

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

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

APPROVAL OF MINUTES:

The Commission members discussed for approval, the following minutes, corrected by Stephan Grozinger and Dan Gilbert: 2/2/09, 2/23/09, 3/16/09, 4/6/09 and 4/20/09.

Katie Gregory moved that the Commission approve the minutes of 2/2/09, 2/23/09, 3/16/09, 4/6/09 and 4/20/09. Seconded by Dan Gilbert. Vote in favor (6-0) Don Saltzman absent.

CHAIRMAN'S REPORT

Stephan Grozinger stated that he had not met with the Zoning Officer and the Town Attorney last week. However, he did state that he requested the Zoning Officer and the Land Use Director, to generate a cease and desist letter to be used as a boiler plate letter. He also requested that the Zoning Officer start a draft on survey guidelines.

DISCUSSION: DEFINITION OF A SUBDIVISION CONTINUED:

Robert Walpuck and Attorney Fuller were present. A discussion followed regarding what had been discussed at the previous meeting with Town Attorney P. Sullivan.

PUBLIC COMMENT:

Attorney Fuller discussed first cuts and the changing of boundary lines. Also that a boundary line adjustment where no additional parcels are created is not a first cut. The concept of a first cut is where a parcel of land is divided to create an additional parcel. It is not a subdivision until you divide the parcel into three lots. Discussion continued.

PUBLIC HEARING: DR. LIEBERMAN – PETITION – MEDICAL SERVICES (GUIDERA)

The Chairman read the legal notice for the public hearing, into the record.

There were approximately 25 residents present for the public hearing.

Attorney George Guidera, and Dr. Lieberman were both present. Attorney Guidera stated that he and Dr. Lieberman both feel that Weston needs a physician's office. He also felt that the Home Occupation regulation is out of step with the needs of a modern pediatric office, even a very modest one. The applicant's home occupation is not fronting on a major road and is not striving

to provide a large medical office. This application proposes a new section in the special permit regulations, Section 321.2 Permitted Principal Uses: - The office of a Physician and Support Staff, subject to Section 330 et seq. and Section 341.8. Section 341.8 Offices of a Physician and Support Staff: to cover the following: (A) Maximum Intensity of Use; (B) Physician: Support Staff; (C) Maximum Office Floor Space; (D) Location; (E) Rectangle; Coverage; (F) Setbacks and Parking (G) Buffer Zone; (H) Additional Requirements (I) Established Offices of a Physician and Support Staff; (J) Compliance With Laws and Regulations.

Attorney Guidera went over this proposal in detail with the Planning & Zoning members.

Dr. Lieberman stated how he started in Weston and how the practice grew to what it is today. He questioned - does Weston want any medical office or not? By the present regulations, it will not work. There needs to be 2 doctors and 4 support staff.

Paul Heifetz raised the question of the present practice's septic and well water and what are your plans, so the septic does not pollute? Attorney Guidera felt that the Westport Weston Health District has very strict regulations on this.

Jane Connolly felt that the Town is opening the flood gates to other types of doctors and the applicant would have to show that it serves a community need. A discussion followed.

Dr. Lieberman felt his pediatric service is not a business. He has had no complaints from the neighbors in 25 years. Katie Gregory questioned - what commercial deliveries does your practice have? Dr. Lieberman stated that he had garbage pickup once a week and lab pickup once a day and it was really very minimal. He felt that the main traffic is the patients. Dr. Lieberman does not want an industrial type of practice and wants it to be homey.

PUBLIC COMMENT:

Ms. Hacala of Joanne Lane – resident since 1986 and has a daughter under care with Dr. Lieberman and finds it very convenient to be one mile away from the Dr. Lieberman's office. She has never seen more than three cars in the parking lot and never any disruption. She really does not understand what the uproar is all about.

Sue Crowley of Steephill Road was concerned about maintaining access to care. She felt we should feel fortunate to have a pediatric office in Weston.

Kevin Crowley of Steephill Road – felt the Commission should set up regulations to allow room. Access to care is important.

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DR. LIEBERMAN PETITION CONT:

Susan Feliciano of Lyons Plains has three children under care with Dr. Lieberman and she echoed what has been said. She stated that her daughter had a fish hook in her ear and was grateful to have Dr. Lieberman nearby.

Michele Cohen of Godfrey Road was supportive of Dr. Lieberman as he is my physician and as Director of the Emmanuel Nursery School, has relied on Dr. Lieberman for being so close. The office was professional and a wonderful addition to this Town and it would be a real shame to close that office.

Dana Goetz of Salem Road, resident since 1990, praised Dr. Lieberman for the children's spirit in the office. She stated; yes, we want the service of a pediatrician in Weston. It is an invaluable service.

The daughter of Barbara King read a letter from her Mother in favor of Dr. Lieberman. Copy attached to the minutes.

K. McCarthy of River Road stated she lives next door to Dr. Lieberman and the real estate agent told them his office was next door. They drive out of town for medical services, for their three children. Also that only 50% of Weston uses Dr. Lieberman's services. She also felt that the door opened would be a slippery slope and is also concerned about traffic. Also that this new regulation would change the size of this office.

Kevin Moore of 79 Norfield has two children and he moved here for the rural environment. He stated that he wants it to stay rural. We do have access to a pediatrician and any doctor that goes in this practice will have the same qualifications to deal with a small town like Weston. He is not concerned. He hoped that the Commission would take this proposal very seriously.

June Fancher of 7 Goodhill – resident for 63 years. She felt that what has kept Weston rural is home occupations. If you lift the regulations for one, then you are opening the door to letting Weston not be rural.

Ellen Strauss of Ladder Hill North – resident for 40 years. She felt that the zoning regulations are a guide and here to protect the residents. She has a home occupation and complies. She felt that Dr. Lieberman or any other doctor, should live on the premises and comply with the regulations. She agreed with Ms. Fancher, you cannot give in.

Jim Maggio of High Noon. Commented on Ellen Strauss's concern about others who are not complying and also concerned about enforcement of this present regulation. Also how many three acre lots are there? He felt that the town has a terrific 911 system. Also that this would be an entirely different situation with a medical building.

Nick Bell of Georgetown Road. He was here tonight to support Dr. Lieberman, who was instrumental in giving medical care for his daughter. He is concerned about this amendment and felt the Commission needs to be very careful with the special permit section of the zoning regulations. He thanked Dr. Lieberman for what he has done for the community.

Mr. Ameden of Old Mill Road, stated that his boys see Dr. Lieberman and then he started going to Westport for medical service and it is not the same. He felt that having a physician here in town is very beneficial especially for the school population. He would like it to remain.

Keith Vallin of Eleven O'Clock Road - he felt it was a benefit to the community and that some of the concerns could be mitigated.

Lynn Kimberly of 3 Broad Street, lives in the neighborhood near Dr. Lieberman and raised the following information; a record of ZBA appearances and denials for Dr. Lieberman. She referred to the zoning regulations on Sections 332 and 332.4 and is concerned about parking and mainly traffic. She would like the Commission to think about the traffic and felt it is a huge issue in this area where she lives. She wants to protect the bucolic feeling of the Town of Weston. Also stated that Dr. Lieberman does not comply with the home occupation regulation. Questioned - when did he move back in to 4 Goodhill as he used to live further up on Goodhill. Also is he harming the aquifer as the Coley aquifer is under the Coley cemetery. He is also located in a historic district. Please consider the neighborhood. He has never complied with the Home Occupation regulation. Please use the cease and desist and have him comply.

Amy Sanborn of Old Hyde Road - She stated that her children do not go to Dr. Lieberman but referred to public health and safety for an emergency and she calls 911. She also gave the history of the present site of Dr. Lieberman's office.

Mary Welsh of River Road stated that she is a neighbor of Dr. Lieberman and concerned about a doctor who would come in and does not live there and would not take care of it as a home property. She also felt that the town has a great 911 service. Also concerned if it opens the door for a lot of other commercial enterprises. She mentioned that Dr. Lieberman has come before the town boards and was denied and still he is there doing it.

/Lucy Boden of Stonehenge Road - She felt that this is not a roast of Dr. Lieberman and this will live long beyond Dr. Lieberman. Our Home Occupation regulation has been a good guarantee that property will be kept up. She then referred to rental units and would not like to see that come in to Weston

Joseph Stein of 18 Goodhill –He felt the key is that the home owner lives in the house. This is really essential if others move in and the regulations would be maintained.

Chris Kimberly felt that the Commission needs to check on what is going on in the facility. He asked how the Commission monitors; the fact is he felt the Commission should not pass a regulation that increased its oversight responsibility , He felt if the occupant did not want to live in the building, why should the neighbors want to live next to it

Steve Goetz of Salem Road, that he has been going to Dr. Lieberman for 15 years with his children and he did not recognize Dr. Lieberman as he always saw someone else. Being able to see him in Town is wonderful and going to Westport is awful. He also stated that you really have to look for the house as it is surrounded with natural growth. Also felt that there is very light traffic on Goodhill Road.

Mrs. Steve Goetz of Salem Road stated that she was confused - is this meeting about how fine Dr. Lieberman is or are we considering about the variance filed or being in compliance or not. Also what does Dr. Lieberman plan to do in the structure and felt the discussion was off track.

Katie Gregory – clarified Mrs. Goetz’s reference to a variance and that it was an application for a proposed zoning regulation.

Attorney Guidera asked the Commission– do you want a doctor in a very small home office in Weston? If you do, you do, if you don’t, you don’t. The regulation for the home occupation now is woefully inadequate. I have lived here for 66 years and zoning came in 1950. Are you looking to the future or make no change. You have to be prepared to guide this proposal. This is not about Dr. Lieberman, this is about public health and safety.

The Chairman stated that the public hearing will be kept open until the next meeting, awaiting a letter from SWRPA.

PUBLIC HEARING: FAR HORIZON SUBDIVISION, 4 LOTS, ADC 10 LADDER ROAD, LLC, 10 LADDER HILL (SPATH & BJORKLUND)
Chick Spath of the Huntington Company was present.

The Chairman read the legal notice for the public hearing into the record.

Robert Walpuck, present, submitted a letter to the Commission from an abutting neighbor, Ms. Simons, regarding septic and water issues, dated May 4, 2009. Mr. Spath noted that he had already talked to Mr. Walpuck regarding this situation.

PUBLIC HEARING – FAR HORIZONS SUB. CONT:

Mr. Spath went over the subdivision plan in detail and the two waivers being requested of Section 3.6.3. and Section 3.10.13b.

Two Commission members walked the site and had questions regarding Lot 1 relating to the Odd Lot Configuration Zoning Regulation. A discussion followed. The Commission concluded the proposed subdivision violated Section 321.4(e) odd-shaped lots. There was a consensus of the members that the applicant should go to ZBA for a variance and then return to Planning & Zoning. Mr. Spath chose to continue the public hearing and look into a variance from Zoning Board of Appeals.

Also discussed was the Fire Protection Plan for the subdivision and to either go with a dry hydrant in the nearby pond (not owned by the applicant) or a sprinkler system.

Public hearing continued to the next meeting.

DISCUSSION: 7/24/06 MEMO: VIOLATIONS OF PLANNING & ZONING REGULATIONS – D. GILBERT.

Dan Gilbert submitted a document to the members on Violations of Planning & Zoning Regulations and proposed that the letter's commitment to cure ten day response time be increased. Mr. Gilbert's proposal not supported by the Commission.

Meeting adjourned.

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval: Unanimous approval (6-0) on May 18, 2009 Don Saltzman absent from this meeting.