

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

Meeting on tapes 1-4, dated 7/6/09

APPROVAL OF MINUTES: 6/15/09

Dan Gilbert moved that the Commission approve the minutes for June 15, 2009 with corrections by Stephan Grozinger and Dan Gilbert and other members of the Commission. Seconded by Jane Connolly. Vote in favor (6-0) Katie Gregory absent.

CHAIRMAN'S REPORT

The Chairman updated the Commission on the following:

12 Kellogg Hill Road – owner may be using his separate garage as a second dwelling.

112 Georgetown Road – violation of a commercial sign which still stands on the property.

DISCUSSION: ANDY FRANK, 112 GEORGETOWN ROAD – ENFORCEMENT PETITION (C&D) (J. PJURA)

Stephan Grozinger went over the material sent to the Commissioners, regarding Andy Frank's property at 112 Georgetown Road, which was the subject of litigation with the Commission in the 1990's and resulted in an order that the property cease being used as a commercial nursery. Also there is a matter of a commercial sign that still stands on the property. The Zoning Officer has issued a notice of violation followed by a cease and desist regarding the commercial sign.

There was also a discussion about "Permit Expiration" stated in the Chairman's report by Stephan Grozinger where he stated the following: "where the ZEO has issued a zoning permit and has either never been asked to issue the subsequent CZC or is asked after three years has passed. (this can occur inadvertently if the owner does not need financing or does not attempt to sell in that period). Under these circumstances, a property owner could obtain a zoning permit and then proceed to build within the setbacks. If he waits three years before asking for the CZC, we would lose our ability to require him to remove the structure. My proposed solution to this is to revise our Regulations to provide for an automatic expiration of a zoning permit if the recipient has failed to submit a foundation as-built within two years. Once the permit has expired, if friendly requests fail, we could issue a cease and desist and inspect for compliance before the three year statute of limitations runs out."

A permit log will be set in place, by the Land Use Director, to track these permits on EXCEL.

DISCUSSION: ANDY FRANK CONT:

A discussion followed and Don Saltzman felt that the next procedure should be a vote of the Commission rather than passing it on to the Board of Selectman. Don Saltzman then went into the history of this situation and also about the DEP inspections for hazardous waste on the property at 112 Georgetown Road. Also that Andy Frank does not live at this address and rents the house. A home occupation is not permissible as per our Zoning Regulations with a renter.

James Pjura, Zoning Officer present stated, that Andy Frank's attorney called him and wanted to know what is going to be done about the cease and desist.

Paul Heifetz felt that this is only about the removal of the sign. Don Saltzman stated that he wants to move one step further and that it is a lot more than taking down the sign. Discussion followed.

Jane Connolly moved that the Commission instruct the Town Attorney to commence legal action to collect the fines and order the statutory fines and remediation for Andy Frank, 112 Georgetown Road matter. Seconded by Don Saltzman. Vote in favor (6-0) Katie Gregory absent.

DISCUSSION: UPDATE OF TOWN ZONING EXEMPTION

Paul Heifetz felt that the Commission should move along. He also raised the possibility of going to Hartford and also to hire an attorney to advise us what our position is. He also felt that the Commission should discuss it further.

Don Saltzman felt that nothing is going to happen with the Board of Selectmen and it would be a waste of time. Discussion followed. Dan Gilbert suggested contacting Attorney Steven Byrne to see how much it would cost for a legal opinion. Dan Gilbert agreed to write the letter to Attorney Byrne and Paul Heifetz agreed.

PUBLIC HEARING CONT: SCHINDEL SUBDIVISION, 6 LOTS, MORTON SCHINDEL, 389 NEWTOWN TURNPIKE (GUIDERA)

Attorney George Guidera and Richard Bennett, P. E. were both present, representing Morton Schindel.

Attorney Guidera stated that the Schindel Subdivision had received approval from the Conservation Commission. He also submitted four copies of a revised subdivision plan with the revisions marked in yellow and proceeded to go over the plan in detail, including the open space. Richard Bennett P. E. explained the areas marked in pink for wetlands and water courses and blue/pink as conservation restrictive areas to provide a permanent buffer and the open space total area will be a little over 10% for the subdivision.

PUBLIC HEARING CONT: SCHINDEL CONT:

Attorney Guidera stated that Lot 6, the oversized lot of the subdivision is 7.1 acres. If Mr. Schindel does not use this lot for the museum, then he will ask the Commission to turn this 7.1 acre parcel into two lots. Discussion followed.

The museum could be scattered throughout all the buildings. If a special permit is granted, there would be no residences on this property, it would be only a museum.

Don Saltzman went over the Conservation conditions in detail and a discussion followed. He also questioned if Mr. Schindel will sell to a developer? Attorney Guidera stated that at present, Mr. Schindel is only doing estate planning. He is also trying to move towards conformity for all the lots. Then there was a discussion of the open space and the surrounding land of the subdivision. Paul Heifetz questioned the total acreage and Attorney Guidera stated "that it is 18.4 acres and the open space will be 1.9 acres which is over the 10%".

Don Saltzman verified that 389 Newtown Turnpike is the only dwelling and the current dwelling.

Attorney Guidera went over the Land Use Director's memo dated 4/19/09 to Robert Turner regarding factors which the Commission should address and obtain clarification at the onset of their discussion of this application. Attorney Guidera addressed all five points in the memo.

Don Saltzman questioned Attorney Guidera, that this application meets all the current regulations for a subdivision. Attorney Guidera stated "yes"

Dan Gilbert asked the applicant for a zero incremental runoff statement. Richard Bennett, P. E. stated that he still has to meet with the Town Engineer and questioned what exactly the Commission needs? Stephan Grozinger stated that he needs to meet the requirements of Section 3.11.3 of the Subdivision Regulations.

It was also stated that the applicant is missing health approval, a sedimentation and erosion control plan, septic feasibility and the zero incremental runoff statement.

The Land Use Director stated that with the extension letter that Attorney Guidera provided, the public hearing can be extended to the September 8th meeting.

Public Comment: none

Don Saltzman questioned the construction of the subdivision road and its sequence of paving. The subdivision regulations require that the road be done in 5 years.

The public hearing will be continued to July 20th.

PUBLIC HEARING CONT: SPECIAL PERMIT – POOL & POOL HOUSE
ASPETUCK VALLEY COUNTRY CLUB, 43, 47 AND 67 OLD REDDING ROAD
(FALLON)

Attorney Fallon gave a background of what has happened so far with this proposed application. The Commission conducted a site walk. He submitted a memo of a summary of details with six items of approval and how the application has met the standards for a special permit approval.

Wesley Stout, Landscape Architect and Planner, went over the details of the area in front of the pool which will provide continuous movement of traffic for the safety of the children in the pool area. This improvement will also allow for emergency vehicles.

Attorney Fallon read the memo, dated 7/6/09, from the Fire Marshal into the record as follows:

“Wesley Stout Associates sent me a Revised Site Plan, dated 7/6/09, to allow better access for emergency vehicles to the new Pool House parking area. John Conte and I reviewed the revision and approve it.”

Attorney Fallon requested that the Commission approve the revised plan.

Questions from the Commission members included the following:

Does the application meet the requirements of Community need. Jane Connolly stated that the TLC case that Attorney Fallon used as reference regarding community need was not on point vis a vis the community need requirement in our regulations. Attorney Fallon disagreed. A discussion followed.

Attorney Fallon went over his summary point by point. Wesley Stout explained that there is no intensification with this proposed plan and explained the size of the maintenance building. Don Saltzman questioned approvals from OSHA and the Health District. It was stated that the Club is following what has been mandated to protect the equipment.

Ridge Young questioned that the only increase in acreage is the Alley property? The answer was “yes”. Attorney Fallon stated that a condition of approval would be the merger of the three properties, (the Club property, the Alley property and the Kimberly Property).

Dan Gilbert confirmed with the applicant that there are 66 acres in total in Weston and all the neighbors have been notified and that there is an A2 survey. Attorney Fallon agreed.

Wesley Stout and Attorney Fallon went over the entire plan in detail for the application.

PUBLIC HEARING CONT: ASPETUCK VALLEY CC CONT:

Ron Ochman, P. E. went over the drainage plan, in detail, and how it is designed to meet all the requirements.

Don Saltzman raised the question of the Robert's property, across the street from the Club, at 50 Old Redding Road. Attorney Fallon stated that the Roberts' property is in the flood plain and quoted here before that the Club's elevations would not impact the Robert's property. Mr. Saltzman raised the question of the drain under the road. The Town Engineer had stated that the pipe needed to be cleaned out which will help the Robert's property.

The Commission asked Ron Ochman, P.E. for a signed letter and to change the address to 50 Old Redding Road, which read as follows:

“Our office obtained field levels to verify the difference in elevation between the walkout of 50 Old Redding Road and the low point of Old Redding Road which is slightly south of the 30” culvert under Old Redding Road. The low point in the road is approximately two feet less than the walkout at 50 Old Redding Road. Because the road is fairly flat and open without restraints for a distance of 30 feet, this would allow for any overflow from the 30” inch pipe to pass to the easterly side of Old Redding Road and prevent the water from rising up to the elevation of the walkout at 50 Old Redding Road”

Mr. and Mrs. Roberts were present and satisfied with the explanation. Another concern from the Roberts is the proposed landscaping and screening for the Club directly across Old Redding Road from their house. Attorney Fallon explained the additional screening that will be added and the Roberts stated that they would like a denser screening in front of the tennis courts which is currently not there. Don Saltzman asked the Club to work with the Roberts and to do the screening during the construction phase. Dan Gilbert felt that this could be made a condition. Wesley Stout stated the screening would be a combination of maple varieties and evergreens. Jane Connolly stated that on her site walk of the Club, it was stated that they were going to save as many trees as possible.

Dan Gilbert confirmed with Attorney Fallon if there are any buildings in the setback. Attorney Fallon stated “no”. Also confirmed that there will be no lighting in the overflow parking area by the Soundview property and confirmed the landscaping plan. The answer was “yes”. Confirmed the building height for proposed buildings and the number of parking spaces, existing and proposed. Also that the buildings and parking in Weston section of the Club will be less than 2% coverage. Attorney Fallon agreed.

Paul Heifetz questioned that with this plan that the Club will have no overflow parking on Old Redding Road. Attorney Fallon stated that the Club will try.

PUBLIC HEARING CONT: ASPETUCK VALLEY CC CONT:

Jane Connolly wanted confirmation that the new tennis courts will not be lighted. Attorney Fallon stated "that is correct". She also noted that the main concern is the landscaping.

Public Comment: none

Attorney Fallon read his summary to the Commission.

Don Saltzman questioned Attorney Fallon if the Club plans to buy any more property? Attorney Fallon replied "that the Club is done".

Don Saltzman moved that the commission close the public hearing. Seconded by Dan Gilbert. Vote in favor (6-0) Katie Gregory absent.

DISCUSSION: CONVEYANCE OF OPEN SPACE FOR TANNERY LANE SOUTH SUBDIVISION (GUIDERA)

Attorney Guidera presented a map of his subdivision, Tannery Lane South Subdivision, and went over the lots and the open space on that plan. At present he is installing monuments for the road and will be ready to present it for approval. He reported on conversations with the Aspetuck Land Trust and the Nature Conservancy regarding his open space and what he would have to accomplish with them to turn over the open space. He stated that he will not give the open space to the Town of Weston.

Don Saltzman questioned Attorney Guidera on what would be a reasonable amount of time to get the deed done, 18 months? There was a discussion that this was not stated as condition in the list of conditions of the subdivision.

Don Saltzman moved that the Commission should extend the open space requirement under the subdivision approvals so that the conveyance to the Aspetuck Land Trust may occur before December 31, 2010.

Ridge Young Seconded. Vote in favor (6-0). Katie Gregory absent.

OTHER BUSINESS:

Paul Heifetz questioned "what is the Commission's position' for the Town Meeting on Thursday, July 9th on the Valley Forge Road Bridge. Stephan Grozinger explained the Selectmen are meeting because Planning & Zoning denied the 8-24 report on the Valley Forge Road bridge, and now it goes to a Town Meeting. A discussion followed.

Meeting adjourned.

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval: