

Present: Stephan Grozinger, Chairman; Jane Connolly, Vice Chairman; Don Saltzman; Ridge Young. Absent: Katie Gregory, David Allen and Joe Limone

Also present: Tracy Kulikowski, Land Use Director

Meeting on tapes 1-4, dated 11/15,10

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#### APPROVAL OF MINUTES:

Postponed until the next meeting, 12/6/10

#### CHAIRMAN'S REPORT:

Stephan Grozinger did not meet with the Zoning Enforcement Officer on Thursday, 11/11/10 because it was a holiday and Town Hall was closed.

The Chairman did note that Election of Chairman and Vice chairman for the coming year will be held at the next meeting on December 6, 2010.

#### DISCUSSION/DECISION: LOT DEVELOPMENT PLAN, 10 HEMLOCK RIDGE ROAD, NEW HOUSE (FYBER DEVELOPMENT)

Steve Minkowitz was present to answer any questions of the Commissioners regarding his proposed lot development application for a new house at 10 Hemlock Ridge Road. The question of the very small easements from the previous meeting was answered that the easements were noted on the subdivision map but not recorded. The map was filed in 1984. The Chairman felt that the Commission should not hold up this application for lot development approval, because of this.

The Land Use Director submitted a draft approval to the Commissioners. The Chairman added an 8<sup>th</sup> condition to read "Existing detention basin is to be preserved".

Jane Connolly moved that the Commission approve the draft proposal of conditions for Fyber Development, for a new house, located at 10 Hemlock Ridge Road, Lot 2 of the Hemlock Ridge Subdivision, as shown on site plan entitled "Site Development Plan", prepared by Grumman Engineering LLC, dated 9/3/10, revised 9/15/10, subject to conditions. (copy attached)

Seconded by Don Saltzman. Vote in favor (4-0) Absent: Katie Gregory, David Allen and Joe Limone.

**DISCUSSION/DECISION : MODIFICATION TO ZONING PERMIT, PETER'S MARKET EXPANSION REQUEST FOR 204 WESTON ROAD (TOLK)**

Josh Tolk was present, representing Peter's Market and others. The discussion continued from the last meeting regarding garbage at the Center and how to condense the containers into a central location. Mr. Tolk submitted photographs of the existing situation and attempting to condense the trash into two new locations. A discussion followed on the possibilities by using the photographs for placement of the containers. He suggested leaving the Post Office as it is because it is behind a fence. He also stated that he does not manage their individual trash as all are serviced by different companies. The suggestion was made to enforce the tenants to keep containers closed.

Jane Connolly felt the Commission should see how it works out and revisit the issue in the spring and what could be done to making it look a little bit nicer.

Mr. Tolk stated that he really needs a zoning permit so that he can go to the Building Department and get a certificate of occupancy for Peter's Market.

Stephan Grozinger and Ridge Young were more concerned about the number of dumpsters. Stephan Grozinger was inclined to approve the waiver and would like to consolidate the dumpsters

Mr. Tolk stated that he will ask the tenants to keep the lids on their garbage.

The Chairman took a sense of the meeting of those in favor of the waiver. The four members present, were in favor.

Stephan Grozinger will draft a decision and requested the applicant to come back to the next meeting on December 6, 2010, for a formal vote.

**PUBLIC HEARING: MODIFICATION TO SUBDIVISION APPROVAL, FAR HORIZONS SUBDIVISION, 10 LADDER HILL ROAD (ADC-10 LADDER HILL LLC/SPATH)**

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

Mike Burtholda, licensed surveyor and a member of the Huntington Company, was present to discuss the modification to re-phase Lot 1 from the current phasing plan showing Lot 1 as part of Phase 3 to a new phase to be called Phase 1A, thus enabling the developer to transfer and sell this lot prior to the construction of the private lane and common driveway serving lots number 2, 3, and 4. Due to the current land market conditions, by the removal of Lot 1 from this phasing plan and allowing the sale of this free-standing lot, it will allow the developer to use these funds towards the construction of Phases one and two and the reduction of the current mortgage. Conservation Commission has given their approval on October 19, 2010.

FAR HORIZONS CONT:

Public Comment: none

The Land Use Director reported on the past history of the application and waivers and requested that all the previous files be incorporated into this present file.

Jane Connolly questioned that this change of phasing has no effect on this need to have 6 Commissioners here for the waiver portion of the vote. Stephan Grozinger felt the Commission could approve the phasing now but do not have enough members for the waiver portion and to discuss the rephrasing, revisiting the waiver and litigation on the alternate access to the site. The minutes stated that the alternate access would not be used. Stephan Grozinger stated that this statement was in a letter from C. Spath, that the alternate access would not be used.

Stephan Grozinger stated that he did not have enough Commission members here tonight to make the motion. The public hearing will be kept open until the next meeting on December 6, 2010, in order to have more members present.

**PUBLIC HEARING CONT: DETERMINATION PURSUANT TO SECTION 8-26 OF THE CONNECTICUT GENERAL STATUTES OF WHETHER SUBDIVISION APPROVAL IS REQUIRED, REVISED PARCEL 515B ON MAP 3443 AND REVISED PARCEL 475A AND 475B ON MAP 3444, GEORGETOWN ROAD (LOST TRAIL LLC) (ATTORNEY FULLER)**

Attorney Robert Fuller was present and submitted a letter of extension for the public hearing until December 7<sup>th</sup>, 2010 because the Commission has not yet found outside counsel.

To be on the agenda for the December 6, 2010 meeting.

DISCUSSION/DECISION: ENFORCEMENT REFERRAL FROM ZONING ENFORCEMENT OFFICER: GANS, 27 RIVERFIELD, 9/30/10 ORDER OF REMOVAL FOR REGRADING IN VIOLATION OF SECTION 348.4 OF THE ZONING REGULATIONS. OWNER HAS REQUESTED WAIVER OF THE SURVEY REQUIREMENT.

Jennifer Blankfein, daughter of Linda Gans, representing her parents, was present.

Stephan Grozinger read the letter, dated November 11, 2010, into the record, from Attorney Ira Bloom as follows:

‘I represent Alan and Linda Gans, 27 Riverfield Drive. They are longtime residents of Weston. In the interest of full disclosure, I should note that Linda Gans is my first cousin. Unfortunately, I am not able to appear before your Commission on November 15, 2010, and Mr. and Mrs. Gans are out of state at a family wedding and are also unavailable.

Unfortunately, my clients originally engaged a Norwalk contractor for a small project, which ultimately proved very unsatisfactory for them. However, after much effort on their part, we believe that their property has now been graded and restored properly. Ultimately, they report that their property and the surrounding neighborhood will be enhanced by the work. I am writing to you to make a simple request. We would like the requirement for a new survey in connection with this work to be waived for financial hardship reasons. Your courtesy in this regard would be greatly appreciated.’

Ms. Blankfein explained to the Commission that the contractor that they hired to take out the tree stumps, took a very long time and disappeared off the job and then returned to finish. Trees had been cut down at an earlier date. Because it is her childhood home, she stated that the yard now was back to normal and looked the same as always and is ready for mulch and seed. Also stated that the grade level did not change.

The Land Use Director said an enforcement letter was filed and requested an A2 survey showing grades.

Jane Connolly read from the Zoning Enforcement Officer’s letter referencing Section 348.4 of the Weston Zoning Regulations that the applicant was in violation.

Ms. Blankfein felt the job was minor. The Zoning Enforcement officer received a complaint about the work being done and never saw the property before the grading. He did see a front loader moving a lot of dirt around and received a lot of calls from the neighbors.

Ms. Blankfein stated that the contractor came back just this week to finish the grading and now the area just needs mulch and seeding.

GANS CONTINUED:

Mr. and Mrs. Gans relied on the contractor who stated that they did not need a permit. Because the Zoning Enforcement Officer had not seen the property before the grading, Ms. Blankfein offered to bring in photos of the property.

Don Saltzman questioned if any new dirt was brought in and the answer was no. The Land Use Director did a site visit and stated that no imported dirt was coming into the site.

The Zoning Enforcement Officer submitted photographs of the site, for the members and after looking at them, Stephan Grozinger did not consider the job as minor. Don Saltzman discussed the fines added to waive the dollars for the survey. The fees would be from September 30<sup>th</sup>, 2010.

Stephan Grozinger felt that they should refer this matter to Town Counsel. Also asked the Zoning Enforcement Officer if the property was stabilized and he felt it was.

Jane Connolly suggested questioning the neighbors to what the property look like before the contractor started working. Don Saltzman felt there was a lot of dirt and that is regrading to me. Ms. Blankfein questioned the Commission, that you need a permit to remove stumps?

Stephan Grozinger asked the Commission if they want to refer this for further enforcement? He felt that the neighbors should be noticed and for the Land Use Director to call the neighbor (who was also complaining about the removal of the trees) and also to write a letter to Mr. and Mrs. Gans to attend the next meeting. Ms. Blankfein stated she will bring in photos of the site before the job was started and to put this item on the agenda for the next meeting for December 6, 2010.

**DISCUSSION: EXPIRATION OF ENFORCEMENT MORATORIUM OF SECTION 321.2(D)(6) OF THE ZONING REGULATIONS (OWNER OCCUPANCY REQUIRED FOR RESIDENCES WITH ACCESSORY APARTMENTS**

Stephan Grozinger wished to discuss with the members the approval, for nine months (January 31, 2011, of the resolution: "Enforcement of Weston Zoning Regulation Subsection 321.2(d)(6) shall be suspended until March 31, 2011. During the suspension, the Commission may re-evaluate the subsection and consider modifications. At the conclusion of the suspension, enforcement will re-commence. Properties subject to leases entered into during the suspension period will not be exempt from enforcement" and should this moratorium be allowed to lapse at the end of the year?

APARTMENT REG. CONT:

A discussion followed regarding “the owner (someone who owns not less than one-quarter (1/4) interest in the lot) of the residence in which the accessory apartment is created shall occupy the main section of the house or the apartment except for bonafide temporary absences. In no case shall the house and the apartment be rented simultaneously”.

Don Saltzman felt that the Commission should not change the present regulation.

Jane Connolly felt it is a Town wide issue and should be heard by the Town. Ridge Young and Jane Connolly felt it should be opened up to the public. Also to consider changing the Special Permit and hold a public hearing.

Jane Connolly moved to extend the moratorium for six more months. Seconded by Don Saltzman. Vote in favor (4) –Absent: Joe Limone, David Allen and Katie Gregory.

DISCUSSION: PROPOSED FLOOD ZONE DEVELOPMENT CERTIFICATION AND PROPOSED AMENDMENTS TO THE FLOODPLAIN MANAGEMENT REGULATIONS: SECTION III © PUBLIC HEARING, SECTION III(E), APPLICATION, AND SECTION V(A) AUTHORITY AND RESPONSIBILITY.

Stephan Grozinger submitted a draft for “Flood Zone Development Certification” for the members to go over. A discussion followed.

Stephan Grozinger moved that the Commission approve that a public hearing and envelopes for the neighbors will not be needed for Flood Plain applications and give the responsibility to James Pjura, Zoning Enforcement Officer to review and approve applications to insure that sites are reasonably protected from flooding, and to require that all other required State or Federal permits are obtained and that copies of such permits be provided and maintained on file with the Flood Zone Development Permit. Also that the Land Use Director will second the signatures. The proposed regulation amendments will be sent to SWRPA and DEP and then set a date for a public hearing. Seconded by Ridge Young Vote in favor (4) Absent: Katie Gregory, Joe Limone and David Allen.

TOWN PLAN IMPLEMENTATION:

Don Saltzman raised two points (1) to get rid of ham radio antennas and (2) to get rid of Riding Academies. A discussion followed and it was felt that a discussion should be continued with the rest of the members present.

OTHER BUSINESS:

Jane Connolly reported to the Commission on her findings for hiring an outside counsel for an opinion on the application entitled "Determination pursuant to Section 8-26 of the Connecticut General Statutes of whether subdivision approval is required, Revised Parcel 515B on Map 3443 and Revised Parcel 475A and 475B on Map 3444, Georgetown Road (Lost Trail LLC) and also the validity of the stamp used when filing the maps in question, with the Town Clerk at Town Hall.

Stephan Grozinger moved that the Commission approve delegating the authority to Jane Connolly to interview and select and present to the Board of Selectmen, an attorney to fulfill the requirements that we stated last time and to interact with that attorney so far as getting them whatever they need.

Discussion: Don Saltzman wished to modify the motion stating that David Muller, Selectman, to give them a ballpark figure and estimate of hours. Stephan Grozinger felt that Jane Connolly could take of that and was not going to modify the motion.

Seconded by Ridge Young. Vote in favor (4-0) Absent: Joe Limone, Katie Gregory and David Allen.

Meeting adjourned:

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval: Unanimous approval on December 20, 2010 Don Saltzman and David Allen absent from the 12/20 vote and Joe Limone, Katie Gregory and David Allen absent from the meeting.