PLANNING & ZONING COMMISSION SPECIAL MEETING MINUTES
APRIL 16, 2018, 7:15 P.M.
TOWN HALL ANNEX CONFERENCE ROOM

Present: Ken Edgar, Chairman; Don Saltzman, Vice-Chairman; Jane Connolly, Sally Korsh, Harry Falber, Britta Lerner, Richard Wolf

Also Present: Patricia Sullivan, Town Attorney; Jonathan Luiz, Town Administrator; Stephan Grozinger, Selectman; Tracy Kulikowski, Land Use Director; members of the public

Digitally recorded on 4/16/18

7:18 p.m. Chairman Edgar called the meeting to order.

RECEIPT: REFERRAL FOR CGS SECTION 8-24 REPORT; SUBLEASE OF LACHAT TOWN FARM TO THE FRIENDS OF LACHAT, INC., LACHAT FARM AT THE JULIANA LACHAT PRESERVE, 106 GODFREY ROAD [TOWN OF WESTON] [18-06]

Stephan Grozinger, representing the Town of Weston Board of Selectmen, presented the Board of Selectmen's request for a CGS Section 8-24 Report for a proposal to sublease a portion of land at the Lachat Town Farm to The Friends of Lachat, Inc. The sublease would ultimately allow The Friends to offer a residential tenancy to a couple in exchange for services rendered in the area of farming programs. Jonathan Luiz, Town Administrator, joined the presentation and a discussion followed with the Commission.

Jane Connolly made a motion that the Commission receive the Referral for CGS Section 8-24 Report; Sublease of Lachat Town Farm to The Friends of Lachat, Inc. Seconded by Sally Korsh. Vote in favor (7-0).

DISCUSSION/DECISION: REFERRAL FROM CODE ENFORCEMENT OFFICER; APPLICATION FOR A ZONING PERMIT; 98 GEORGETOWN ROAD, REVISED PARCEL 515 B (REFERRAL PURSUANT TO PLANNING & ZONING COMMISSION 6/20/11 STANDARD OPERATING PROCEDURES) [ARCTIC CONSTRUCTION, LLC; PETER OLSON] [18-04]

DISCUSSION/DECISION: REFERRAL FROM CODE ENFORCEMENT OFFICER; APPLICATION FOR A ZONING PERMIT; 100 GEORGETOWN ROAD, REVISED PARCEL 475 A (REFERRAL PURSUANT TO PLANNING & ZONING COMMISSION 6/20/11 STANDARD OPERATING PROCEDURES) [ARCTIC CONSTRUCTION, LLC; PETER OLSON] [18-05]

Peter Olson, attorney with Land Use & Conservation Counsel, in Bethel, came forward representing the owner, Arctic Construction. Also present were Sam Lampert, property owner, and Tom Quinn of Peak Engineers, LLC. Tracy Kulikowski distributed documents from the abutting property owner, Mr. Robert Walpuck of Three K's, LLC that were received in the Land Use Office on the afternoon of April 16th and she relayed to the Commission that Mr. Walpuck advised her that he would not be attending this meeting.

AP 2 3:58PM

CONT'D

The documents, including a Quit-Claim Deed, were discussed between Attorney Olson, the Commission and Ms. Kulikowski. The Quit-Claim shows a conveyance of land, comprising an area of 85 feet by 1 foot, on 96 Georgetown Road. Mr. Olson presented a Geographic Information System [GIS] map of the properties to the members. Section 321.5, Minimum Lot Dimensions, of the Weston Zoning Regulations was discussed.

Pat Sullivan, Town Attorney, joined the dialogue to discuss that the Quit-Claim transaction was not accompanied with a recorded map that showed a division of property. Ms. Sullivan commented that a transfer of ownership of a portion of a property does not necessarily divide the property. The members and Attorney Sullivan continued to analyze the effects of the document.

The definition of Lot found in the Regulations was discussed.

The topic of a sham transaction was discussed. Ms. Kulikowski stated that on this date, Mr. Walpuck indicated to her that the intent of this transaction was to prevent the Commission from approving zoning permits for the subject properties.

The definition of Use found in the Regulations was discussed.

Attorney Olson discussed the frontage of the applicable lots.

Mr. Olson stated that the applications comply with Weston Zoning Regulations. He reminded the members that the same applications were approved by the Commission in 2017 and that the Commission's decision was upheld by Weston Zoning Board of Appeals.

The Commission discussed the legitimacy of the Quit-Claim transaction, including the grantor's conveyance of property to a related party that can be quickly undone and that the grantor specifically stated to the Land Use Director the purpose of the Quit-Claim transaction. The members commented on the possible intentions of a property owner to deliberately jeopardize the status of an approved building lot.

The members, Attorney Sullivan and Attorney Olson continued to discuss the effects of the Quit-Claim transaction. The appeal process for Planning & Zoning Commission decisions was discussed.

Sally Korsh stated that she believes there could not be an intent to make 96 Georgetown Road unbuildable by removing it from consideration as a lot since it was specifically purchased as such and she does not believe that the Quit-Claim Deed divides the property, other than to its ownership. Ms. Korsh stated that she believes that 96 Georgetown Road remains a lot that has sufficient frontage to be considered when determining Minimum Lot Dimensions for 98 and 100 Georgetown Road.

AP 3:58PM

CONT'D

Sally Korsh made a motion that the Commission approve the Application for a Zoning Permit; 98 Georgetown Road, Revised Parcel 515 B. Seconded by Jane Connolly. The justification for the Commission's approval was stated by Jane Connolly to include the reasons set forth by Sally Korsh and the reasons discussed on the record during the meeting, as well as the reasons given for the 2017 zoning permit approval. Ms. Connolly stated that the entire record be incorporated into the approval. Chairman Edgar commented that the entire record include the statement made on this date by Mr. Walpuck to Ms. Kulikowski in which he indicated the intent of the Quit-Claim Deed as well as the content of his letter, delivered April 16, 2018 to the Commission. Ms. Connolly commented that this Special Meeting was called to give Mr. Walpuck the opportunity to discuss his views on these referrals and she felt it was important that the record indicate as such. The Commission agreed that the conditions of the 2017 approval are to be carried over to this approval. Hearing no further discussion, vote in favor (7-0).

Sally Korsh made a motion that the Commission approve the Application for a Zoning Permit; 100 Georgetown Road, Revised Parcel 475 A. Seconded by Jane Connolly. The Commission agreed that the reasons and conditions set forth in the preceding approval are applicable to this application. Hearing no further discussion, vote in favor (7-0).

5 minute recess

DISCUSSION: TOWN PLAN OF CONSERVATION AND DEVELOPMENT – REQUEST FOR PROPOSALS

A Revised Request for Proposals drafted by Sally Korsh was reviewed by the Commission. The members provided Ms. Korsh with changes which she will incorporate.

Richard Wolf commented that he wanted the record to document that he does not agree with the format of the Request for Proposals. He believes that the Scope of Services are too indeterminate and that it is not appropriate for a public project.

Chairman Edgar made a motion that the Commission authorize Sally Korsh to make changes presented by the members and to then provide the revised document to Tracy to begin the Town's procurement process. Seconded by Jane Connolly. Vote in favor (6-1; opposed, Wolf).

APPROVAL OF MINUTES: APRIL 2, 2018

Hearing no comments, the Commission accepted the Minutes of April 2, 2018

AP 23 3:58PM

Britta Lerner made a motion that the Commission adjourn the meeting. Seconded by Chairman Edgar. Vote in favor (7-0).

8:53 p.m. Meeting adjourned