

**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.

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**DISCUSSION/DECISION: REFERRAL FROM CODE ENFORCEMENT OFFICER:
REQUEST FOR CERTIFICATE OF ZONING COMPLIANCE, 27 INDIAN VALLEY ROAD
[TARAS LISOWITCH AND VASYL IVONIUK]**

Tracy Kulikowski, Land Use Director, read an email from the property owner, Taras Lisowitch, received shortly before the convening of this meeting. Ms. Kulikowski provided the members with the history of the property. The members reviewed a report, by JMM Wetland Consulting Services, LLC, which investigated the drainage class of the property's wetland soils. Questions about this referral, raised by an adjacent property owner, were discussed between the Commission and Ms. Kulikowski. The Land Use Director continued to discuss the history of the property with the members.

Chairman Edgar stated that he would like the Town Attorney to analyze the arguments submitted by the adjacent property owner and provide the Commission with a legal opinion that nothing noted in these materials precludes the Commission from approving the request for a certificate of zoning compliance. The members agreed to discuss/decide this matter at a future meeting. No motion made.

**DISCUSSION: TOWN PLAN OF CONSERVATION AND DEVELOPMENT – JUNE 6, 2020
PUBLIC HEARING ON THE DRAFT WESTON 2020 PLAN OF CONSERVATION AND
DEVELOPMENT**

The Commission discussed the upcoming public hearing, via a Zoom video webinar, being held during the current State of Emergency. The members stated the importance of obtaining community input and agreed that the hearing should go forward as scheduled. The Commission discussed the process following the public hearing.

**DISCUSSION CON'T/DECISION: PETITION TO AMEND THE ACCESSORY
APARTMENT REGULATIONS, SPECIFICALLY SEC. 345.4 OF THE WESTON ZONING
REGULATIONS, TO INCREASE THE MAXIMUM SIZE OF ACCESSORY APARTMENTS
FROM 800 SQUARE FEET TO 1,000 SQUARE FEET [PETITION BY JOSEPH AND LOIS
RYAN, 13 BERNHARD DRIVE] [20-03]**

The Commission reviewed a comparative list of Accessory Apartment regulations in surrounding communities, prepared by the Land Use Director. Chairman Edgar discussed issues raised in the Ryans' petition which include the increase in apartment size, excluding the interior access to the apartment in the calculation of the apartment size and how unfinished floor space is accounted for. Chairman Edgar stated that there is a technical issue concerning the terms "floor space" and "floor area" that are used in the regulations.

Joseph and Lois Ryan came forward and continued the discussion of their petition.

Richard Wolf expressed his opinion that this is an appropriate time for the Commission to discuss Accessory Apartments and how they may be beneficial to property owners by providing income to offset tax burdens and to renters looking for alternative opportunities to live in town.

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The Ryans described their home's specific configuration of the proposed accessory apartment.

Chairman Edgar stated that the regulations regarding Accessory Apartments are important to the community and involve several issues beyond those addressed in the petition.

Ms. Kulikowski discussed the process of the petition.

Chairman Edgar commented that there may be issues that the applicant has not explicitly addressed in the petition. The Commission agreed that the members and the applicant should continue this discussion and that the applicant might wish to review the petition for possible modifications. The applicant agreed to contact the Land Use Director in their review process.

DISCUSSION: GOVERNOR'S EXECUTIVE ORDER 7MM RELATED TO OUTDOOR ACTIVITIES

Ms. Kulikowski summarized the executive order related to Outdoor Activities.

APPROVAL OF MINUTES: APRIL 27, 2020 AND MAY 4, 2020

Hearing no comments, the Commission accepted the Minutes of April 27, 2020 and May 4, 2020.

Richard Wolf made a motion that the Commission adjourn the meeting. Seconded by Jane Connolly. All in favor, the motion carried (6-0). Vice Chairman Saltzman absent.

8:55 p.m. Meeting adjourned

Submitted by: AnnMarie Fontana, Admin. Assistant