



ZONING BOARD OF APPEALS

Regular Meeting

Tuesday, October 28, 2025

Hybrid meeting: Zoom & Town Hall Annex - Conference Room

In attendance: Chairwoman Ilene Richardson, Vice Chairman James Low, Members Daniel Gilbert, W. Macleod Snaith, Jason Bergman, and Land Use Director Richelle Hodza. Absent: Richard Wolf

1. Call to Order

The meeting was called to order at 7:31pm by Chairwoman Ilene Richardson.

2. Public Hearings

- A) *Variance application of Wiehl Holdings III, LLC (Wm. P. Wiehl) seeking relief from Town Code §240-11.F & §240-9.C(1) [cf., Zoning Regs §321.6 & §313.1] to construct retaining walls within the front setback and up to 12ft high at **36 River Road**, MBL 28-1-2.*

Chris Carr of Overland Architects presented on behalf of Wiehl Holdings III, LLC regarding a proposed single-family residence at 36 River Road, an environmentally sensitive site along the Saugatuck River. He provided background from the prior month's approval for structures within the front yard setback and outlined the current variance request for retaining walls exceeding the 6-foot height limit, up to 12 feet, as required by site conditions.

The retaining walls are necessary to support the proposed driveway and to minimize earthwork and impacts to adjacent wetlands. The maximum wall height (12 feet) occurs only at one section of the site; most of the wall will range between 6 feet and 1 foot in height. The top of the retaining walls will be no higher than the elevation of River Road and will not be visible from the street. Landscaping and a double-wall design will screen the walls for both aesthetic and safety purposes. The design minimizes fill, site disturbance, and environmental impact while providing safe access.

The applicant confirmed to the board that there is no other viable alternative without significant earth moving, which would adversely affect the wetlands and overall site sensitivity. Board members sought clarification that the wall would not be visible from River Road, and the applicant confirmed this intent and the related design conditions. The applicant also noted that a small portion of the wall may be visible for safety reasons, but plantings will be used for screening.

There were no comments from the public. Mr. Gilbert made a motion to close the public hearing, and Mr. Snaith seconded.

Deliberation and Decision

Board members agreed the request was technically justified and environmentally appropriate. Discussion focused on limiting visual impact and confirming compliance with safety standards. Consensus reached that the project was thoughtfully designed and sensitive to the site's conditions. Ms. Richardson made the motion to approve the variance. Mr. Gilbert seconded the motion. All in favor, motion carried (5,0)

B) *Appeal by One Good Hill LLC and Putnam's Landscaping LLC, both of which Grant Putnam is Member, of an Order to Cease and Desist certain Zoning Violations at 1 Good Hill Road dated 8/13/25 and 8/14/25.*

Attorney Peter Gelderman, counsel to the ZBA, opened the hearing with a brief explanation of the appeal process, clarifying that this matter concerns an appeal rather than a variance.

Ms. Richardson noted that all documents introduced during the hearing should be properly identified and incorporated into the record.

Attorney Jim Strub, representing the appellant, presented the background of the appeal regarding 1 Good Hill Road, a long-standing garden center and landscaping business. He explained that a cease-and-desist order had been issued following a notice of violation alleging a change from a nonconforming nursery/garden center use to a landscaping contractor's yard. The appellant asserted that Weston Gardens has operated continuously since before zoning regulations were adopted in 1950 as both an on-site nursery and an off-site landscaping service, maintaining a lawful pre-existing nonconforming use. Supporting documentation, including historical records and prior town approvals, was submitted. Attorney Strub stated that the business has evolved only with modern equipment and community needs, not in nature or purpose, citing case law (including *Zachs v. Zoning Board of Appeals*) to support that intensification does not constitute expansion of a nonconforming use.

Board members asked questions regarding the timing and scope of the historical use, sales to contractors, and whether the landscaping portion has expanded beyond the traditional garden center. The appellant responded that both retail and wholesale sales have always been part of operations and that changes in customer behavior account for current conditions. The appellant also noted efforts to reduce noise and maintain good relations with neighbors.

Land Use Director Richelle Hodza outlined the basis for the cease-and-desist order, citing increased truck activity, construction of new storage bays, and a reduction in nursery stock. She explained that a prior notice of violation had been withdrawn and replaced with a cease-and-desist order after consultation with the Town Attorney. Ms. Hodza stated that her research showed the former "Weston Gardens" was registered as a nursery/garden center and farm supply store (retail

use), while Putnam Landscaping LLC is categorized as a specialty trade contractor. She confirmed that Mr. Putnam has cooperated by removing certain retaining wall blocks and referenced 2022 correspondence from former officials noting retail-only operations in the past.

Public Comment:

Mary Welsh Lehrman of 8 River Road supported Ms. Hodza's findings; expressed concern about expansion toward a larger contractor's operation.

Leanne Sherrod, 5 Good Hill Road, Submitted written evidence; reported noise, lighting, and environmental concerns; urged the Board to uphold the order or impose operational limits if the business continues.

Kathy Thomas of 13 Hidden Hill Road noted increased truck traffic and lack of visible retail activity; suggested signage accurately reflects the current business.

Eileen Moore, 36 Weston Road reported positive experiences purchasing plants; supported current ownership.

Neighbor across from the property cited significant increase in truck noise and traffic; stated quality of life has declined.

Ole Schroeder of 28 Good Hill Road described the site's evolution into a large commercial enterprise; raised concerns about noise, lighting, and environmental impacts.

Chris Kimberly, 3 Broad Street, submitted Google Earth imagery showing site expansion between 2013 and 2020.

Due to the lateness of the hour, the hearing was continued to the next scheduled ZBA meeting on November 25, 2025. The Board agreed the appellant may begin with rebuttal, and both parties consented to holding the continued hearing via Zoom.

3. Approval of Minutes of previous meeting September 23, 2025.

Mr. Gilbert noted to changed the wording safe to unsafe "Board Member Gilbert stated that building a residence on this property, while respecting the 50-ft setback, would allow for safe construction." Ms. Richardson made a motion to approve the minutes amendment. All in favor. Motion carried (5,0)

4. Review and vote on 2026 schedule of regular meetings.

Mr. Gilbert made a motion to approve the 2026 schedule of regular meetings. Mr. Low seconded. All in favor. Motion carried (5,0)

5. Adjournment (The next regular meeting is November 25, 2025)

The meeting adjourned at 11:03pm

