

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

Also: Tracy Kulikowski, Land Use Director

Meeting on tapes 1-4, dated 9/20/2010

APPROVAL OF MINUTES: SEPTEMBER 7, 2010

Jane Connolly moved that the Commission approve the minutes of September 7, 2010 as amended. Seconded by Katie Gregory. Vote in favor (6-0) David Allen absent from this meeting.

CHAIRMAN'S REPORT:

The Chairman went over his report and a copy is attached.

DISCUSSION/DECISION: SUBDIVISION TIME EXTENSION – BARCELLO SUBDIVISION, AUTUMN RIDGE ASSOCIATES, LLC, 9-11 HILL CREST LANE (PATRIOT NATIONAL BANK) (GUIDERA)

Tom Barcello, Attorney George Guidera, representing Mr. Barcello and also Attorney Scott Harrington of Patriot Bank were present.

Attorney Guidera stated that he had just come on board with this request and went over the papers in the file including a memo, dated September 7, 2010, from the Town Engineer, John Conte, stating that the \$46,562.50 bond money is not sufficient to complete the subdivision work. Attorney Guidera felt that some sort of extension should be given and does not feel it really has to be 5 years. Also some of the items are not public works and that the common access way for \$14,000 could be taken off the list of items. He referred to Connecticut Statutes 8-26c. Attorney Guidera stated that has not had time to talk to the Town Engineer but it would be best to grant some sort of extension and Mr. Barcello has the right to ask for that as the original subdivider may apply. A discussion followed. Attorney Guidera would like to get the improvements taken care of and to see the Town Engineer and get 1 year or 9 months, or early summer months, to see what we can do. Attorney Guidera then would come back to see the Commission say in 9 months. Mr. Barcello needs to pave the common accessway and wants to recoup from the dollars of the bond. Attorney Guidera felt the Highway Department does not have the expertise to do it or the time and felt a private person should be used. An extension would help us work this out. Discussion followed regarding the common access. Attorney Guidera stated we are on a deadline here and he needs to do some research. The land in the subdivision is owned by the Patriot Bank.

BARCELLO CONT:

Jane Connolly referred to the Conn. State Statute 8-26c. Attorney Guidera stated that the Commission would have to read some citations. Mr. Barcello stated that the last time he did any work on the subdivision was before the foreclosure.

Stephan Grozinger stated his concern that there has been no activity on the property for about a year. Attorney Guidera thought the Commission would be interested on how we could work it out. Stephan Grozinger felt the security dollars are too little to finish the job. Mr. Barcello explained his position. Attorney Guidera stated the bank is not going to get the bond and it may or not be enough to get the job done.

Don Saltzman suggested getting a statement from the bank to see if they agree with the extension. Attorney Scott Harrington of Patriot Bank was not in favor. He also stated that he was not aware that Mr. Barcello has filed for bankruptcy. Stephan Grozinger requested the applicant to come back to the next meeting on October 4th. Jane Connolly questioned if there was some kind of narrative with the plan to complete the work in a certain amount of time?

Attorney Guidera stated that he could come in with a plan. Stephan Grozinger was not sure he could support the step approach to complete the work. Discussion followed. He felt that Attorney Guidera could come back with a plan at the next meeting on October 4th. Attorney Scott Harrington felt the applicant would have a problem as the generator is on Mr. Suss's property.

RECEIPT OF APPLICATION: 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 and Robert Walpuck were present. Attorney Fuller stated that he represents Lost Trail, LLC and is requesting that the Commission consider the following: A determination pursuant to Section 8-26 of the Connecticut General Statutes that Revised Parcel 515B on Map 3443 and Revised Parcels 475A and 475B on Map 3444 recorded in the Weston Land Records on August 26, 1998, containing a stamp and signature of the Code Enforcement Officer and the Town Engineer that they were not a subdivision or resubdivision, and previously approved by them, do not require subdivision approval. Those parcels were derived from the division of two parcels shown on Map 475 and Map 515, which maps existed prior to the enactment of subdivision regulations.

LOST TRAIL CONT:

Attorney Fuller went briefly over the history of these properties and requested that the Commission state that these lots are not a subdivision and do not require subdivision approval. Also the Commission can act without a public hearing.

Attorney Fuller referred to the “stamp” on the filed mylar and read the wordage .

Attorney Fuller also stated that the land was mortgaged with the Wilton Bank in December 1999, consisting of 4 lots as shown on Map 3443 filed in the Weston Land Records. Sovereign Bank foreclosed on one Lot, 515A, which was released. Attorney Fuller stated again that no public hearing is needed. Stephan Grozinger read from the Connecticut Statutes regarding a public hearing. Attorney Fuller stated that a subdivision does not have to go to a public hearing. A resubdivision, yes. Stephan Grozinger took a consensus of Section 8.26d with the Commission that it receive the application and hold a public hearing. Attorney Fuller regarding 8.26c stated that it says “may” hold a public hearing and that a resubdivision must have a public hearing.

Stephan Grozinger stated that the Commission feels that we should go for a public hearing. on October 4, 2010.

Joe Limone moved that the Commission receive the application for 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 474A and 474B on Map 3444, Georgetown Road (Lost Trail LLC). Seconded by Jane Connolly. Vote in favor (7-0).

BOND RELEASE: LOT 6, 5 ASPETUCK GLEN, THORP SUBDIVISION (AMANTE)

Per John Conte, P. E. Town Engineer’s memo dated September 8, 2010, stating that he has inspected the completed work concerning site development construction at Lot 6, 5 Aspetuck Glen of the Thorp Subdivision, that the work was satisfactorily completed. The remaining bond of \$2,000 can be released to the applicant.

Don Saltzman moved that the Commission release the \$2,000 lot development bond for Ron Amante for site development construction at Lot 6, 5 Aspetuck Glen of the Thorp Subdivision. Seconded by Ridge Young. Vote in favor (7-0)

DISCUSSION: PROPOSED NEW ZONING REGULATIONS, Section 341.8, Public Cemetery Special Permit and Section 341.9, Family Cemetery special Permit.

A discussion occurred starting with Commission member Katie Gregory stating that she was not in favor of either regulation and over the summer had emailed approximately 30 residents for their opinion of these proposed regulations. She requested to read some of the 10 replies into the record. She also read her initial email.

NEW REGULATIONS CONT:

scheduled is October 18, 2010; and that the letters should be read at that time and submitted into the record. Katie Gregory questioned how we let the public know about the public hearing? A discussion followed.

Katie Gregory read David Muller's opinion (via email) into the record opposing the two proposed regulations.

Public Comment:

Mr. and Mrs. Walter Paul of Davis Hill and residents since 1974 expressed their concerns on why we need it and are against both of the proposed regulations and felt it deteriorates the property.

First Selectman Gayle Weinstein felt the Commission should look at the global perspective because Weston is having a problem selling houses and our taxes are higher and the neighboring towns of Westport, Redding and Wilton all have good schools, as well as Weston and with this regulation on the books, it is one more reason for people to turn away. She felt that Town land could be utilized for that purpose of a cemetery and the proposed regulation for private cemetery is not the answer and makes it very difficult to sell homes.

Mitchell Beck of Catbrier Road and a resident since 1992, felt that Weston is a transient community and the request for cemetery lots is not justified and feels it is repugnant about burying in the back yard. Also the Commission needs to take the public wishes into consideration.

Jane Connolly stated that the Commission has not taken a vote yet on the proposed regulations and we should wait for a public hearing. This does not mean we all agree and to let the public hearing decide. Mr. Paul requested to get the Town Engineer involved because of some properties with high water table.

Richard Wolf who is Chairman of the Cemetery Committee felt the public hearing will show that they are all against the proposed regulations. He noted that before the public hearing on these proposed regulations, the Cemetery committee may come up with their own solution and to please give us that opportunity. Their next meeting is on September 23rd.

Gayle Weinstein felt that if there is not enough interest, do not bring it to a public hearing. If you want to be buried in Weston, the Board of Selectmen should see if we use a piece of Town land for this purpose.

Jane Connolly felt the Commission should go forward on October 18th and listen to the residents. A discussion followed.

DISCUSSION: TOWN PLAN IMPLEMENTATION

A discussion included community gardens which is in the works. Ridge Young reported on composting and talked to the two men at the Town Land Fill. They stated that they would need a special license to compost and also would need two licensed individuals for running a compost area. Don Saltzman asked if you have talked to Joe Lametta of the Department of Public Works?

Meeting adjourned.

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval: Unanimous approval on October 4, 2010