

Present: Jane Connolly, Chairman; Stephan Grozinger, Vice chairman; Don Saltzman, Sally Korsh, Jim Carlon

Absent: Britta Lerner and Ken Edgar

Also present: Land Use Director

Special Meeting digitally recorded

Edited by the Land Use Director

New member Jim Carlon joins the Planning & Zoning Commission.

DISCUSSION/DECISION: LOT DEVELOPMENT PLAN, 21 TWIN WALLS LANE LLC, LOT 17, TALL PINES SUBDIVISION, 21 TWIN WALLS LANE, NEW HOUSE (RIGGER CONTRACTING)

John Kozial of Rigger Contracting and Professional Engineer Chris DeAngelis were present to discuss their application for approval of a lot development plan to build a new house on Lot 17 of the Tall Pines Subdivision, 21 Twin Walls Lane. The lot development plan submitted is an A-2 survey including the required survey grid and the applicant has Conservation Commission approval. The Land Use Director stated that she has reviewed the documents and the application is all in order and health approval is forthcoming. Discussion followed on specific elements shown on the site plan.

Stephan Grozinger moved that the Commission approve the lot development plan draft decision for this site, as amended to state Special Meeting. Seconded by Jane Connolly. Vote in favor (5-0). Absent: Britta Lerner and Ken Edgar.

11 mins.24 sec

DISCUSSION/DECISION: RYAN, 13 BERNHARD DRIVE, PLAN FOR COMPLIANCE WITH HEIGHT REGULATIONS AND JUNE 16, 2006 CEASE & DESIST ORDER (LAND-TECH) (REFERRAL FROM ZONING ENFORCEMENT OFFICER PER STANDARD OPERATING PROCEDURES MEMO, DATED JUNE 20, 2011)

Peter Romano of Land Tech came forward with elevations of Mr. Ryan's house (who was also present) showing planters to be placed in front of the house so that when the height is calculated from the average finished grade at the top of the planter, it brings the house into compliance. Mr. Romano went over the calculations shown on the plan in detail. A discussion followed regarding the construction method of installing a membrane between the planters and the foundation of the house. A memo from the Town Attorney, Pat Sullivan was entered into the record.

RYAN CONTINUED:

Mr. Romano stated that this plan would address the goal of the Zoning Regulation, which is to reduce the visual mass of the house and is less expensive than to redesign the roof. Discussion followed on the definition of grade. Jane Connolly, who had listened to the tapes, expressed her concern about the grade being considered from the top of the planters. After a discussion she suggested that all the Commission members walk the sight with Peter Romano.

The Commission requested the specifics on two other houses in Weston with a similar problem previously mentioned by Mr. Romano. Discussion followed.

Mr. Grozinger stated that he assumed that the Town has a 35 foot height restriction due to the length of the ladders the Fire Department carries because the Fire Department does not have an aerial ladder truck. Discussion followed regarding the width of a planter versus a real landscaped area/ground. The date of Saturday, September 7th was set for the group site walk, meeting at 9 a.m. at 13 Bernhard Drive.

DISCUSSION: 27 ROGUES RIDGE – REQUEST FOR GUIDANCE FROM THE COMMISSION AS TO THE MODIFICATION OF THE SUBDIVISION. NO APPLICATION PENDING. APPLICATION TO BE FILED IN THE FUTURE (ATTORNEY FULLER)

Attorney Robert Fuller and Dr. Edward Strauss came before the Commission to explain a title problem with the problem that they feel necessitates a new application for modification or cancellation of a subdivision.? Attorney Fuller reviewed the prior litigation and showed the members the Fash subdivision map, as well as a map regarding the right-of-way on the property, filed in 1962, with an easement in favor of the adjacent property. The easement intrudes upon the right-of-way. This problem was not known at the time of the subdivision approval because of a title problem. Attorney Fuller wanted the Commission to be aware of this problem when he comes in to the next meeting with a formal application to vacate the subdivision. He stated that the easement is referred to in a 1950 deed, which is prior to subdivision regulation in Weston. Discussion followed. Attorney Fuller stated that he will explain the title issue in more detail when he files the new application and he will get the title information to the Land Use Director.

STAFF REPORT There was no staff report as the Land Use Director had been on jury duty the previous week.

DISCUSSION CONTINUED: POTENTIAL AMENDMENTS TO THE ZONING REGULATIONS:

DRAFT PROPOSAL TO AMEND SECTION 321.1(b), 321.2(f) AND 610 RELATED TO FARMING, FARM STANDS, FARMS AND FARMER'S MARKETS

Stephan Grozinger stated he was un-recusing himself after listening to the tapes of the prior meeting and presented a draft proposal (attached). Jane Connolly stated that this is not a public hearing at this point. Mr. Grozinger read his draft proposal for proposed Section 321.2 (f). The proposal uses the language that used to be in the Zoning Regulations for farm stands as a permitted accessory use. The intent is to provide an approval process for driveway sight lines and structures and to make it as simple as possible for simple, informal farm stands. A discussion followed.

Stephan Grozinger moved that the Commission send the draft proposal to SWRPA and schedule a public hearing as soon as possible. Seconded by Jane Connolly. Vote in favor (5-0) Britta Lerner and Ken Edgar absent.

Jane Connolly moved that the Commission suspend enforcement on the prohibition of any farm stands, with respect to nonpermanent structures, until November 4, 2013. Stephan Grozinger seconded. Vote in favor (5-0) Britta Lerner and Ken Edgar absent.

DRAFT PROPOSAL FOR A NEW SECTION 314, DRIVEWAYS TO REPLACE THE TOWN DRIVEWAY ORDINANCE – STAFF COMMENTS.

Jane and Tracy will discuss this with the Town Attorney and the Town Engineer, for discussion in September.

APPROVAL OF MINUTES:

Stephan Grozinger moved that the Commission approve the minutes for June 17, 2013 as edited by Ken Edgar. Seconded by Sally Korsh. Vote in favor (5-0) Britta Lerner and Ken Edgar absent.

Meeting adjourned.

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval: Minutes approved on 9/16/13

Weston Planning & Zoning Commission
July 22, 2013
Proposed Regulation Amendment

Section 321.2 is amended to insert subsection (f) as follows:

321.2 Permitted Accessory Uses: The following are permitted accessory uses in the Two Acre Residential and Farming District:

- (a) Limited Home Occupation, subject to the terms and conditions of Section 343.
- (b) The keeping of roomers or boarders, subject to the terms and conditions of Section 344.
- (c) Apartment, subject to the terms and conditions of Section 345
- (d) Signs, subject to the terms and conditions of Section 350.
- (e) Customary Accessory Uses.
- (f) *The display and sale of farm and garden produce and nursery and greenhouse stock raised on the premises, provided that the areas, facilities and intensity of use devoted to the sale of produce remain clearly incidental to the permitted principal farming or residential use of the property. In no case shall the area devoted to the display and sale of such products exceed 400 square feet of ground and/or floor space. If enclosed, such enclosure shall not exceed twelve feet in height. To the extent any permanent Structure is principally utilized for the sale of produce a detailed plan for said Structure and the parking area or areas shall be submitted to and approved by the Planning and Zoning Commission in accordance with procedures set forth in Section 368, as being of adequate size for the particular use, suitably screened with evergreen planting, walls or fences, or combinations thereof, and with any entrance/exit drive designed so as to ensure adequate sight lines and minimize traffic hazards.*

The definition of "Farming" in Section 610 is amended to insert the words "except as otherwise expressly permitted by these Regulations" as follows:

Farming: Farming shall include the use of a lot, either as a principal or accessory use, for the purpose of producing agricultural, horticultural, floricultural, vegetable and fruit products of the soil, and shall include the raising of horses, and other domestic farm animals. Riding academies, livery stables, animal kennels, the breeding, raising or habitation of fur bearing animals, pigs and goats, commercial poultry farms, stands for the sale of produce (*except as otherwise expressly permitted by these Regulations*) or the commercial processing of the products of the farm, shall not be included.