

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

Meeting on 5 tapes dated 7/21/08

REGULATIONS & ENFORCEMENT

STATUS REPORT: DAN WILDER, SWRPA

Dan Wilder, the Commission's representative to SWRPA was present and stated that Margaret Wirtenberg is the Selectmen's representative to SWRPA. Mr. Wilder plans to retire from SWRPA as soon as the Commission finds a replacement. He stated that he is willing to stay on board until the end of the year. Mr. Wilder has been the Commission's representative for twenty years and started out representing Sue Hutchinson, First Selectman and then First Selectman George Guidera. Then he and Margaret Wirtenberg switched places and he became the representative for the Commission and she for the Board of Selectmen.

Don Saltzman asked how close is the vote on ACOG and Mr. Wilder stated that they have eight votes, and it is very even but has not been pushed thru. Mr. Gilbert asked what Mr. Wilder's role is stated that he is stepping down from being Chairman of the 2008 Executive Committee, Vice chairman of the Finance Committee, member of the Benefits Committee, Housing Committee and Benefits Committee. Mr. Wilder stated that his replacement would have to be on two or three committees plus attending the regular meeting usually on a Monday. The meetings are mostly during the day.

Mr. Wilder gave the Commission members three handouts, (1) Appointments to SWRPA by CEO's and Planning Boards, (2) Role and Responsibilities of Representatives of the South Western Regional Planning Agency and SWRPA committees and (3) project goals for the year of 2008/2009. He also went over the project goals for year. He stated that Dr. Lapp is a very strong leader and is bringing the membership and SWRPA to the forefront.

Don Saltzman suggested to Mr. Wilder, a possible train spur to Weston (Georgetown) or a bus line. Mr. Wilder referred to the housing/accessory apartments and how Weston is affected. Mr. Wilder stated that he is getting more into the environmental issues and also working on conservation matters. Don Saltzman asked if SWRPA could help the Commission with the Town Plan? Mr. Wilder stated, yes. Dan Gilbert referred to the regional government and regional plan and the Planning & Zoning Commission autonomy being at risk in the short term.

STATUS REPORT: DAN WILDER CONT:

Don Saltzman moved that the Commission approve the re-appointment of Dan Wilder for another term, as the representative for the Planning & Zoning Commission of the Town of Weston to SWRPA, with the understanding that the Commission will try to find a replacement before or by the end of the year, 2008. Seconded by Jane Connolly. Vote in favor (7-0).

Paul Heifetz stated that he would like to talk to former members of the Planning & Zoning Commission about volunteering for this position. Jane Connolly felt that the Commission should wait until the September meetings to discuss further.

Katie Gregory questioned if a more detailed article should be printed in the Forum? The Commission requested that Katie Gregory draft the article to the paper. Don Saltzman asked the Commission members to try and recruit someone from in-house. Jane Connolly stated that she felt perhaps the candidate could come from outside.

Dan Wilder stated that the possible candidates could be referred to the SWRPA web site for more information at SWRPA.org.

AQUIFER PROTECTION AREA REGULATIONS – RE: EFFECTIVE DATE

The Land Use Director stated that the Commission approved the new Aquifer Protection Area Regulations but not the date that they would become effective.

Don Saltzman moved that the Commission approve that the Aquifer Protection Area Regulations to become effective on August 15th, 2008. Seconded by Dan Gilbert. Vote in favor (7-0).

ENFORCEMENT STATUS REPORT. JAMES PJURA, CEO

Jim Pjura submitted a list of enforcement activities, to the Commission, that he is presently working on, as follows:

Aspetuck Valley Country Club: Issued a cease and desist order as the regulation on usage of residential lot was violated. Discussion followed regarding researching the AVCC special permit conditions.

Old Kings Highway: Structure in state of disrepair. He requested a site visit by the Fire Chief, Building Inspector and the Westport Weston Health District for assessment. A discussion followed. The Commission felt that the Fire Chief should be the lead man on this item

STATUS REPORT – CODE ENFORCEMENT – CONTINUED:

Pheasant Hill: Issue of a generator being constructed in the setback. Discussion followed and it was the consensus of the Commission that the generator should be moved.

59 Lyons Plain Road – per Town Council advice, he has been in contact with Wilton Zoning as to how cases like this were handled regarding “junk ordinance”. Discussion followed.

DISCUSSION: EXTENSION OF TIME TO START PUBLIC HEARING ON 9/8/08: GEORGETOWN ROAD (LOST TRAILS LLC/WALPUCK (ATTORNEY FULLER))

The Land Use Director explained to the Commission that Judge Levine and Robert Walpuck are in a pretrial situation in New Britain and they are trying to come to a solution without going to trial. Judge Fuller’s letter, dated July 18, 2008, is requesting an extension to September 8th, 2008 and it is possible that this case will be withdrawn by then. The Land Use Director and the Town Attorney will go back before Judge Levine in about two weeks. The applicant will need an extra five days for the extension of 70 days to meet the September 8th meeting. The Commission requested the Land Use Director to write a letter to Judge Fuller approving the extension as requested. The applicant does not have a complete application and has submitted no fee.

Don Saltzman moved that the Commission approve the request to start the public hearing on the application of Lost Trails LLC/Walpuck, Lot 515B, on September 8th, 2008 and ask the Land Use Director to inform Robert Walpuck’s attorney, Robert Fuller, of the extension and also to submit a complete application. Seconded by Dan Gilbert. Vote in favor (7-0).

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

Steve Patton of the Nature Conservancy, submitted a revised map showing the fish ladder, drawn by Steve Patton and signed by Steve Patton. Also submitted was an email letter from Curtis Orvis. Mr. Spath, P. E. of the Huntington Company said he would sign the map and gave permission to overlay the map. The Land Use Director has been working with Mr. Spath, P. E. on this matter. Don Saltzman stated the Commission was waiting for C. Spath, who is on vacation, to sign off. Jane Connolly felt the approval could be subject to.

PUBLIC COMMENT: Peter Romano of Land Tech Consultants felt that John Conte, Town Engineer should be responsible.

NATURE CONSERVANCY – FISH LADDER CONT:

Don Saltzman moved to close the public hearing. Katie Gregory seconded. Vote in favor (7-0).

Jane Connolly moved that the Commission approve the Flood Zone Development Permit for the Nature Conservancy and Chris and Beth Low for the construction of a fishway at the Low dam to enable migrating fish to reach upstream spawning habitat, subject to the following condition:

1. This approval is based upon and in reliance upon the Application for Activity in a Flood Plain with attached narratives and pictures, submitted by The Nature Conservancy on June 16, 2008, the plan, “Conceptual Design Pool and Weir Fishway at Low Dam”, prepared by C. Orvis, USFWS, January 2008, the June 24, 2008 letter from Stephen Gephard, Supervising Fisheries Biologist, CT Department of Environmental Protection, and receipt of the original letter of Curtis J. Orvis, Hydraulic Engineer, P. E. dated July 21, 2008. Also subject to the signature of Charles S. Spath, L. S. #8176, or another member being inscribed and his seal being attached to the above described plan. Also subject to the approval of John Conte, Town Engineer.

The Commission finds that the proposed fishway at Lows Dam will not result in any increase in flood levels within the community and meets the requirements of Article IV of the Flood Plain Management Regulations.

Seconded by Stephan Grozinger Vote in favor (7-0).

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

Peter Romano of Land Tech went over the subdivision map in detail. Paul Heifetz stated he was confused regarding the acreage because the square footage numbers did not agree on the map presented and the map belonging to Mrs. Ruzga. After a discussion between Ms. Ruzga and the engineer Mr. Romano stated that Ms. Ruzga is satisfied with the equal area exchange. The acreage numbers now agree.

Don Saltzman stated that Mr. Romano needs to file a new mylar map with revisions to the original subdivision map. Dan Gilbert was concerned about the fact that the applicant does not own the property in order to make an equal area exchange. Peter Romano agreed that it has not happened yet and the map has not been filed. Ann Ritzzo (owner of Lot 7) has sent in a letter of approval on the equal area exchange map. With the property owners approval, The Chairman gave out the “draft” approval to the members.

Don Saltzman moved that the Commission close the public hearing. Seconded by Dan Gilbert. Vote in favor (7-0).

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MOD. TO SUB. AND LOT LINE CHANGE CONT:

MOTION TO APPROVE:

Don Saltzman moved that the Commission approve, the Modification to the Estate of Philip Smith Subdivision for MJM Construction and Paragon Builders, as shown on the map "Subdivision Modification Lot Line Revision Lot 7 & 8", prepared by Dymar, dated May 6, 2008, showing the addition of Parcel "A" to Lot 7 of the subdivision, the addition Parcel "B" to Lot 8 of the subdivision and the removal of Parcel "C" from Lot 8 and the subdivision.

Also that the Commission approve the lot line change between Lots 7 and 8, as shown on the map prepared by Dymar, dated May 6, 2008, as Parcel "C", which is removed from Lot 7 and added to Lot 8.

The previous map referenced in the November 20, 2007 subdivision modification is incorporated in to the map prepared by Dymar, dated May 6, 2008.

Any Conditions of Approval from the Westport Weston Health District, the Planning & Zoning Commission, the Conservation Commission and the Town Engineer shall be placed on the mylar.

The final mylar shall be signed by the Weston Westport Health District and the Planning & Zoning Commission and then filed in the Weston Land Records.

All conditions of the original subdivision approval, dated February 6, 2006, and the modification dated November 20, 2007, shall be incorporated herein.

This approval is subject to all of the above described property transfers having been effected.

Seconded by Ridge Young. Vote in favor (7-0)

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

Peter Romano of Land Tech presented an already approved site specific map for Lot 8, owned by George Discala, to show that the applicant wishes to move the house 12 feet forward in order to have a larger back yard. He has health approval.

At this point, there was a discussion regarding the abutting property owner, Philip Hover, who has complained that Mr. Discala has violated Condition 7 of the Subdivision approval.

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MOD. OF LOT DEVELOPMENT LOT 8 CONT:

regarding the buffer between the lots. Peter Romano read from the site plan where it stated that supplemental indigenous plantings were called for and still had yet to be done.

In response to a complaint received from abutting neighbor Philip Hover, Fred Anderson, Conservation Planner had had a verbal conversation with Philip Hover and George Discala and Mr. Discala stated that there is an existing 40 foot buffer and he would build up the area with pine trees and he has not touched the 40 foot buffer. Jane Connolly noted that the site maps says "and/or" and felt if the Commission should take out the wording "and/or". Jane Connolly the Commission should add "Maintain and supplement" and take the word "or" out. The letter from Mr. Hover will be forwarded to the Code Enforcement officer.

Jane Connolly moved that the Commission approve to take out the word "or" on the site plan dated 6/2/08 and amend the original approval so that it is in harmony.

Discussion:

Don Saltzman requested that the Commission file the reports from Fred Anderson, Conservation Planner and James Purja, Zoning Officer.

Don Saltzman then moved that the Commission modify the lot development map to read as follows: Take the word "or" out and put in the word "may". The former map dated 6/20/08 states in two locations on the map "vegetative buffer" to maintain an existing buffer and may supplement indigenous trees. Seconded by Jane Connolly. Vote in favor (7-0).

Amendment: Regarding the letter from Philip Hover, regarding a notice of violation, dated July 8, 2008, the Commission asked the Land Use Director to tell Mr. Hover that we are forwarding your letter to James Pjura, Code Enforcement Officer. Seconded by Paul Heifetz. Vote in favor (7-0).

DISCUSSION OF APPLICATION: LOT DEV. LEVINE 75 LORDS HIGHWAY (LOT 5 SMITH SUB.) NEW HOUSE (LAND TECH)

The Commission members walked the site. Peter Romano of Land Tech explained, in detail, the site plan to include a 6 bedroom house, single family dwelling and septic system. The applicant has submitted a bond estimate and drainage calculations. Dan Gilbert who walked the site said it is a flat lot. Mr. Romano explained the drainage to

include infiltrators etc. The applicant also received Conservation approval and Fire Chief approval for the driveway. Also submitted a report for zero incremental runoff, approved by John Conte, P. E.

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LEVINE APPROVAL CONT:

MOTION TO APPROVE:

Don Saltzman moved that the Commission approve the Lot Development Plan for 75 Lords Highway of the Smith subdivision, per site plan entitled "Site Development Plan", prepared by Land Tech Consultants, Inc., dated 5/12/08, for owner Paul & Cheryl Levine, subject to conditions which are attached to these minutes.

Seconded by Dan Gilbert. Vote in favor (6-0) Stephan Grozinger had left the meeting.

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

Mel Barr and Mr. Gianicola were present to go over the plan for the proposed basket ball court located at 22 Twin Walls for Ms. Gardner. Commission members walked the site. There are no wetlands in the area and the applicant has health approval.

Mr. Giancola went over the specific details of the site plan. Paul Heifetz questioned the existing basketball hoop and the amount of impervious surface on the site. Mr. Giancola stated that the coverage is now 10% out of a maximum 15% allowed. The Commission expressed concern about the removal of trees. Mr. Giancola then presented a landscaping plan which is on the plan. Also zero incremental runoff calculations were submitted for the file.

Dan Gilbert questioned the front setback line which Mel Barr stated will be corrected on the plan. Jane Connolly expressed concern regarding the lighting for the basketball court. Mr. Giancola stated that there will be six hooded lights. The Commission asked Mr. Giancola if lighting calculations had been submitted and the answer was "no".

MOTION TO APPROVE:

Don Saltzman moved that the Commission approve the modification to the original Lot Development Approval dated October 2, 1995 and modified on October 24, 2005, per the site plan entitled "Proposed Basketball Court Site Plan, Sheets SP-1 and SP-2," prepared by Ahneman Kirby, LLC, dated July 2, 2008, revised to July 21, 2008, as follows:

To add condition 1D:

1D. Prior to the issuance of a building permit for the basketball court:

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GARDNER BASKETBALL COURT CONT:

A Lot Development bond of \$2,500. shall be posted for sedimentation and erosion controls, subject to final approval by the Town Engineer, who may change, at his discretion, the total amount.

The S&E controls as required by site plan shall be in place. In the course of completing construction, the Town Engineer and/or the Code Enforcement Officer and shall have the authority to inspect, specify and require the installation of additional S&E control measures.

To add the following to condition 5:

The location of the basketball court, as shown on the plans entitled, "Proposed Basketball Court Site Plan, Sheets SP-1 and SP-2" prepared by Ahneman Kirby, LLC, dated July 2, 2008, revised to July 21, 2008 is approved.

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

RECEIPT OF APPLICATION: LOT DEV. SITE SPECIFIC, SOUNDVIEW SUB. ACKERMAN, 14 SOUNDVIEW FARM ROAD – POOL (WAGNER POOL)

Jane Connolly recused herself from this application as she is a neighbor and good friend of the Ackerman's.

Owner, Mr. Ackerman, presented a site plan showing the proposed swimming pool to be located at 14 Soundview Farm Road which is in the Soundview Subdivision. Wagner Pool of Greenwich will be the contractor. An A2 plan for the site, done by P. Hiro P.E. is with the application. He felt the application was in compliance with the regulations. The Sedimentation & Erosion controls are not yet noted on the site plan.

Don Saltzman moved that the Commission receive the application for a proposed swimming pool at 14 Soundview Farm Road. Seconded by Dan Gilbert. Vote in favor (5-0) Jane Connolly recused and Stephan Grozinger not present.

There will be an independent site walk in the next three weeks and the application will be on the agenda for the next meeting on September 8, 2008.

APPROVAL OF MINUTES:

Don Saltzman moved that the Commission approve with correction, the minutes of July 7, 2008. Seconded by Jane Connolly. Vote in favor (6-0) Stephan Grozinger absent.

Meeting adjourned.

Respectfully submitted:

Joan Lewis, Administrative Assistant
corrections made by Dan Gilbert, on 9/8/08

Approval: Unanimous approval with