

or (ii) a map prepared by a licensed engineer or surveyor based on an A-2 Property Survey certifying said reliance, and making specific reference to such A-2 Property Survey. No survey shall be accepted a) where any new structure has been constructed or any existing foundation expanded on the property or any lot line has been altered following the date of such survey or b) where such survey was last certified more than ten years prior to the application date. The Commission may impose additional survey requirements from time to time by resolution. To the extent this section shall conflict with any other section of these regulations, the provisions of this section shall govern. (Added 12/30/09)

Section 410. Zoning Permits. No building or structure shall be erected, constructed, reconstructed, enlarged, altered or moved, or excavation made therefor, or work begun thereon, or use made of any land, until a zoning permit therefor has been issued by the Planning and Zoning Commission. No such permit shall be issued for any building or structure where said construction, addition, alteration, moving or use thereof would be in violation of any of the provisions of these Regulations. Before any permit shall be issued, written application therefor shall be made in duplicate on a form to be furnished by the Planning and Zoning Commission. Such application shall contain or be accompanied by the following, as appropriate. (Amended 2/1/84)

410.1 A certificate of approval of proposed water supply and sewage disposal facilities, signed by the Health Officer of the Town of Weston. Such certificate shall not be required if the zoning permit applied for does not involve changes in existing buildings or structures, in water supply, waste or sewage disposal facilities or requirements.

410.2 Two copies of a plot plan, drawn to a scale and certified substantially correct by a registered land surveyor, showing the actual shape, dimensions and area of the lot; the actual size and location on the lot and of all buildings proposed to be built on the lot and of any existing buildings or structures that shall remain, the existing and intended future use to be made of the proposed improvement and the premises; the number of families, if any, that each building is designed or intended to accommodate; proposed drainage facilities; existing and proposed contours of the land, if any change in grading is proposed. One copy of such plan shall be returned to the applicant subsequent to its approval.

411. *(Repealed and replaced by new Sections 411.1 and 411.2)*

411.1 Expiration of Zoning Permits. A zoning permit issued in connection with the construction of a Structure shall expire on the second (2nd) anniversary of its issuance date unless (i) all foundations included in the permit application have been substantially completed, and (ii) an A-2 Zoning Location Survey showing the location of such foundation in relation to all required setbacks has been submitted to, and approved by the Commission. This subsection 411.1 shall not apply to special permits. (Added 12/30/09)



Planning & Zoning Commission

LEGAL NOTICE DECISIONS

Notice is hereby given that, at a regular meeting of the Weston Planning & Zoning Commission held on June 1, 2020, via Zoom, the Commission:

APPROVED, the Release of Lot Development Bond; 52 Godfrey Road [Gunari Construction, LLC and Phyllis Schwartz]

APPROVED, WITH CONDITIONS, the Request for Extension of Zoning Permit; 98 Georgetown Road [Attorney Peter Olson for Sam Lampert and Arctic Construction, LLC]

The Commission's files are available on the Planning & Zoning's page of The Town of Weston's website: <http://www.westonct.gov/townhall/27652/28677/29272>

Dated June 2, 2020 in Weston, CT by Kenneth Edgar, Weston Planning & Zoning Commission Chairman

To be published on The Town of Weston's website: <http://www.westonct.gov/> under News Around Our Town: Land Use Boards – Legal Decisions & Notices, on June 2, 2020

PLANNING & ZONING COMMISSION REGULAR MEETING MINUTES
JUNE 1, 2020, 7:15 P.M.
HELD VIRTUALLY VIA INTERNET AND PHONE

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Present: Ken Edgar, Chairman; Jane Connolly [7:30 p.m.], Sally Korsh, Harry Falber, Britta Lerner, Richard Wolf

Not Present: Don Saltzman, Vice Chairman

Also Present: Tracy Kulikowski, Land Use Director, members of the public

Digitally Recorded [held virtually due to the COVID-19 State of Emergency]

7:20 p.m. Chairman Edgar called the meeting to order.

DISCUSSION/DECISION: RELEASE OF LOT DEVELOPMENT BOND, 52 GODFREY ROAD [GUNARI CONSTRUCTION, LLC AND PHYLLIS SCHWARTZ]

The Commission reviewed the May 20, 2020 recommendation by John Conte, Town Engineer, for a release of the erosion control bond of \$4,675.00. In his recommendation, Mr. Conte indicated that all disturbed areas, associated with the lot development, have been seeded and stabilized.

Britta Lerner made a motion that the Commission approve the release of the Lot Development Bond, 52 Godfrey Road [Gunari Construction, LLC and Phyllis Schwartz]. Seconded by Sally Korsh. Hearing no further discussion and a roll call vote, all in favor, the motion carried (5-0). Jane Connolly and Vice Chairman Saltzman absent.

DISCUSSION CON'T/DECISION: REQUEST FOR EXTENSION OF ZONING PERMIT, 98 GEORGETOWN ROAD [ATTORNEY PETER OLSON FOR SAM LAMPERT AND ARCTIC CONSTRUCTION, LLC]

The Commission reviewed a memo from Nicholas Bamonte, Town Attorney, dated May 27, 2020, which provided the members with a written analysis of the materials submitted by a neighboring property owner, concerning the requested extension. Mr. Bamonte came before the Commission to discuss his legal opinion that nothing expressed in these materials precludes the Commission from granting the requested extension. The Commission reviewed materials emailed to the Land Use Director, by the same neighbor, just prior to this meeting, in response to Attorney Bamonte's memo. Attorney Bamonte confirmed that the subsequent issues raised by the neighboring property owner do not influence his opinion. Mr. Bamonte discussed his review of deeds, maps and surveys relevant to the property's boundaries and frontage. The members asked questions and a discussion ensued. Attorney Peter Olson, representing the property owner, joined the dialogue.

Chairman Edgar made a motion that the Commission approve the Request for an Extension of the Zoning Permit, 98 Georgetown Road, for a period of one (1) year from the date that the permit would otherwise have expired and with the condition that the applicant demonstrate that the appropriate Westport/Weston Health Department approval has been received. Seconded by Jane Connolly. Hearing no further discussion and a roll call vote, all in favor, the motion carried (6-0). Vice Chairman Saltzman absent.

**PLANNING & ZONING COMMISSION REGULAR MEETING MINUTES
MAY 4, 2020, 7:15 P.M.
HELD VIRTUALLY VIA INTERNET AND PHONE**

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CONT'D

Ms. Gibilisco read a portion of the Subdivision Approval which discussed the subdivision bond.

Discussion continued between Attorney Sullivan and the Commission.

Mr. Ozgen spoke about the portion of Ms. Kulikowski's July 9, 2019 letter to Ms. Armbrust that referenced the septic system issue. Mr. Ozgen asked for a definition of the 15% contingency.

Chairman Edgar made a motion that the Commission approve the Request for a Subdivision Bond Release, Phillips Quail Ridge Subdivision, Quail Ridge Road (private road) [George and Emerson Phillips, Executors of the Olive Phillips Estate and Trustees of the Olive Phillips Trust U/A and Carolyn M. Armbrust, Trustee of the Thomas Phillips Trust U/A] as discussed on the record. Seconded by Jane Connolly. Following a brief discussion, Chairman Edgar amended his motion to add that the Commission delegate to the Town Engineer the final approval that the Road As-Built is satisfactory, as a condition to the release of the bond. Seconded, as amended, by Jane Connolly. Hearing no further discussion and a roll call vote, all in favor, the motion carried (7-0).

9:25 p.m.: Break

DISCUSSION/DECISION: REQUEST FOR EXTENSION OF ZONING PERMIT, 98 GEORGETOWN ROAD [ATTORNEY PETER OLSON FOR SAM LAMPERT AND ARCTIC CONSTRUCTION, LLC]

Attorney Peter Olson, representing the property owner, came before the Commission to request a one (1) year extension of the zoning permit. Mr. Olson gave a chronology of events that occurred including the Planning & Zoning Commission's approval of the zoning permit application on April 16, 2018, the subsequent appeal to the Zoning Board of Appeals [ZBA], the upheld decision by the ZBA and the notice of ZBA's decision in The Weston Forum, on July 5, 2018. Attorney Olson stated that his client, has been unable to begin construction on 98 Georgetown Road. Mr. Olson added that the current situation with COVID-19 has made commencement on 98 Georgetown Road difficult for the last two months and for the foreseeable future. Attorney Olson clarified that this is not a request for a new zoning permit; it is a request to extend the existing permit for one (1) year, and that questions raised by a neighboring property owner, including the Conservation Commission's duties and the ownership of the property, are irrelevant to the discussion. Ms. Kulikowski read the Weston Zoning Regulations, Section 411.1 Expiration of Zoning Permits. Discussion between the Commission, Attorney Olson and Ms. Kulikowski continued. Chairman Edgar stated that he would like the Town Attorney to review the materials submitted by the neighboring property owner and provide the Commission with a written legal opinion that nothing expressed in these materials precludes the Commission from granting the requested extension. Town Attorney, Nicholas Bamonte, joined the discussion. Attorney Bamonte agreed that his firm will provide the Commission with such a written legal opinion. The members agreed to discuss/decide this matter at the next meeting. No motion made.