Springs Drive to observe the completed work and resolve the outstanding items to be completed by the current owner of the “Brenda Austin Subdivision”, Mike Antolino of Hidden Springs Associates. The following summarizes the conservation:

1. The travel way from the cul-de-sac of Hidden Springs Drive to the new home and vacant lot within the “Brenda Austin Subdivision” is paved and appears to be in good condition.
2. The paved “hammerhead” turnaround which was approved in the original subdivision approval in lieu of paving a 90’ diameter circle has not been constructed. The “hammerhead” turnaround shall be constructed in accordance with the plans prepared by our office and approved by the Planning & Zoning Commission dated 9/3/04. The balance of the cul-de-sac circle shall be top soiled, seeded and mulched, to the limits shown on the same approved plans. Appropriate sedimentation and erosion control shall be implemented prior to and during any construction in accordance with the approved plans
3. It was agreed during our site visit that no additional drainage is required. The grading of the new hammerhead turnaround and lawn areas shall be graded so that any runoff is directed to the north.
4. Currently there are stockpiles of soil and stone, wood chips and tree logs on the vacant lot and perhaps a portion of the cul-de-sac. It was agreed that the large boulders and spoil can be utilized on the site for the purpose of filling and grading. If the boulders are buried they shall be placed in lifts and compacted with soil to prevent future settling. The large tree logs and wood chips shall not be buried on the site or in the vicinity of the site. The tree logs are to be removed from the site, the wood chips can either be removed from the site or can be spread on the exposed earth onsite to prevent erosion until vegetation can be established.
5. The iron pins and monuments, particularly in the vicinity of the cul-de-sac and the vacant lot have not been installed. The pins and monuments are part of the work included in the bond, they will be needed to installed before the bond can be released.

## BRENDA AUSTIN SUB CONT:

This is my recollection of our conversation that day; if the above differs from your recollection please notify me immediately. Lastly, based on the amount of work to be completed and our discussion at the February 16, P&Z Hearing, I am seeking a 4 month extension of time to complete the subdivision work, i.e. “hammerhead” pavement, topsoil and seed and the iron pins and monuments.”

Peter Romano noted that M. Antolino will be the contractor for the work and the bond is in the amount of \$40,000.

Jane Connolly moved that the Commission approve an extension of time for the Brenda Austin Subdivision until July 15<sup>th</sup>, 2010, to complete the subdivision work. Also to add the condition that the following work, as stated in Land-Tech’s letter of March 15<sup>th</sup>, 2010, Paragraph 4, be completed before the bond is released; “currently there are stockpiles of soil and stone, wood chips and tree logs on the vacant lot and perhaps a portion of the cul-de-sac. It was agreed that the large boulders and spoil can be utilized on the site for the purpose of filling and grading. If the boulders are buried they shall be placed in lifts and compacted with soil to prevent future settling. The large tree logs and wood chips shall not be buried on the site or in the vicinity of the site. The tree logs are to be removed from the site, the wood chips can either be removed from the site or can be spread on the exposed earth onsite to prevent erosion until vegetation can be established”

Seconded by Joe Limone. Vote: Five in favor. Katie Gregory abstained and David Allen was absent.

## DISCUSSION: RPA, CEO, COG DISCUSSION

The members of the Planning & Zoning Commission had a joint meeting with the Board of Selectmen on March 2<sup>nd</sup> to discuss the advantages and disadvantages of Regional Planning Agencies versus Councils of Governments. A discussion followed to include hearing Dan Gilbert’s explanation of his objection when he returns from vacation as he had done a lot of research on this subject. (Mr. Gilbert joined the meeting via conference phone from France); also that there did not seem to be a rush to make a decision and a concern for the structure of the statute and various representations from the neighboring towns.

DISCUSSION: APARTMENT REGULATION, SECTION 321.2(d)(6) PERMITTED ACCESSORY USES PROPOSED ENFORCEMENT MORATORIUM

Stephan Grozinger discussed the following memo with the members:

“Text of Weston Zoning Regulation Subsection 321.2 (d)(6)

The owner (someone who owns not less than one-quarter (1/4) interest in the lot) of the residence in which the accessory apartment is created shall occupy the main section of the house or the apartment except for bonafide temporary absences. In no case shall the house and the apartment be rented simultaneously.

DISCUSSION OF APARTMENT REGULATION CONT:

Issues:

1. This definition of “owner” does not contemplate ownership by an estate, trust or limited liability company, or potential ownership structures following a divorce or foreclosure.
2. Relaxing this regulation temporarily is appropriate under current economic conditions
3. By enforcing this regulation, we may create substantial economic and legal issues for residents who are unaware they are in violation and are subject to leases. It is appropriate to give violators an opportunity to wind down in an orderly way.
4. We should explore whether we are comfortable regulating not only the relationship of those who live in a home, but also their legal title.
5. See Town Attorney’s memo, attached.

Proposed Resolution:

Enforcement of Weston Zoning Regulation Subsection 321.2(d)(6) shall be suspended until March 31, 2011. During the suspension, the Commission may re-evaluate the subsection and consider modifications. At the conclusion of the suspension, enforcement will re-commence. Properties subject to leases entered into during the suspension period will not be exempt from enforcement”

A discussion ensued and Stephan Grozinger felt that the Commission should do this and there are two situations now in Town. Also that the regulation clearly needs an adjustment and for people to come into compliance before this becomes a regulation. . He being the author, would be in favor of passing this ordinance. Jane Connolly felt that the moratorium should be for 6 months and extend it if need be. Don Saltzman was in

## DISCUSSION: APARTMENT REGULATION CONT:

agreement. Joe Limone felt in these economic times, he did not want to hurt people and felt that one year was good and give them a chance to get out of the situation they are in. Discussion followed.

Don Saltzman moved that the Commission approve 6 months out to October 31, 2010  
There was no second.

Jane Connolly moved that the Commission approve 9 months.  
Seconded by Joe Limone. Don Saltzman, Ridge Young, Joe Limone, Jane Connolly in favor.

Discussion followed.

Don Saltzman called for a vote. Seconded by Jane Connolly.  
To approve the above motion for 9 months – Vote in favor (5) Katie Gregory abstaining.  
David Allen absent.

DISCUSSION: STATUS REPORT: FILL ON PROPERTY, 41 NORFIELD WOODS ROAD, PZ AUGUST 20, 2009 – NOTICE OF VIOLATION; DECEMBER 4, 2009, FILL STABILIZATION PLAN (GRUMMAN ENGINEERING); JANUARY 19, 2010; SOIL INVESTIGATION REPORT (O'REILLY, TALBOT & OKUN), SCOPE OF WORK, SUPPLEMENTAL SOIL INVESTIGATION (O'REILLY, TALBOT & OKUN)

Stephan Grozinger recused.

The Land Use Director gave a status report of the fill/soils condition of 41 Norfield Woods Road to the present date and will be heard again by the Conservation Commission on Tuesday, March 16. The applicant brought fill onto his property at 41 Norfield Woods Road in order to level out his property. The applicant was then issued a Notice of Violation on August 20, 2009 after the neighbors complained of uncontrolled siltation from the applicant's property onto Hidden Meadow Road and entering the neighbors pond at 41 Hidden Meadow. The Conservation Commission has conducted several soil boring tests and the latest one on February 19<sup>th</sup>, 2010 found some amount of lead in the soil and also the migration of same. Dean Martin, P. E. of Grumman Engineering is working on a plan to stabilize the neighbor's property.

Jane Connolly brought this situation to the attention of the Planning & Zoning Commission because the applicant never filled out a fill permit and also the Zoning Regulations, Section 348.5 that could make all dirt removed and Conservation to order it.

If there is no lead in the pond, they are done. Conservation Commission would have no jurisdiction.

Don Saltzman felt that the only implication is that there was no fill permit. What is our recourse for not showing the procedure?

Jane Connolly stated the notice of violation of Section 348 and what the regulation calls for. Jane Connolly read the Section 348.4 as follows:

“In cases where a permit allowing land filling, regarding, excavation, or removal of earth material has not been issued, pursuant to Section 348.1 or Section 348.3 of these Regulations, an administrative permit for such activity may be issued by the Zoning Enforcement Officer provided that:

- a. The proposed activity shall not impact drainage on or from the property, or increase water flow on to neighboring properties; and
- b. The proposed activity shall not negatively impact aquifers and shall not degrade the character or natural beauty of the land “

Also that an administrative permit may be issued and that has not happened yet. It was also stated that the following conditions shall apply to any permit issued for any activity pursuant to this 348.5

Jane Connolly suggested that there be a joint meeting of the Planning & Zoning Commission and the Conservation Commission on this application.

It was also stated that the test results are done and now just need to see what they mean. Discussion followed.

#### CORRESPONDENCE AND OTHER BUSINESS:

The Land Use Director stated that there are revised flood maps from FEMA to be on the web sites. The maps and Flood Insurance Study booklets 1-5 are for viewing in the office of the Land Use Director and Planning & Zoning, in the Town Hall Annex.

Meeting adjourned.

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval: approved with amendment on April 5, 2010

