

Present: Stephan Grozinger, Chairman; Don Saltzman, Paul Heifetz, Dan Gilbert, Katie Gregory, Ridge Young – Jane Connolly, Vice chairman absent. Tracy Kulikowski, Land Use Director present

Meeting on tapes 1-5 dated 4/20/09

TOWN PLAN 6 TO 8 P.M.

Glenn Chalder of Planimetrics gave a report to the Commissioners on the 2/26/09 Town Plan public meeting.

CHAIRMAN'S REPORT:

Stephan Grozinger stated that he had not received any formal reply to his 8-24 letter to the Board of Selectmen, as yet. He stated that he will call the First Selectman.

Mr. Grozinger stated that he had taken off the agenda "Discussion: Definition of a Subdivision" because he felt the Commission could address that along with the Fash Subdivision.

DISCUSSION: CN BUILDERS & CHARLES V. NIEWENHOUS V. PLANNING & ZONING COMMISSION (ATTORNEYS SULLIVAN AND RUBIN)

Attorney Rubin explained to the Commission how they handled the points of the denial from the Planning & Zoning Commission. Attorney Sullivan has reviewed the language. Attorney Rubin then submitted a copy of the proposed mylar. The document from Attorney Sullivan had been sent to each member along with the agenda. Attorney Rubin went over the legal notice of the denial of this subdivision and stated that the question was really setbacks shown on the septic plan and not on the mylar. The runoff calculations from Jay Keillor's report were put on the mylar. Minimum lot area area Section 311.3 of the Zoning Regulations, Jay Keillor provided a certification in the packet. No. 4 related to the Town Engineer John Conte's letter approving the driveway by a third party is mooted out. No. 6 is mooted out relating to the use of the roadway and No. 7 is mooted out regarding the driveway. No. 8 relating subdivision information in the record was attached and added to the assessor's map. All the surrounding lots are free standing and legal and that is really the bottom line.

Don Saltzman stated that this should address the negative effect of the denial and you will have fixed all of the objections in the denial. Attorney Rubin stated yes and cures the problems in the denial.

CN BUILDERS CONT:

Stephan Grozinger questioned if the right of way is owned by the applicant? Attorney Rubin stated yes. Also, if you authorize Attorney Sullivan to proceed to sign maps we will finalize the stipulation for the court. Don Saltzman questioned if the Commission needs to ask for a bond for the driveway for the Shaeffers? He also questioned that if you get approval for a settlement, can you issue us in writing, that any future land owner of this subdivision will get notice? Attorney Rubin stated that the stipulation will be in the land records and anyone researching the title will see it. Dan Gilbert asked if it is an A2 survey by a certified engineer? Attorney Rubin stated that the mylar will be certified. Attorney Rubin stated Attorney Sullivan has done a good job.

PUBLIC COMMENT:

None

MOTION

Don Saltzman moved that the Commission approve the stipulation letter as edited by Attorney Rubin and Attorney Sullivan for a settlement of the original law case. Attorney Sullivan: The reason for the approval is that it is complying with the regulations. Seconded by Paul Heifetz.

Discussion:

Dan Gilbert stated that he would like to read the material that Attorney Rubin submitted this evening. Don Saltzman stated that the material was submitted a month ago. Stephan Grozinger stated that all that material would be on the mylar. Dan Gilbert again stated that he would like to read them. Attorney Sullivan stated that she had asked for an extension. Don Saltzman stated that we do approve this with the information on the mylar. A discussion ensued.

Vote – 4 in favor -Stephan Grozinger, Paul Heifetz, Ridge Young, Don Saltzman
Not in favor -Dan Gilbert nay and Katie Gregory abstaining
Jane Connolly absent.

RECEIPT OF APPLICATION: SCHINDEL SUBDIVISION, 6 LOTS, MORTON SCHINDEL, ET ALS., 389 NEWTOWN TURNPIKE (GUIDERA)

Attorney George Guidera, presented an application for proposed 6 lot subdivision located at 389 Newtown Turnpike, for owner Morton Schindel. Attorney Guidera went over the history of the property describing it as a hodge podge of properties and to bring it as much up to code as possible. Some of the lots have houses on them and Richard Bennett, P. E. came up with this proposed plan using a new accessway that is pre existing. Attorney Guidera has talked to Mr. Schindel and he would still like to have a museum. Dorothy Curran who has worked with Historical Society would help organize the museum aspect. Mr. Schindel would not live there and there would be no conference center. Each lot has a rectangle and the property is practically wetlands free.

The Land Use Director stated that the Commission can delay the public hearing until Conservation Commission gives their approval. Dan Gilbert asked for the total acreage which is 18.43 acres. Attorney Guidera was not sure if it is a subdivision, as the applicant is just adding land to other pieces. Dan Gilbert questioned how many lots? The answer was ten or eleven. Don Saltzman questioned the open space. Stephan Grozinger questioned the current circle by the right of way for 4 to 5 lots combined as a super lot. Discussion followed regarding the museum placement. Paul Heifetz stated that the application presented is for a 6 lot subdivision.

Don Saltzman felt the applicant should come back with a special permit museum application giving the Commission set conditions of time etc. Mr. Saltzman also asked who will operate that museum? Attorney Guidera stated that he did not know the answer. Discussion followed. Stephan Grozinger stated that this is not part of your application now. Attorney Guidera felt he could bring it in and get a complete application but was concerned that he would run out of time. He felt that Mr. Schindel's idea for a museum is very different from before and also if he did not get approval for that super lot he would go for a resubdivision. Don Saltzman stated the Commission will talk about the "museum" after Mr. Schindel comes in with the application.

Don Saltzman moved that the Commission receive Mort Schindel's application for a residential subdivision. Seconded by Ridge Young. Vote in favor (6-0) Jane Connolly absent.

The application has no health approval and no check for the fee.

The Land Use Director stated that the application has 65 days to start the public hearing. Don Saltzman requested more information from the applicant and then need to decide the start time.

RECEIPT OF APPLICATION: SPECIAL PERMIT CAMP ASPETUCK GIRL SCOUT CAMP 88 OLD EASTON TURNPIKE (WESTCHESTER MODULAR HOMES)

Rob Beebe of Westchester Modular Homes of Fairfield County, Inc. submitted a special permit to build a new lodge building which would be up to code. The old lodge has been demolished. The application has septic approval and all handicap codes. The camp has been in existence for sixty years and has never had a special permit. The timing of the proposed building has been put off until after the Girl Scout program is finished for the summer. The applicant would like to bring in a temporary trailer for the Girl Scout program this summer.

The new lodge would replace the previously demolished former lodge. Improvements will include 40.75 by 46' lodge, handicap accessible parking space, new well and temporary building to house the nurses station and infirmary from 6/1/09 to 9/1/09

Michele Valez , Facilities Manager for the Girl Scouts of Connecticut, explained why the old lodge was demolished and proposing the use of trailers until August 15th. Ms. Valez went over all the buildings shown on the plan presented, as requested by Stephan Grozinger. Ms. Valez stated that they do not have a caretaker. Dan Gilbert requested the square footage of all the buildings and including the lodge removed. It was stated that the new building would be 2,100 square feet.

A letter dated 4/9/09 from Arthur Howland & Associates, was submitted regarding storm water runoff calculations with regard to the demolition and reconstruction of the lodge at Camp Aspetuck along with construction of a new handicap accessible parking space.

Stephan Grozinger asked about an A2 survey, site plans and elevations and the applicant answer yes they are available, to all three. Don Saltzman stated that no special permit had ever been issued, so why not go to the Building Department and get a permit to build this single building in the middle of the property and it may not even need a special permit, as it was before the regulations. Stephan Grozinger agreed. Also there is a new structure to replace the old structure. Paul Heifetz questioned if it was the same footprint? It is pre-existing lot with pre-existing buildings and the applicant is just asking to increase the non-conformity. Dan Gilbert is the footprint, of the new lodge, larger? Paul Heifetz felt the Commission should talk to the Town Attorney. Stephan Grozinger did not want to make a quick decision and felt the application is complicated. He also suggested that the applicant may wish to withdraw their application and hire an attorney to look at the legality and the type of application needed. Dan Gilbert felt the Commission cannot compromise the regulations. The application also has time constraints to use the camp. Don Saltzman stated that the Zoning Officer has, in the past, allowed a temporary structure on a lot until the certificate of occupancy has been issued.

The application was withdrawn by Rob Beebe .

RECEIPT OF APPLICATION: FAR HORIZON SUBDIVISION 4 LOTS ADC 10
LADDER HILL ROAD, LLC., 10 LADDER HILL (SPATH & BJORKLUND)

Chick Spath of the Huntington Company presented an application for a proposed 4 lot residential subdivision. The site is comprised of 17.9 acres with approximately 250' of frontage on the northern side of Ladder Hill Road South. The property contains a single family home along with a 1,300 foot long driveway possessing grades approaching 20 percent. The land contains two separate wetland areas that possess a combined total of 3.2 acres and 160 feet of vertical relief.

The property is currently for a four lot subdivision, which will require two Subdivision Regulation waivers. A five lot alternative was originally submitted to the Conservation Commission that complied with all applicable regulations, but after several meetings with Town staff, the applicant decided to reduce the intensity of the proposed development. The layout has been modified in a manner that eliminates road construction and one building lot. The revised layout, if approved, will also reduce the volume of earthwork by ten-fold. The applicant requests that the following waivers be granted:

1. Waiver of Section 3.6.3 in order to construct a common driveway with an average (and Maximum) grade of 15%. Town regulations already provide for 15% driveway grades, but over shorter distances.

This waiver is necessary to eliminate road construction, reduce impervious area and excavation volumes, as well as the number of building lots. This waiver will avoid the need for substantial rock cuts and/or retaining wall construction. Accessibility by service and emergency vehicles will not be jeopardized as graded and graveled turning areas have been provided through the site for this purpose.

2. Waiver of Section 3.10.13b regarding a proposed pavement a width reduction from 20 feet to 18 feet over the first of 450 lineal feet of what is to become a "neighborhood lane" serving three homes. We do not believe that the additional pavement width will be necessary to serve three lots, and the reduction in impervious area will reduce runoff.

The applicant is offering to convey two open space parcels to the Town of Weston and/or Weston Nature Conservancy. These parcels are contiguous to other Town of Weston or Weston Nature Conservancy land, and represent 10% of the parcel. Additionally, two large conservation easement areas are proposed that will increase the protected natural area to 6.2 acres, or roughly 35% of the subject property.

The existing house is a tear down and has Health Department approval. The applicant does not have anything in writing from the Fire Marshal. Don Saltzman asked if the applicant would consider sprinklers? The Land Use Director and the Fire Marshal will look at the application.

FAR HORIZON SUB. CONT:

Don Saltzman moved that the Commission receive the application for the Far Horizon Subdivision. Seconded by Paul Heifetz. Vote in favor (6-0) Jane Connolly absent.

A site walk will be conducted and the property is staked. Call C. Spath at 259 1091 to arrange for a walk.

DISCUSSION/DECISION: SUBDIVISION, FASH, 27 ROGUES RIDGE (BLOOM)

Stephan Grozinger stated that the public hearing is closed and the Commission now needs to vote to approve the subdivision and zoning compliance. There was a consensus at the last meeting to approve and the Land Use Director has put together a draft of approval but before passing it out I would like to discuss the subdivision in general. A discussion followed.

Don Saltzman moved that the Commission approve the application, as submitted, for the Fash Subdivision, located at 27 Rogues Ridge. Seconded by Dan Gilbert.

Discussion: a draft of the approval was submitted to the members, ignoring the CZC section and just dealing with the subdivision part.

Vote: Dan Gilbert, Don Saltzman and Stephan Grozinger, Ridge Young (4) in favor. Paul Heifetz and Katie Gregory (2 nay). Jane Connolly absent.

Stephan Grozinger moved that the Commission approve the Certificate of Zoning Compliance for applicant Fash at 27 Rogues Ridge Road.

Paul Heifetz seconded Vote in favor: Stephan Grozinger, Dan Gilbert, Ridge Young, Paul Heifetz, Katie Gregory (5) - Don Saltzman nay – Jane Connolly absent.

DISCUSSION: VALLEY FORGE ROAD BRIDGE REPLACEMENT OVER THE SAUGATUCK RIVER

Land Use Director, Tracy Kulikowski, stated that Cartbridge bridge is finished and the Town of Weston can now start the Valley Forge Road Bridge Replacement over the Saugatuck River and will come in for an 8-24 Report because it is a bridge. The Land Use Director did not know if a flood plain application is needed because there may be one abutment in the flood plain and it may dip below the 100 foot elevation line.

Don Saltzman moved that the Commission approve that the Board of Selectmen submit both applications. No second was heard.

The Land Use Director stated that the Town is not going to begin to build the bridge this year but would like to get the permits in place.

The Chairman moved that the Commission add "Definition of a Subdivision" to the agenda. Seconded by Don Saltzman. Vote in favor (6-0) Jane Connolly absent.

DISCUSSION: DEFINITION OF A SUBDIVISION

Stephan Grozinger stated that nature of this educational discussion is to set aside from a first cut and along with Town Attorney Pat Sullivan a discussion ensued, which is on tape for approximately 1 ½ hours.

Robert Walpuck was present and submitted a letter for the file.

Meeting adjourned.

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval: Unanimous approval with correction on May 4, 2009 (6-0) Don Saltzman absent.