

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

Also present; Tracy Kulikowski, Land Use Director

Meeting on tapes 1-4 dated 11/16/09

David Allen and Joe Limone were introduced as new members of the Planning & Zoning Commission.

TOWN PLAN

Members discussed the Town Plan “draft”.

Newly elected First Selectman Gayle Weinstein was present to introduce herself to the Commission members and stated that she looked forward to working with them.

APPROVAL OF MINUTES:

Stephan Grozinger moved that the Commission approve the minutes of November 2, 2009. Ridge Young seconded. Vote in favor (7-0)

CHAIRMAN’S REPORT

Stephan Grozinger reported on his meeting with the Zoning Enforcement officer and the Town Attorney and stated that he wanted the Commission business to remain as open and public as possible. The Chairman stated that he does not want the Commission to become secretative.

DISCUSSION: ASPETUCK VALLEY COUNTRY CLUB, 43, 47 & 67 OLD REDDING ROAD, REVIEW OF LANDSCAPING PLAN PER SPECIAL PERMIT APPROVAL (E. COOK).

Wesley Stout of Wesley Stout Associates and also Mr. Klaasen, representing the Finance Committee of the Club, were present.

Mr. Stout presented a proposed landscaping plan of the plantings along Old Redding Road in front of the pool area, tennis courts and maintenance building. He went over the plan in detail. The Commission felt that this plan was the same plan that was presented at a previous meeting and stated that they had asked for, as follows, from the legal decision.

“Landscaping and buffers: The applicant shall install and maintain in perpetuity such landscaping, trees and other plantings substantively as shown of the submitted Site Plans except that more buffering and screening that is currently shown on SP2. Such

DISCUSSION: ASPETUCK VALLEY COUNTRY CLUB CONT:

landscaping, trees and other plantings are to provide a complete visual screening of and to that portion of the property known as 47 Old Redding Road which borders on Old Redding Road. In doing so, the stone wall in front of 47 Old Redding Road on Old Redding Road is to remain and be maintained by Aspetuck Valley Country Club. The applicant shall, in consultation with the owners of 50 Old Redding Road, so modify the landscaping plan shown on SP-2 of the Site Plan. The modified landscaping plan shall be reviewed and approved by the Planning & Zoning Commission before a building permit will be issued”.

The Commission members did not feel that the plan presented tonight had been modified and was the same that had been presented at a previous meeting. The landscaping contained over 100 trees of a native plant mix. A discussion followed.

Don Saltzman asked if Mr. Stout had a point of view from the Robert’s property? Mr. Stout stated that he did not. However, it was noted that the Club had talked with the Robert’s and they were okay with the proposed landscaping plan which has been confirmed by letter submitted by Joe Jordan, President of the Club, dated November 16, 2009, to the file.

Jane Connolly did not see the submitted landscaping plan, as a complete buffer at all. She also referred to the pile of dirt that had been brought to the Commission’s attention about 9 months ago and has not received a report as yet. A soil test was to have been conducted and a destination for the dirt was to be disclosed.

Mr. Klaasen, a member of the Club, stated that he did not know about the plans for the dirt and will research the situation. Don Saltzman questioned if the dirt was destined to fill the foundations of the Ally/Kimberly houses after they are demolished?

Jane Connolly felt the plan submitted tonight is so close to what was presented before and stated that when you go around the curve on Old Redding, it should look like a country road and the Club should be completely screened. Mr. Klaasen stated that Mr. Cook of the Club met with the Robert’s and if we need more landscaping, the Club will do so.

Mr. Stout went over, in detail, the type of trees that are going to be planted. Ridge Young asked if you will be able to see the tennis courts? Mr. Stout stated that if you drive by, it will look heavily landscaped. Don Saltzman felt that the plan was incomplete and that the Club still has more homework to do on this plan.

Mr. Klaasen, the finance person for the Club, stated concern for the screening by the Club and it is now at \$100,000.

DISCUSSION: ASPETUCK VALLEY COUNTRY CLUB CONT:

David Allen who is a civil engineer stated his concern and requested a vertical elevation. Mr. Klaasen stated that the Club is only doing phase 1 of the plan.

At this point, Katie Gregory, asked the Chairman to take a sense of the meeting for an approval of the landscaping this evening and there were none in favor.

A discussion followed on what it would take to make this landscaping plan acceptable. Don Saltzman suggested taking a "point of view" from three places (1) from the Roberts's property (2) down Old Redding Road to the cart barn and coming up Old Redding Road pointing to the parking lot. Stephan Grozinger was in agreement with Mr. Saltzman.

Stephan Grozinger stated his concern about the pile of dirt, (since last February) that it is unsightly but not illegal. Don Saltzman would like to see a soils report on the pile of dirt.

Ridge Young would like to see a complete visual screening plan.

Public Comment: none.

To be continued to the next meeting.

ZONING PERMIT: APPLICATION PURSUANT TO 7/7/08 LETTER TO ZONING ENFORCEMENT OFFICER: RENOVATION OF SECOND BUILDING ON SITE, 81 DAVIS HILL, (HUNTER SMITH, ARCHITECT)

Hunter Smith, Architect and owner of the property were present. Mr. Smith explained that the owner would like to turn the old house into a Carriage House to store three cars – and for miscellaneous recreational uses as are allowed by the letter they received from the former Zoning Officer Robert Turner. There will be no separate residence, living quarters, rental unit, nor home occupation within this structure.

Mr. Smith went over detailed plans of the project with the members. A question arose when Mr. Smith requested to put a foundation under the existing deck to create the three car garage. Stephan Grozinger read Section 374 of the Regulations that the foundation would be adding more footprint into the set back. Is there a way to do this building without increasing the footprint? The discussion of a variance was a discussed. The Commission suggested that the applicant go the Zoning Board of Appeals for a variance. Mr. Grozinger was comfortable with the proposed use but not comfortable with the setback situation.

81 DAVIS HILL CONT:

Most of the members agreed. He would be comfortable with a variance with the same application.

The applicant chose to withdraw his application and go to Zoning Board of Appeals for a variance.

DISCUSSION: ORDER OF REMOVAL DATED 9/11/09 – 11 BLUEBERRY HILL – FAILURE TO MOVE TWO SHEDS AND AN IN GROUND POOL FROM THE SETBACK. (ZBA VARIANCE REQUEST DENIED)

Stephan Grozinger recused himself as he is a neighbor of 11 Blueberry Hill.

Jane Connolly Vice chairman conducted the meeting for this application.

The applicant, Mr. and Mrs. Frank Jaboby and their Attorney George Guidera were present. Also present was the Zoning Officer, James Pjura.

It was explained that an “Order of Removal” was sent to Mr. and Mrs. Frank Jacoby on September 11, 2009 setting forth a Notice of Violation, dated May 29, 2009, by the Zoning Officer, requiring that the applicant remove the sheds and pool from the setback areas immediately. Also failure to comply with this order will cause monetary penalties to accrue pursuant to C.G.S. sections 8-12.

Attorney Guidera stated that the sheds and pool equipment have been moved off the setback but the pool is still in question. The pool was completed in July 14, 2004, with a permit but due to a mixup with the surveyor and the pool contractor, the pool was constructed in the setback. Attorney Guidera submitted a site plan and went over it in detail with the members. He stated that Mr. Jacoby went to Zoning Board of Appeals. Attorney Guidera then stated that the entire Blueberry Hill Subdivision is a one acre subdivision and prior to 1953 there were no set back regulations. Subdivision regulations came in 1956 and this is really not a subdivision but a zoning layout. There is a septic system around the house and the pool was located where it should have been because of this situation. This pool, built in 2004, and there is a three year Statute of Limitations is run on moving it. This runs from the time of construction.

A discussion followed and Jane Connolly suggested that the applicant take an appeal to the court because the Planning & Zoning Commission does not have the jurisdiction to make a declaratory judgment.

Attorney Guidera read the Statute of Limitations, Section 8-13a. The members then referred to the Zoning Officer’s file on 11 Blueberry Hill and a discussion followed.

11 BLUEBERRY HILL CONT:

Don Saltzman suggested that Jane Connolly and Attorney Guidera, come in on a Thursday, after Thanksgiving, and talk to the Town Attorney, for their advice.

To be on the agenda for the next meeting.

DISCUSSION CONTINUED REGARDING POTENTIAL AMENDMENTS TO SECTION 312.7, 411, 411.1 AND 411.2; NEW SECTIONS 312.09, 348.4(C) AND 401; REPEALING SECTIONS 341.6 AND 321.11 TO THE ZONING REGULATIONS.

Stephan Grozinger felt that these potential amendments have been discussed and requested that the Commission approve going to a public hearing on December 21. Due to the two new members not having had time to review this document, this item will be on the agenda for the next meeting.

Don Saltzman moved that the Commission approve setting a public hearing on December 21. Seconded by Jane Connolly (to be held at 7:15 p.m.). Seconded by Jane Connolly. Vote in favor (7-0)

DISCUSSION CONTINUED REGARDING POTENTIAL AMENDMENTS TO SECTIONS 312, "OPEN SPACE RESERVATIONS FOR PARKS AND PLAYGROUNDS" OF THE SUBDIVISION REGULATIONS

Don Saltzman talked about giving up a lot for open space and how you are going to determine the 10% dollars of the full value of the subdivision? Also, the dollars would go to the Town to buy land and it would be the Town's decision on what to buy. Katie Gregory stated that she would like to see the 10% requirement on less than 10 acres and a discussion followed.

To be on the next agenda with a proposed public hearing for December 21, 2009.

NOMINATIONS AND ELECTION FOR CHAIRMANSHIP OF PLANNING & ZONING COMMISSION

Jane Connolly moved to nominate Stephan Grozinger for Chairman of the Planning & Zoning Commission and praised him for all his extraordinary good work this past year. Seconded by Ridge Young

Discussion: Katie Gregory agreed with Jane Connolly about Stephan's fine leadership and that the Commission has benefited immensely.

Vote in favor (7-0)

ELECTIONS CONTINUED:

Don Saltzman moved that the Commission add to this agenda, the nominations for Vice Chairman. Seconded by Ridge Young. Vote in favor (7-0)

Stephan Grozinger nominated Jane Connolly for Vice Chairman of the Planning & Zoning Commission and praised her for her fine work this past year. Seconded by Ridge Young.

Discussion: Stephan Grozinger explained that this nomination is earlier than her one year time limit and referred to the Charter. Don Saltzman suggested a secret ballot with the understanding that it will be published.

All in favor (no vote)

The Land Use Director referred to the Charter. Katie Gregory and Ridge Young felt that Jane Connolly has done a great job this past year.

Don Saltzman moved that the Commission go to a secret ballot rather than to a voice vote. Seconded by Katie Gregory. Vote (4-3) motion does not carry. For a voice vote – David Allen, Joe Limone, Stephan Grozinger Jane Connolly. For a paper ballot vote – Don Saltzman, Katie Gregory, Ridge Young.

Jane Connolly nominated Don Saltzman for Vice Chairman of the Planning & Zoning Commission. Seconded by Don Saltzman

Stephan Grozinger asked if there was any further discussion and not hearing any asked the Commission members to raise one hand who wish to vote for Don Saltzman for Vice Chairman of the Planning and Zoning Commission. Don Saltzman and Jane Connolly raised their hands (2).

Stephan Grozinger then asked the Commission members to raise one hand for those who wished to vote for Jane Connolly as Vice Chairman of the Planning and Zoning Commission. Katie Gregory, Ridge Young, Joe Limone and Stephan Grozinger Dave Allen raised their hands (5 votes) Don Saltzman, Jane Connolly abstained (2).

Meeting adjourned.

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval: Unanimous approval vote (6-0) Joe Limone absent

