

LEGAL NOTICE  
DECISION

Notice is hereby given that, at a regular meeting of the Weston Planning & Zoning Commission held on Tuesday, September 8, 2009, the Commission APPROVED WITH CONDITIONS, the application of owner Morton Schindel, et als., for a six (6) lot subdivision of property, consisting of approximately 18.483 acres of land located at 381-401 Newtown Turnpike, Weston, Connecticut.

Reference is hereby made to the following (collectively, the "Supporting Documents"):

1. Subdivision Map prepared by Paul A. Hiro, P.C. and entitled "Subdivision Map Prepared for Morton Schindel" dated February 11, 2009 and last revised June 15, 2009 (the "Subdivision Map").
2. Site Preparation Plans prepared by Richard Bennett & Associates, LLC and entitled "Site Layout Plan," "Site Development Plan Lots 1 and 2," "Site Development Plan Lots 3 and 4," "Site Development Plan Lot 5," "Site Development Plan Lot 6 and Roadway," "Test Pit & Percolation Logs," "Roadway Profile, Details and Notes," "Adjoining Lot" dated June 24, 2009 and last revised July 14, 2009.
3. Decision of the Westport-Weston Health District dated July 17, 2009..
4. Decision of the Weston Conservation Commission dated June 25, 2009
5. Letters from John Conte, Town Engineer, Town of Weston, dated May 18, 2009, July 20, 2009 and July 31, 2009.
6. Letter from Chief John C. Pokorny, Weston Volunteer Fire Department, dated July 30, 2009.
7. Letter from Richard A. Bennett, P.E. dated July 15, 2009 with attached Capacity Analysis of Existing 72" CMP Culvert at Newtown Turnpike dated July 16, 2009.

8. Drainage Report prepared by Richard Bennett & Associates, LLC dated July 16, 2009.
9. Zero Incremental Runoff Certification signed by Richard A. Bennett, P.E., dated July 20, 2009
10. Engineer's Estimate – Planning & Zoning Bond Estimate prepared by Richard A. Bennett, P.E., dated July 16, 2009.
11. On-Site Soils Investigation prepared by Henry T. Moeller dated March 27, 2009.
12. "Grant of Conservation Restriction" dated August 3, 2009, revised to omit section 8 entitled "Public Access."

To the extent that there are any conflicts between the Supporting Documents and these conditions of approval, the conditions of approval shall control.

The application is approved subject to the following conditions:

**GENERAL REQUIREMENTS:**

1. Subdivision Mylar. All of the conditions of this approval and those contained in the Supporting Documents shall be reproduced in 14 point type on a separate sheet of the Subdivision Mylar. The Subdivision Mylar shall be:
  - a. substantively identical to the Subdivision Map except as otherwise set forth herein;
  - b. submitted to the Town Attorney and the Zoning Enforcement Officer for approval on or before the date which is sixty (60) days from the date of publication of notice of this decision;
  - c. satisfy accuracy standards for an A-2 survey and bear the seal and signature of the licensed preparer; and
  - d. recorded on the Land Records on or before the date which no later than ninety (90) days after the expiration of the appeal period under Connecticut General Statutes §8-8. (§4.3.1 and CGS §8-25)
2. Easements and Conveyances. The text of any easement, restriction, reservation or conveyance shown on the Subdivision Map shall be approved by the Town Attorney and the Zoning Enforcement Officer prior to the recordation of the Subdivision Mylar.

3. Expiration. All work relating to the subdivision or common to two or more lots, such as the installation of roadways, sidewalks, trunk utilities, drainage facilities, and fire ponds (“Subdivision Work”), shall be completed on or before the fifth (5<sup>th</sup>) anniversary of the date the Subdivision Mylar is recorded.
4. Zoning Permit for Development of Individual Lots; Zero Incremental Runoff. No development or construction on individual lots other than the Subdivision Work, including the installation of swimming pools or playing courts (collectively, “Lot Development Work”) shall commence without the prior review and approval of a Lot Development Plan (§3.2.1 and §3.3.1) by the Planning and Zoning Commission and submission of a certification from a licensed engineer confirming that the proposed construction shall not increase volume of runoff, nor increase in the speed of discharge, nor increase the natural or pre-existing rate of soil erosion under conditions of a fifty-year design storm (§3.11.3). The foregoing prohibition shall not apply to the erection of fencing in conformity with applicable regulations.
5. Underground Utilities. All utilities serving the subdivision, including but not limited to, telephone, electric and cable, shall be installed underground subject to the Town Engineer’s Approval of Location. The owner will install underground utilities to the lot line of each lot at the owner’s expense as a prerequisite of issuance of any foundation approval (§§2.4.12(i) and 2.4.12.(n)).
6. Parking During Subdivision Work. The owner shall provide sufficient parking areas on subdivision property for all construction equipment and for private vehicles of construction workers during the Subdivision Work.
7. Hours of Construction. Lot Development Work and Subdivision Work shall be limited to the hours of 7:30 a.m. to 5:30 p.m. daily. There shall be no construction work performed on Sundays.
8. Performance Bond. Prior to the recordation of the Subdivision Mylar, the owner shall post a performance bond in an amount estimated by the Town Engineer to be sufficient to secure completion of all Subdivision Work (§4.6). In no event shall the real property of the subdivision be pledged as collateral for a performance bond.
9. Sediment and Erosion Control. In the course of the Subdivision Work and Lot Development Work, the Town Engineer and/or the Conservation Officer shall have the authority to require installation of additional sedimentation and erosion control measures as reasonably required. Upon completion of all Subdivision Work and Lot Development Work and after approval by the Town Engineer and/or Conservation Officer, all temporary sedimentation and erosion controls shall be removed from the site (§3.11.4).

10. Blasting. Blasting for Subdivision Work and Lot Development Work shall require a permit issued by the Weston Fire Marshal. Neighbors within 500 feet of the subdivision shall be advised a minimum of 48 hours prior to each occurrence of blasting (Zoning Regs. §348.6(b)).
11. Fuel Oil Tanks. All heating oil tanks must be installed within a structure.
12. Stumps. All stumps removed from the site during the Subdivision Work and Lot Development Work may be buried in the area(s) so designated on a site plan, subject to the prior approval by the Town Engineer or Conservation Planner. Stumps which are not buried in designated areas must be removed from the subdivision.
13. Hazardous Materials. Any material which may negatively impact human health and/or safety, as determined by the Zoning Enforcement Officer or the Conservation Planner or the Westport-Weston Health District, shall be removed from the site in a controlled manner.

#### SPECIAL REQUIREMENTS:

1. Open Space. The Conservation Restricted Areas (Conservation Restricted Areas A, B, C, D and E) shall be subject to a negative easement and grant of conservation restriction to the Town of Weston which shall a) preserve the Conservation Restricted Areas in their natural, scenic and open-space condition in perpetuity; b) permit the grantor to maintain and repair dams and spillways and remove road sand from the pond in the Areas and to maintain the 15-inch culvert under one of the driveways in the Areas subject to Conservation Commission approval.
2. Grant of Conservation Restriction. The Grant of Conservation Restriction shall be recorded on the Land Records of the Town of Weston
3. One Dwelling on Lot 6. Only one (1) dwelling is permitted on Lot 6.
4. Required Maintenance and Indemnification by Owner of Lot 6. The “Agreement of Responsibilities: Indemnity,” which sets forth a) that the owners of Lot 6 shall be solely responsible for the maintenance, dredging, repair of dams and removal of sand from the pond and responsible for the maintenance of the 15-inch culvert under one of the driveways to Lot 6; b) that the owners of Lot 6 shall hold the Town of Weston harmless for those maintenance and repair responsibilities; and c) that the owner of Lot 6 and the Town shall cooperate in obtaining any necessary approvals from the Town’s inland wetlands and watercourses agency, shall be recorded on the Land Records of the Town of Weston.

5. Permission for Lot 6 to Enter onto Lot 3. The owner of Lot 6 shall reserve an easement on Lot 3 to enter onto Lot 3 and to maintain and repair the culvert and other drainage improvements on Lot 3. This easement area shall be designated on the Subdivision Mylar.
6. Fire Protection. In consideration of the Commission's willingness to waive the requirement to install a fire pond under Section 3.8.3, the applicant agrees that a sprinkler system will be installed in all new construction in the subdivision. A sprinkler system will also be installed in any existing building where the value of any alterations exceeds \$75,000 over a period of 12 months. The pond on Lot 6 will be made available for a dry hydrant should the Weston Volunteer Fire Department decide to install it. The applicant will keep this pond accessible to fire trucks during construction.
7. Neighborhood Lane. No building permits shall be issued for any lot development work until the neighborhood lane has been constructed and paved with asphalt to the satisfaction of the Town Engineer. All underground utilities and conduits shall be installed prior to paving. The proposed Weston Woods Road must be accepted by the Town of Weston before the developer will deed the right of way to the Town. The final asphalt top coat must be installed prior to a Certificate of Occupancy for any building.

Dated this September 17, 2009 at Weston, Connecticut

By: Stephan Grozinger, Chairman  
Planning & Zoning Commission  
Town of Weston

Abridged notice to be published in the  
Weston Forum – Thursday, September 17, 2009