

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

Meeting on tapes 1-6 dated 1-26/09

CHAIRMAN'S REPORT:

Chairman Stephan Grozinger reported to the Commission that he is waiting for a response to his request for an analysis of the definition of a subdivision from Patricia Sullivan, Town Attorney.

A discussion followed.

Also discussed two items with the Zoning Officer at the Wednesday morning review sessions regarding permits and issuance of CSZ's. Also discussed survey requirements. Referred to the Zoning Regulations require an A2 survey. Also referred to Sections 415, 410.2, 411 and 411.2 and future revisions.

DISCUSSION: FENCE REGULATIONS

Stephan Grozinger stated that he finds the four foot high, front property line fence requirement restrictive. He has received several complaints from residents. He also suggested taking the regulation to public input.

Dan Gilbert stated his concern about how you want the Town to look with walled roads and did not think this should go anywhere. Ridge Young was not in favor and is concerned about the esthetic look of the Town and should not box ourselves in. Katie Gregory referred to the section of the zoning regulations on pillars and referred to Fire chief Pokorny's report at the Town Plan meeting and would like to do something about Fire Chief's situation. Don Saltzman stated that you can construct a higher fence 20 feet back from the property line. Paul Heifetz stated he does not like fences and walls but the homeowner has a right. Dan Gilbert hoped that this request goes nowhere.

Stephan Grozinger moved that the Commission approve bringing this draft for a regulation amendment regarding fences, to a public forum. Seconded by Katie Gregory. Discussion: Don Saltzman felt that a four foot stone wall is adequate. You can have a deer fence that is 10 feet high and felt the Commission should have a regulation about screening of evergreens and trees. Dan Gilbert felt this should not be a temperature check. The Commission should take and read this proposal and look at it at the next meeting. There may be other elements of the proposals that have merit. Katie Gregory and Stephan Grozinger in favor and 5 opposed.

DISCUSSION CONT: UPDATE OF THE TOWN ZONING EXEMPTION

To be on the agenda for the next meeting.

TOWN PLAN (PLANIMETRICS)

A presentation by Planimetrics for the public meeting on February 26, 2009.

ENFORCEMENT ISSUE REPORT: LIEBERMAN, 4 GOODHILL ROAD – J. PJURA
ZONING ENFORCEMENT OFFICER

At the previous meeting, the Commission received a copy of an article from the Weston Forum regarding four doctors practicing at the Children's Health Services at 4 Goodhill Road. Stephan Grozinger asked the Zoning Officer to research the situation.

Zoning Officer, Jim Pjura presented the following history of the home occupation for Dr. J. Lieberman at 4 Goodhill Road:

“As of this date, here is a roster of applications for special permits, variances and those decisions rendered by the boards or commissions applied to.

1. Special permit application 7/26/83
ZBA approval of special permit with condition Dr. Lieberman resides in the dwelling.
2. Application for ZBA variance 7/26/83 – for 4 employees – denied
3. Application for ZBA variance 1/24/95 – for expansion of structure – denied

Upon a brief visit to 4 Good Hill Road on Friday, January 16, 2009, I spoke with one of three office staff persons in the children's Health Services, LLC. I was informed Dr. Lieberman was out of town and when he would return. I spoke on the phone with Dr. Lieberman on Wednesday January 21, 2009. Dr. Lieberman confirmed he lived at 4 Good Hill Road, and he had more than 4 employees at the Children's Health Services Office and other than himself, and he had other practitioners working there.

Both Dr. Lieberman and Attorney George Guidera were present

Stephan Grozinger asked the Zoning Officer if he felt Dr. Lieberman was in violation and he stated yes. Both Dr. Lieberman and Attorney Guidera would come back to the Commission with a way to remedy this violation at a future meeting. Paul Heifetz asked if a cease and desist would be issued? Dan Gilbert felt that the Commission needs to identify if there is a remedy for this situation and the Commission needs to be cautious and judicious because we are talking about a physicians practice and we need Dr. Lieberman's help. Attorney Guidera stated that he does not know what the charges are

PLANNING & ZONING MINUTES FOR JANUARY 26, 2009 PAGE 09-14
ENFORCEMENT ISSUE REPORT: LIEBERMAN

And therefore cannot advise Dr. Lieberman. He would like to see that this matter is tabled and come back to the Commission in two weeks.

Stephan Grozinger, following policy, suggested sending a demand letter to remedy the situation and take it from there and then follow through with that procedure. Katie Gregory asked if the policy states any time limit? Katie Gregory felt that the Commission has not presented Dr. Lieberman with a clear statement on his issue. Jane Connolly stated that a demand letter will state that case and maybe a cease and desist. Dan Gilbert stated the Commission would not like to write that letter.

Paul Heifetz suggested that maybe Dr. Lieberman would like to create a new regulation and not take the normal procedures because of the nature of the Home Occupation regulation. Jane Connolly stated that Dr. Lieberman has been doing business for more than 20 years and was denied four employees in 1987. Attorney Guidera requested that they issue the letter and state the issues. He also mentioned that he has talked to Dr. Lieberman about a new regulation and needs something to go on. Attorney Guidera stated he will come back in two weeks to the meeting on February 23.

Dan Gilbert moved that the Commission suspend the letter until the February 23rd meeting when the applicant can have another opportunity to remedy the situation. Seconded by Jane Connolly. Voted in favor (5-2) Katie Gregory and Stephan Grozinger opposed.

DISCUSSION/DECISION: SPECIAL PERMIT AND ACTIVITY IN A FLOOD ZONE
WESTON VOLUNTEER FIRE DEPT. INC. 234 LYONS PLAIN ROAD (GUIDERA)

Stephan Grozinger recused himself from the meeting as he is a member of the Weston Volunteer Fire Department.

Vice chairman, Jane Connolly presided and made a motion that the Commission close the public hearing for a special permit and activity in a flood plain for the Weston Volunteer Fire Department Inc. at 234 Lyons Plain Road.. Seconded by Dan Gilbert. Vote in favor (6-0) Stephan Grozinger recused.

Jane Connolly read the draft of approval with conditions for the Activity in a Flood Zone. A discussion followed.

Jane Connolly moved that the Commission approve, with conditions, the Activity in a Flood Zone for the Weston Volunteer Fire Department Inc. at 234 Lyons Plain Road. Seconded by Dan Gilbert. Vote in favor (6-0) Stephan Grozinger recused.

Jane Connolly read the draft of approval with conditions for the Special Permit. A discussion followed.

DISCUSSION/DECISION: SPECIAL PERMIT/ACTIVITY FLOOD ZONE WESTON VOLUNTEER FIRE DEPARTMENT CONT:

Don Saltzman moved that the Commission approve, with conditions, the application for a Special Permit for the Weston Volunteer Fire Department Inc. at 234 Lyons Plain Road. Seconded by Paul Heifetz. Vote in favor (6-0) Stephan Grozinger recused.

PUBLIC HEARING CONT: RESUBDIVISION AND OR REQUEST FOR CERTIFICATE OF ZONING COMPLIANCE FASH, 27 ROGUES RIDGE (BLOOM)

Attorney Bloom was present and explained the requested maps to the Commission. He also stated that he had talked with Pat Sullivan, Town Attorney, and he has decided to pursue subdivision approval and reserve his rights re the Certificate of Zoning approval. The question of timing arose and it was decided that with an extension letter from the applicant, it would meet the time requirement. It was also noted that the applicant needs to receive approval from the Conservation Commission to meet subdivision application prerequisites.

PUBLIC COMMENT:

Kathryn DeSousa submitted a letter on storm water runoff regarding the rear property.

Robert Turner, Town Consultant on Zoning, submitted a series of maps showing the progression of how the Fast property evolved and discussed them in detail with the members.

Robert Walpuck submitted the following to the Commission:

1. Letter from Robert Fuller regarding the Fash application for certificate of zoning compliance, dated January 26, 2009
2. Letter from the Land Use Director regarding FOIA requests, dated 1/14/09
3. Copy of Map 2993 – map of Lots A & B for Howard Fromson
4. FOI request form dated 1/14/08
5. The Freedom of Information Act
6. Draft minutes for June 18, 2007 regarding parcel 515b
7. Draft minutes for January 5, 2009, corrected by Mr. Walpuck
8. Map 3443 for 96 Georgetown Road
9. Warantee Deed Vol 56 Muscott to Fromson

All of the above was read into the record and discussed. The Chairman asked Commissioner Saltzman to keep his comments to the Fash application. He noted that draft minutes are rough minutes and not legal minutes.

FASH APPLICATION CONT:

Attorney Bloom stated that a lot of what Mr. Walpuck has said is irrelevant and inaccurate and has nothing to do with what is before the Commission tonight. Also we now have the direction from the Commission to proceed with information for a subdivision application. He also stated that he has talked with Attorney Fuller, Mr. Carey and Attorney Hammer so that they are all fully informed on what is going on.

The public hearing is continued to the meeting on February 23.

PUBLIC HEARING CONT: SPECIAL PERMIT: ASPETUCK VALLEY COUNTRY CLUB, 67 OLD REDDING ROAD, IRRIGATION BUILDING (ATTORNEY FALLON)

Attorney Fallon, Charles Torrence, General Manager of Aspetuck Valley Country Club, Doug DiVesta, P. E. and the Maintenance Manager for the Club.

Attorney Fallon was pleased to tell the Commission that the Aspetuck Valley Country Club has resolved all their differences with Ms. Ally. A letter has been written to Conservation that effect.

Attorney Fallon stated that the Club will purchase the Ally house on March 1, 2009. He also submitted Doug DiVesta's credentials for the file.

Doug DiVesta P.E. explained the details of the new pump house. The existing size is 20 by 20 feet and the new size will be 30 by 20 feet. The pump house is for irrigation for the golf course. The water comes from Pond No. 1 retention basin which has been recently approved by the Conservation Commission. The Commission asked Attorney Fallon if he felt this was a necessity and he stated yes. Attorney Fallon then presented a map of the Club and went over it in detail.

Jane Connolly questioned the pile of dirt on the Club property and it was explained by Mr. Torrence that they are dredging Pond No. 1 which contains silt from Wells Hill Road, which has been approved by the Conservation Commission.. It was noted that there was no permit for the dirt and Attorney Fallon apologized that the Club did not get a permit. Jane Connolly requested that the Club put a statement into the record including a soil analysis. Attorney Fallon will follow-up with the Land Use Director. Stephan Grozinger stated that the Zoning Officer has checked it out and his comments are in the Chron File in the Planning & Zoning Office at the Annex.

Stephan Grozinger asked if all the water courses were on the map presented by Attorney Fallon? Attorney Fallon felt yes and stated that the Club has Conservation approval in place.

AVCC APPLICATION CONT:

Jane Connolly asked if the pump house is visible from the road and the answer was no

Stephan Grozinger read a memo from the Town Engineer, dated January 26, 2009, into the record as follows:

“I have reviewed the plans for a proposed Irrigation Building for the Aspetuck Valley Country Club prepared by DiVesta Civil Engineering Associates and Rock Spring Design Group, located at 67 Old Redding Road.

The plan titled Overall Site Plan prepared by DiVesta Civil Engineers, dated November 7, 2008, shows a Section “A-A indicating a proposed finished floor to the building at 227.0 and a 100 year flood elevation of 226.0. The 1 foot separation distance would comply with the Weston Flood plain management Regulations. The plan titled Irrigation Building Enlarged Site Plan prepared by Rock Spring Design Group, dated April 30, 2008, shows the location of the proposed building and a note indicating building to be set 6 inches above 100 year flood elevation and a finished floor elevation of 227.5.

The engineer needs to clarify the 100 year flood elevation and the finished flood elevation of the building at the proposed location to assure the Commission the 1 foot separation distance is obtained.”

Attorney Fallon stated that he will submit a revised drawing along with the conditions of approval.

Don Saltzman questioned if this application serves a community need? It was felt that maintenance helps the Club serve a community need.

The Commission decided to keep the public hearing open to the February 2, 2009 meeting.

DISCUSSION/DECISION CONT: APPLICATION PURSUANT TO 7/7/08 LETTER TO ZONING ENFORCEMENT OFFICER: ZONING PERMIT, AUTOMOBILE REPAIR FACILITY, 107 GEORGETOWN ROAD (WESTON 1, LLC/HALLORAN & SAGE LLP)

Stephan Grozinger presented his draft of denial for the automobile repair facility to the Commission for discussion. At the Commission’s request, Mr. Grozinger had added the reasons for denial from the first application. Jane Connolly read her comments to this draft and a discussion followed. Dan Gilbert felt that the Commission’s position was weak because we have to prove that Nancy Dillon made a conscious decision to not open that service station again. A discussion followed. Dan Gilbert also felt that the contract wording should be added to the draft decision.

DISCUSSION/DECISION – AUTO REPAIR FACILITY CONT:

Stephan Grozinger moved that the Commission approve this draft by denying the applicant's request for a zoning permit with the respect to the use of 107 Georgetown Road, Weston, Connecticut as an automobile repair facility, as amended. Seconded by Dan Gilbert. Vote in favor (6-0) Ridge Young absent.

Meeting adjourned.

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval: Unanimous approval on 2/23/09