

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

Also present: Tracy Kulikowski, Land Use Director

Meeting on tapes 1-3 dated 12/21/09

TOWN PLAN

The members met to discuss the results of the survey.

PRESENTATION TO DAN GILBERT

Stephan Grozinger, on behalf of the Commission, presented to Dan Gilbert, a certificate of appreciation for his service on the Planning & Zoning Commission. Mr. Gilbert was very appreciative and has gone on to a new position of Selectman for the Town of Weston.

APPROVAL OF MINUTES: 12/7/09

Ridge Young moved to approve the minutes of 12/7/09 with correction. Vote in favor (5-0) Jane Connolly and Katie Gregory absent.

CHAIRMAN'S REPORT:

Stephan Grozinger reported that SWRPA – Council of Governments (COG), is holding a joint meeting of Selectmen and Chairmen of Planning & Zoning Commissions to understand the issues and a reasonable position on how they plan to proceed.

Don Saltzman stated how the Town of Weston felt about home rule. Also that a former Planning & Zoning member, Dan Gilbert, is now on the Board of Selectmen and is well versed in COG. The First Selectman, Gayle Weinstein, will call a meeting in mid January.

Stephan Grozinger and The Land Use Director will go over the budget.

Discussed the enforcement action memo from the State Marshal regarding 306 Lyons Plains Road.

Don Saltzman referred to the Dr. Lieberman situation which is due at the end of the year. It was stated that a cease and desist letter from Zoning Enforcement Officer, James Pjura will be issued on 12/31/09.

Don Saltzman questioned the agenda item 11 Blueberry Hill and noted that the Chairman will be recusing himself and Don Saltzman will run that part of the meeting.

RECEIPT OF APPLICATION: COMPLETED ACTIVITY IN A FLOOD ZONE –
HERMAN, 25 LAKESIDE DRIVE, STONE WALL

Mr. Herman was present. Stephan Grozinger looked at the plan submitted (a section of a larger plan) and requested the applicant to provide an A2 survey by a certified engineer.

Mr. Herman explained that in order to stop water erosion, he placed the stone wall where he did, which also redirected the water. He stated that he has been to different boards and the financial burden is getting prohibitive.

Stephan Grozinger again stated that the Commission really needs an engineered site plan and that the applicant really needs to track down the surveyor in order to provide it. Also that the Grumman Engineering letter does not meet the regulations of the Commission. Section 4B2 of the Flood Regulations. It was suggested that he look in his deed for further information. A discussion followed.

The applicant, if the application is received, has 65 days to hold a public hearing, to gather his information.

Don Saltzman moved that the Commission receive the completed activity in a flood zone application for a stone wall, at 25 Lakeside Drive. Seconded by Joe Limone. Vote in favor (5-0) Jane Connolly and Katie Gregory absent.

The applicant will have 65 days before going to a public hearing.

RECEIPT OF APPLICATION: SPECIAL PERMIT, MUSEUM, SECTION 341.2, 389
NEWTOWN TURNPIKE, MORTON SCHINDEL TRUSTEE (GUIDERA)

Attorney Guidera, representing Morton Schindel (present), presented a new map on the Schindel property. The museum application relates to Lot 6 only, which consists of 7 acres. Attorney Guidera stated that he is winding up the subdivision and road bond and getting the final mylar filed this week. Stephan Grozinger stated that this application is entirely within the subdivision and therefore applicant has an A2 survey.

Attorney Guidera explained to the Commission what the purpose of this application was for as follows: “the applicant is the former owner of Weston Woods Studios, a company founded by him in Weston and producing films based on children’s books. From the beginning, Weston Woods was an amazingly ingenious idea for bringing together the (then) isolated world of children’s books with the more mainstream media of television and movies (Maurice Sendak). The film production continued from 1953 until 1996 when it was sold to Scholastic, Inc. and subsequently moved to another location. But the

artwork and all of the equipment used during that period of time still remains on the premises where it was originally created and used.

Unlike a museum created for the purpose of future acquisition of works of art from around the world, the works of art created by Weston Woods are already on the premises. They are indigenous to Weston because they were created here. The applicant's fervent wish is to be able to share these works, and the story of Weston Woods, with a wider public at the very place where they were created. It is this nexus with the Town of Weston that imparts, and will impart, special value to our community as a place of pioneering creativity.

The frequency of use, hours of use, number of persons on premise during use, maximum number of vehicles on premises during use, and the types of vehicles, will be modest and suitable for a residential neighborhood. All of these issues are subject to the discretion and approval of the Commission.”

Morton Schindel has given his official sanction to do this project.

Don Saltzman requested to see more exhibits and to include a description for each building and what it would be used for etc.

Attorney Guidera in answer to Don Saltzman question, is dealing with building codes and health department issues. The Fire Marshal is writing a letter to sign off on the project. Attorney Guidera also mentioned setbacks and perhaps having a caretaker in one of the buildings. Attorney Guidera will also present just a survey of Lot 6 and stated that this is just a museum about Weston Woods Studio and not changing anything or buying anything.

Don Saltzman moved that the Commission receive the application for a Special Permit, Museum, Section 341.2, 389 Newtown Turnpike, Morton Schindel Trustee. Seconded by Ridge Young. Vote in favor 5-0 – Jane Connolly and Katie Gregory absent.

DISCUSSION CONT: ORDER OF REMOVAL DATED 9/11/09 – 11 BLUEBERRY HILL – FAILURE TO MOVE TWO SHEDS AND AN IN GROUND POOL FROM THE SETBACK. (ZBA VARIANCE REQUEST DENIED)

Don Saltzman ran this section of the meeting as Jane Connolly, Vice Chairman was absent. Stephan Grozinger recused himself.

Attorney George Guidera, met with the Town Attorney Pat Sullivan, Jane Connolly, Vice Chairman; and the Land Use Director. Attorney Guidera assumed that the Jacoby's pool had been in long enough to be grandfathered under the three year statute.

11 BLUEBERRY HILL CONT:

Town Attorney felt that a building existing for three years is grandfathered in and buildings are structures but is the pool is a structure? The Town Attorney is researching this matter. The Jacoby's did not make a good case for hardship before the ZBA. Attorney Guidera felt that the Jacoby's could not have gotten the pool any closer to the house as because of the existing septic system and they are on a one acre lot. Attorney Guidera feels that they have a hardship from this alone plus the one acre lot.

The Commission stated they can do nothing until the applicant goes before ZBA. The Town Attorney is looking up the definition of a structure. Discussion followed.

A consensus was taken for a motion to delay enforcement until the applicant can go to ZBA and get a decision – ZBA meeting on January 26, 2010.

Attorney Guidera felt that enforcement could start anytime after that date of January 26, 2010.

Don Saltzman moved that the Commission delay enforcement of the Order of Removal, dated 9/11/09 - 11 Blueberry Hill for failure to move two sheds and an in ground pool from the setback so that the applicant can have a chance to go before ZBA, regarding the pool, and to report back to the Planning & Zoning Commission on February 1, 2010.

Seconded by Ridge Young. Vote in favor 4-0 – Don Saltzman, David Allen, Joe Limone and Ridge Young. Absent- Jane Connolly and Katie Gregory.

PUBLIC HEARING: POTENTIAL AMENDMENTS TO SECTIONS 312.7, 411, 411.1 AND 411.2; NEW SECTIONS 312.9, 348.4 (C AND 401); REPEALING SECTIONS 341.6 AND 321.II TO THE ZONING REGULATIONS

Stephan Grozinger read the legal notice for the public hearing into the record and if approved, this document would be effective upon publication.

A discussion followed.

There was public comment from Mr. and Mrs. Schultz regarding the water courses setback as they were designing an addition to their home and needed to have clarification before starting the job. The Commission felt they would need to obtain a variance.

Additional public comment from Ms. Englund regarding the repealing of Sections of Sections 341.6 and 321.Ii regarding riding stables. Stephan Grozinger responded that it would keep Weston as residential as possible. A discussion followed regarding her

AMENDMENTS CONT:

proposed riding stable and use on her property and that it would just be for friends with 4 horses. A discussion followed regarding private horses on private land.

Stephan Grozinger stated that the Commission would not repeal that section tonight and revisit it at another time. The Land Use Director will research.

Don Saltzman moved that the Commission approve passing these potential amendments to Sections 312.7, 411, 411.1 and 411.2; New Sections 312.9, 348.4 (c and 401. effective upon publication. Seconded by Joe Limone. Vote in favor (5-0) Jane Connolly and Katie Gregory absent.

PUBLIC HEARING: POTENTIAL AMENDMENTS TO SECTION 3.12, "OPEN SPACE RESERVATIONS FOR PARKS AND PLAYGROUNDS" OF THE SUBDIVISION REGULATIONS

Stephan Grozinger read the legal notice into the record for the public hearing.

Don Saltzman felt the entry level had to be adjusted and a discussion followed on safeguarding on "nibbling" i.e. a resident with a 20 acre parcel Also discussed a fee in lieu of open space and that number would be approved by an appraiser and the dollars would go to the Town as a reserve fund for more open space.

Public comment from Ms. Englund that she has 10 acres based on a state statute as well.

The question was asked where the 10 % requirement for open space in a subdivision came from and the Chairman stated that it came from the old regulations and not from the State Statutes (312.2b). Don Saltzman also raised the question of conservation easements.

Motion to Approve:

Don Saltzman moved that the Commission approve the potential amendments to Section 3.12, "Open Space Reservations for Parks and Playgrounds" of the Subdivision Regulations. Seconded by Joe Limone. Vote in favor (5-0) Jane Connolly and Katie Gregory absent.

Meeting adjourned.

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval:

