

From: Benjamin Roberts <benjaminroberts@yahoo.com>
Sent: Saturday, October 12, 2024 12:02 PM
To: Richelle Hodza <rhodza@westonct.gov>
Subject: [EXTERNAL] Fw: 50 Old Redding Road - Re: Aspetuck Valley Country Club

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Hi Richelle,

My name is Ben Roberts, and I am the Weston Resident at 50 Old Redding Road (directly across from 67 Old Redding Road). We moved here in 2008, and have interacted with three generations of leadership at Aspetuck Valley Country Club.

Since 2009, Aspetuck has been improving their property, much of which has been a benefit for us. Occasionally, we get requests (2009, 2012, 2016, 2020) where we need to help steer the next generation of AVCC leadership back to prior commitments and agreements. The filing for their latest attempt to revisit prior rulings falsely indicates that there were no exceptions granted at 67 Old Redding Road (in a "nothing to see here" attempt 😏). I would like to share with you below the documentation of the current approved plan and Weston P&Z agreements to create a "green zone buffer" between the Road and structures at 67 ORR.

I will also try to contact you during normal working hours on Monday to discuss how I should approach this latest filing, but it is clear we are in "dejavu all over again" territory.

Thank you

- bdr

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----- Forwarded Message -----

From: "Benjamin Roberts" <benjaminroberts@yahoo.com>
To: "jlewis@westonct.gov" <jlewis@westonct.gov>

Cc:

Sent: Wed, Nov 28, 2012 at 19:45

Subject: 50 Old Redding Road - Re: Aspetuck Valley Country Club

Hi Joan,

Thanks for taking my call earlier today - and thank you for the meeting minutes that you take, I have referenced many of them below, and included them as attachments. Please share this letter with the P&Z Board on my behalf, with printed attachments.

I am writing you in regard to the letter I received from the P&Z Board that the Aspetuck Valley Country Club (AVCC) is requesting a modification to their construction permit for their expansion originally approved in July, 2009. I have met today with Carolyn Kepcher the new General Manager of the club, and reviewed the proposed modifications to the Tennis Courts and addition of a Plastic Bubble. Again, I apologize that I cannot appear in person at the meeting with P&Z due to the fact that I will be in London on Monday Dec 3rd.

BACKGROUND:

My name is Ben Roberts. My wife, Florence, and I have lived in Weston for 5 years. We love our town, and moved here rather than Westchester where I grew up in Rye because of the rural nature of this great town. I work Internationally quite a bit, and come home to Weston knowing that I can enjoy peace, quiet, and the beauty of nature here. That being said, we know we live on a beautiful golf course, and that there is activity around us because of that - that also keeps it interesting in addition to our other in the pond and the harrier in the tree. Because of this, we were very actively involved in the approval of the Expansion Plan for AVCC and the commitments that were made at that time. We appreciated the support and representation that the Planning & Zoning board enabled us to have in that process - we felt that we participated in government through the P&Z Board and that is an opportunity not everyone in the world has.

Unfortunately, since July 2009, there has been little follow-through by AVCC on the commitments that were made during the meetings with P&Z (I fear now bordering on gross mis-representations) regarding the "Buffer" plans. For the past 3 years, we have had construction, half-completed landscaping, unsightly pits by the side of the road, and uncertainty about when the project will end, or if it will. Maybe if the Special Permit they were issued had a timeframe associated with it this would have been resolved sooner - it is unclear to me. I shared this feedback with the new general manager of the club, Carolyn (glad she is here now), who committed to making it right, and pointed out that since September 2012, additional trees have been added to the buffer. I committed to sharing the original plans, renderings, and commitments with her to try and resolve this, 3 years on. Now with the request from AVCC to radically change commitments that they made regarding the use of the courts that were agreed to, I felt compelled to write to you, the P&Z Board, to ask for your help once again.

SUMMARY:

I respectfully request that the Planning & Zoning Board deny AVCC's application to place a "seasonal structure" (aka Plastic Bubble) on the planned tennis courts directly across Old Redding Road from my Home.

I request the denial of AVCC's application for the following four reasons:

1. A Plastic Bubble is obviously not in keeping with the rural nature of our town.
2. A Plastic Bubble clearly interferes with both the value and enjoyment of my Home at 50 Old Redding Road (See images attached Old Redding Road 1 and Old Redding Road 2 taken from my dining room on Nov 28th).

3. Activity in this area at night will pose a health and safety risk both on Old Redding Road and to the patrons of the club (and night activity was specifically excluded from the Special Permit Issued as per the July 6th, 2009 P&Z Meeting - questions asked by Dan Gilbert)

4. AVCC has not completed their prior commitments to the project, they should be held accountable for this - based on the meeting minutes of P&Z, their Special Permit was valid based on the "buffers" have which not been completed, nor has the project. (buffers committed to by AVCC in the July 6th, 2009, November 2nd, 2009 and November 16th, 2009 P&Z meetings).

ADDITIONAL DETAILS:

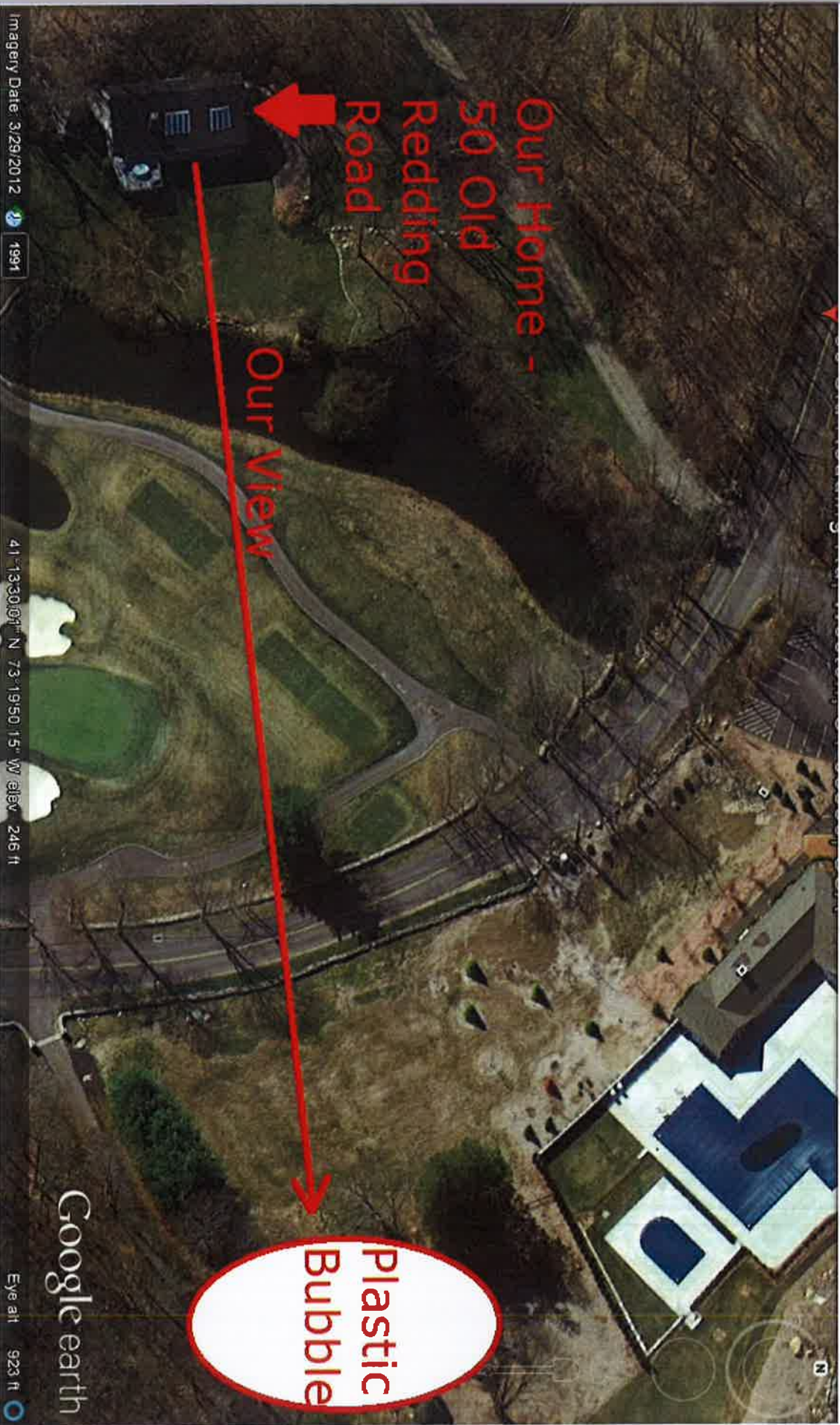
Putting a Plastic Bubble that is 16+ft high on top of the planned Tennis Courts that will be visible to my household, my neighbors, and the general public while travelling through our town makes little sense given the rural nature of our town. A bubble, that is remotely similar to the one attached (See image attached named: Rye NY Plastic Bubble from the website:

<http://www.thefarleygroup.com/RyeRacquetClubTennisDome/tabid/255/Default.aspx>) that was constructed in Rye, NY, does not belong in a town that prides itself as a Rural Community where: "Residents enjoy two acre zoning, a lack of commercial development, a focus on open space, and an outstanding educational system." and is described as: "Weston's unique rural, yet sophisticated, environment boasts an absence of busy commercial boulevards." (both quotes from our town website). Drive around Weston and find another Plastic Bubble structure covering a tennis court in the town...we don't have any. We have plenty of beautiful tennis courts, just no Plastic Bubbles.

Putting a Plastic Bubble over the planned Tennis Courts for "off-season" usage is also completely not in the spirit of which the P&Z board, I, and other neighbors agreed to the original plan with AVCC in 2009. As I recall, during the P&Z meeting in 2009 it was specifically agreed that no lighting or night activities would occur in the tennis court location (See attachment PDF named: PNZMin7609 point raised by Dan Gilbert). It was also discussed and agreed that the only off-season activities would occur by the Racquet Ball courts, which included the specific installation of a "Warming Hur" as noted on the plan and during the meeting. The lighting in the area near the Racquet Ball courts was specifically requested by Don Saltzman to be re-focused to not cast onto Old Redding Road as well. Additionally, a prior request for a parking lot to handle the overflow of parking during specific events (in the location where the Tennis Courts are now planned), was also denied with a similar discussion of not having cars at night starting and stopping with no lights in that area. Jane Connolly was very specific about this in prior sessions when the parking lot was declined, and Dan Gilbert was the one who confirmed it in the July 6th, 2009 meeting for the tennis courts.

Due to the fact that the area is to be used "off-season" it seems reasonable to assume that the parking location next to the Tennis Courts will become as busy as the parking location next to the Racquet Ball courts - therefore on a typical night, there will be 4 to 8 cars in that location, rotating every 30 min to an hour or so. It is also reasonable to expect that cars departing the location will have headlights on after 3pm in many instances - these headlights will shine directly into my Home on 50 Old Redding Road. As an example, this afternoon (Nov 28th) at 3:30 PM when cars departed the AVCC from the driveway that is next to the planned Tennis Courts, they had their headlights on, it is reasonable to assume that unless the location is to be closed at 2pm and open after 10am during the Off-Season, that headlights will be shining at and into my home, in a manner that they did not previously. The current usage of the driveway is for maintenance only, and therefore, although results in additional car traffic in our view, is not a direct impact on my home as most workers are leaving earlier in the day, or during a 30min period around 4pm. Notably, the plan that I was shown that had been submitted to P&Z for the new request to change the Special Permit is missing our home completely from consideration (we are to the West of the location, there are no homes on the diagram to the West). Yet, as





Imagery Date: 3/29/2012 1991

41°13'30.07" N 73°19'50.15" W elev: 246 ft

Google earth Eye alt 923 ft

Site of the proposed Plastic Bubble which will be visible from Old Redding Road and my Home.

Driveway where cars will come out of with headlights shining on my home at night.



New Poolhouse that was promised to be obscured from view in 2009 prior to construction

Incomplete Plantings from 2009 plan



Present: Stephan Grozinger, Chairman; Jane Connolly, Vice Chairman; Don Saltzman, Paul Heifetz, Dan Gilbert, Ridge Young. Absent: Katie Gregory

Meeting on tapes 1-4, dated 7/6/09

APPROVAL OF MINUTES: 6/15/09

Dan Gilbert moved that the Commission approve the minutes for June 15, 2009 with corrections by Stephan Grozinger and Dan Gilbert and other members of the Commission. Seconded by Jane Connolly. Vote in favor (6-0) Katie Gregory absent.

CHAIRMAN'S REPORT

The Chairman updated the Commission on the following:

12 Kellogg Hill Road – owner may be using his separate garage as a second dwelling.

112 Georgetown Road – violation of a commercial sign which still stands on the property.

DISCUSSION: ANDY FRANK, 112 GEORGETOWN ROAD – ENFORCEMENT PETITION (C&D) (J. PJURA)

Stephan Grozinger went over the material sent to the Commissioners, regarding Andy Frank's property at 112 Georgetown Road, which was the subject of litigation with the Commission in the 1990's and resulted in an order that the property cease being used as a commercial nursery. Also there is a matter of a commercial sign that still stands on the property. The Zoning Officer has issued a notice of violation followed by a cease and desist regarding the commercial sign.

There was also a discussion about "Permit Expiration" stated in the Chairman's report by Stephan Grozinger where he stated the following: "where the ZEO has issued a zoning permit and has either never been asked to issue the subsequent CZC or is asked after three years has passed. (this can occur inadvertently if the owner does not need financing or does not attempt to sell in that period). Under these circumstances, a property owner could obtain a zoning permit and then proceed to build within the setbacks. If he waits three years before asking for the CZC, we would lose our ability to require him to remove the structure. My proposed solution to this is to revise our Regulations to provide for an automatic expiration of a zoning permit if the recipient has failed to submit a foundation as-built within two years. Once the permit has expired, if friendly requests fail, we could issue a cease and desist and inspect for compliance before the three year statute of limitations runs out."

A permit log will be set in place, by the Land Use Director, to track these permits on EXCEL.

DISCUSSION: ANDY FRANK CONT:

A discussion followed and Don Saltzman felt that the next procedure should be a vote of the Commission rather than passing it on to the Board of Selectman. Don Saltzman then went into the history of this situation and also about the DEP inspections for hazardous waste on the property at 112 Georgetown Road. Also that Andy Frank does not live at this address and rents the house. A home occupation is not permissible as per our Zoning Regulations with a renter.

James Pjura, Zoning Officer present stated, that Andy Frank's attorney called him and wanted to know what is going to be done about the cease and desist.

Paul Heifetz felt that this is only about the removal of the sign. Don Saltzman stated that he wants to move one step further and that it is a lot more than taking down the sign. Discussion followed.

Jane Connolly moved that the Commission instruct the Town Attorney to commence legal action to collect the fines and order the statutory fines and remediation for Andy Frank, 112 Georgetown Road matter. Seconded by Don Saltzman. Vote in favor (6-0) Katie Gregory absent.

DISCUSSION: UPDATE OF TOWN ZONING EXEMPTION

Paul Heifetz felt that the Commission should move along. He also raised the possibility of going to Hartford and also to hire an attorney to advise us what our position is. He also felt that the Commission should discuss it further.

Don Saltzman felt that nothing is going to happen with the Board of Selectmen and it would be a waste of time. Discussion followed. Dan Gilbert suggested contacting Attorney Steven Byrne to see how much it would cost for a legal opinion. Dan Gilbert agreed to write the letter to Attorney Byrne and Paul Heifetz agreed.

PUBLIC HEARING CONT: SCHINDEL SUBDIVISION, 6 LOTS, MORTON SCHINDEL, 389 NEWTOWN TURNPIKE (GUIDERA)

Attorney George Guidera and Richard Bennett, P. E. were both present, representing Morton Schindel.

Attorney Guidera stated that the Schindel Subdivision had received approval from the Conservation Commission. He also submitted four copies of a revised subdivision plan with the revisions marked in yellow and proceeded to go over the plan in detail, including the open space. Richard Bennett P. E. explained the areas marked in pink for wetlands and water courses and blue/pink as conservation restrictive areas to provide a permanent buffer and the open space total area will be a little over 10% for the subdivision.

PUBLIC HEARING CONT: SCHINDEL CONT:

Attorney Guidera stated that Lot 6, the oversized lot of the subdivision is 7.1 acres. If Mr. Schindel does not use this lot for the museum, then he will ask the Commission to turn this 7.1 acre parcel into two lots. Discussion followed.

The museum could be scattered throughout all the buildings. If a special permit is granted, there would be no residences on this property, it would be only a museum.

Don Saltzman went over the Conservation conditions in detail and a discussion followed. He also questioned if Mr. Schindel will sell to a developer? Attorney Guidera stated that at present, Mr. Schindel is only doing estate planning. He is also trying to move towards conformity for all the lots. Then there was a discussion of the open space and the surrounding land of the subdivision. Paul Heifetz questioned the total acreage and Attorney Guidera stated "that it is 18.4 acres and the open space will be 1.9 acres which is over the 10%".

Don Saltzman verified that 389 Newtown Turnpike is the only dwelling and the current dwelling.

Attorney Guidera went over the Land Use Director's memo dated 4/19/09 to Robert Turner regarding factors which the Commission should address and obtain clarification at the onset of their discussion of this application. Attorney Guidera addressed all five points in the memo.

Don Saltzman questioned Attorney Guidera, that this application meets all the current regulations for a subdivision. Attorney Guidera stated "yes"

Dan Gilbert asked the applicant for a zero incremental runoff statement. Richard Bennett, P. E. stated that he still has to meet with the Town Engineer and questioned what exactly the Commission needs? Stephan Grozinger stated that he needs to meet the requirements of Section 3.11.3 of the Subdivision Regulations.

It was also stated that the applicant is missing health approval, a sedimentation and erosion control plan, septic feasibility and the zero incremental runoff statement.

The Land Use Director stated that with the extension letter that Attorney Guidera provided, the public hearing can be extended to the September 8th meeting.

Public Comment: none

Don Saltzman questioned the construction of the subdivision road and its sequence of paving. The subdivision regulations require that the road be done in 5 years.

The public hearing will be continued to July 20th.

PUBLIC HEARING CONT: SPECIAL PERMIT – POOL & POOL HOUSE
ASPETUCK VALLEY COUNTRY CLUB, 43, 47 AND 67 OLD REDDING ROAD
(FALLON)

Attorney Fallon gave a background of what has happened so far with this proposed application. The Commission conducted a site walk. He submitted a memo of a summary of details with six items of approval and how the application has met the standards for a special permit approval.

Wesley Stout, Landscape Architect and Planner, went over the details of the area in front of the pool which will provide continuous movement of traffic for the safety of the children in the pool area. This improvement will also allow for emergency vehicles.

Attorney Fallon read the memo, dated 7/6/09, from the Fire Marshal into the record as follows:

“Wesley Stout Associates sent me a Revised Site Plan, dated 7/6/09, to allow better access for emergency vehicles to the new Pool House parking area. John Conte and I reviewed the revision and approve it.”

Attorney Fallon requested that the Commission approve the revised plan.

Questions from the Commission members included the following:

Does the application meet the requirements of Community need. Jane Connolly stated that the TLC case that Attorney Fallon used as reference regarding community need was not on point visa vis the community need requirement in our regulations. Attorney Fallon disagreed. A discussion followed.

Attorney Fallon went over his summary point by point. Wesley Stout explained that there is no intensification with this proposed plan and explained the size of the maintenance building. Don Saltzman questioned approvals from OSHA and the Health District. It was stated that the Club is following what has been mandated to protect the equipment.

Ridge Young questioned that the only increase in acreage is the Alley property? The answer was “yes”. Attorney Fallon stated that a condition of approval would be the merger of the three properties, (the Club property, the Alley property and the Kimberly Property.

Dan Gilbert confirmed with the applicant that there are 66 acres in total in Weston and all the neighbors have been notified and that there is an A2 survey. Attorney Fallon agreed.

Wesley Stout and Attorney Fallon went over the entire plan in detail for the application.

PUBLIC HEARING CONT: ASPETUCK VALLEY CC CONT:

Ron Ochman, P. E. went over the drainage plan, in detail, and how it is designed to meet all the requirements.

Don Saltzman raised the question of the Robert's property, across the street from the Club, at 50 Old Redding Road. Attorney Fallon stated that the Roberts' property is in the flood plain and quoted here before that the Club's elevations would not impact the Robert's property. Mr. Saltzman raised the question of the drain under the road. The Town Engineer had stated that the pipe needed to be cleaned out which will help the Robert's property.

The Commission asked Ron Ochman, P.E. for a signed letter and to change the address to 50 Old Redding Road, which read as follows:

"Our office obtained field levels to verify the difference in elevation between the walkout of 50 Old Redding Road and the low point of Old Redding Road which is slightly south of the 30" culvert under Old Redding Road. The low point in the road is approximately two feet less than the walkout at 50 Old Redding Road. Because the road is fairly flat and open without restraints for a distance of 30 feet, this would allow for any overflow from the 30" inch pipe to pass to the easterly side of Old Redding Road and prevent the water from rising up to the elevation of the walkout at 50 Old Redding Road"

Mr. and Mrs. Roberts were present and satisfied with the explanation. Another concern from the Roberts is the proposed landscaping and screening for the Club directly across Old Redding Road from their house. Attorney Fallon explained the additional screening that will be added and the Roberts stated that they would like a denser screening in front of the tennis courts which is currently not there. Don Saltzman asked the Club to work with the Roberts and to do the screening during the construction phase. Dan Gilbert felt that this could be made a condition. Wesley Stout stated the screening would be a combination of maple varieties and evergreens. Jane Connolly stated that on her site walk of the Club, it was stated that they were going to save as many trees as possible.

Dan Gilbert confirmed with Attorney Fallon if there are any buildings in the setback. Attorney Fallon stated "no". Also confirmed that there will be no lighting in the overflow parking area by the Soundview property and confirmed the landscaping plan. The answer was "yes". Confirmed the building height for proposed buildings and the number of parking spaces, existing and proposed. Also that the buildings and parking in Weston section of the Club will be less than 2% coverage. Attorney Fallon agreed.

Paul Heifetz questioned that with this plan that the Club will have no overflow parking on Old Redding Road. Attorney Fallon stated that the Club will try.

PUBLIC HEARING CONT: ASPETUCK VALLEY CC CONT:

Jane Connolly wanted confirmation that the new tennis courts will not be lighted. Attorney Fallon stated "that is correct". She also noted that the main concern is the landscaping.

Public Comment: none

Attorney Fallon read his summary to the Commission.

Don Saltzman questioned Attorney Fallon if the Club plans to buy any more property? Attorney Fallon replied "that the Club is done".

Don Saltzman moved that the commission close the public hearing. Seconded by Dan Gilbert. Vote in favor (6-0) Katie Gregory absent.

DISCUSSION: CONVEYANCE OF OPEN SPACE FOR TANNERY LANE SOUTH SUBDIVISION (GUIDERA)

Attorney Guidera presented a map of his subdivision, Tannery Lane South Subdivision, and went over the lots and the open space on that plan. At present he is installing monuments for the road and will be ready to present it for approval. He reported on conversations with the Aspetuck Land Trust and the Nature Conservancy regarding his open space and what he would have to accomplish with them to turn over the open space. He stated that he will not give the open space to the Town of Weston.

Don Saltzman questioned Attorney Guidera on what would be a reasonable amount of time to get the deed done, 18 months? There was a discussion that this was not stated as condition in the list of conditions of the subdivision.

Don Saltzman moved that the Commission should extend the open space requirement under the subdivision approvals so that the conveyance to the Aspetuck Land Trust may occur before December 31, 2010.

Ridge Young Seconded. Vote in favor (6-0). Katie Gregory absent.

OTHER BUSINESS:

Paul Heifetz questioned "what is the Commission's position' for the Town Meeting on Thursday, July 9th on the Valley Forge Road Bridge. Stephan Grozinger explained the Selectmen are meeting because Planning & Zoning denied the 8-24 report on the Valley Forge Road bridge, and now it goes to a Town Meeting. A discussion followed.

Meeting adjourned.

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval:

SPECIAL MEETING

Present: Stephan Grozinger, Chairman; Jane Connolly, Vice Chairman; Don Saltzman, Paul Heifetz, Katie Gregory, Ridge Young, (Dan Gilbert absent)

PUBLIC HEARING: 8-24 REPORT: VALLEY FORGE ROAD BRIDGE REPLACEMENT (TOWN OF WESTON)

The Chairman read the legal notice into the record for the public hearing.

Present for this application: First Selectman Woody Bliss, Selectmen Gayle Weinstein and Glenn Major. Tom Landry, Town Administrator, Town Engineer John Conte, Robert Turner former Zoning Officer, Seth Miller, abutting neighbor.

First Selectman Wood Bliss submitted the requested A2 survey to the Commission and explained in detail, the property that belongs to the Town and not the Aquarion Water Company. Also explained Seth Miller's driveway and that the activity is all on Town property.

Stephan Grozinger questioned the status of the Miller driveway and did it cross Town land because of an easement on Town property? It was noted that the driveway ordinance allows certain provisions. It is essentially a public road into Town property with no easement. A discussion followed.

Stephan Grozinger expressed his concern on what the Selectmen have given the Commission, is an A2 survey right of way survey rather than an A2 property survey. The right of way survey did not depict adjacent properties. An A2 right of way survey only certifies as to the accuracy of the roadbed, whereas an A2 property survey shows easements, restrictions, and property boundaries.

Peter Iffland, Surveyor, hired by the Town and present, created the Right of Way survey. He stated that it is a Right of Way survey, it meets the A2 and concerned about the content. It does show the right of way of the road and nothing else. If it triggered an encroachment, it would show.

A discussion followed regarding the Chairman's expectations.

Mr. Iffland stated he was not obligated to show easements because it was not what we were asked to do.

Ran McNeil stated that the surveyor indicated that there is a road in the area that goes north and west to a town called Valley Forge. State of Connecticut's agreement with Bridgeport Hydraulic was that the Bridgeport Hydraulic Company would subsidize this road to connect with Route 53. Filed in Volume 3, page 395 of the Land Records for the

Town of Weston. A discussion ensued. Mr. McNeil also stated that the property, a 20 acre parcel to the south of the existing bridge was to be for passive recreation only. It is recorded on the land records and involves the Devil's Den area. Mr. McNeil continued on with other historical points.

Selectman Glenn Major reported that the Town Attorney had given an opinion on this 20 acre space. Peter Iffland, Surveyor, was not familiar with this document.

Stephan Grozinger questioned "does any of this new roadway go onto this piece of property now. Ran McNeil stated "no" The property for the bridge is south of the existing bridge and would encroach on the 20 acres owned by the Town.

Stephan Grozinger stated that the Commission does not have an A2 property survey and it does not address adjacent land owners. The Commission has a road survey.

Attorney George Guidera present for another application advised to follow all the legalistics of this project.

Stephan Grozinger addressed the First Selectman and Selectman Gayle Weinstein questioning if Planning & Zoning can put a restriction like this on an 8-24 Report. Mr. Bliss did not believe that the Planning & Zoning Commission has the authority and should just say yes or no.

Don Saltzman referred to a timetable for the grant money. He stated that all the State offices have approved the bridge. The last part is the Planning & Zoning 8-24 Report. We can issue recommendations but not conditions. If the Commission gives a positive report and it is recorded that all legal hurdles be addressed by the Town and satisfied. We have a 27 day window to get the State government to sign off on a loan. The restrictions would be that everything has to be cleared up.

Paul Heifetz q questioned "would it be up to the Town Counsel to deal with the illegalities?"

Katie Gregory questioned if the Commission is comfortable with the A2 presented?

Stephan Grozinger stated that the A2 should be the existing roadway and proposed roadway. This A2 just shows the existing roadway. There is no showing the proposed roadway and any land it travels over and any legal issues that might result.

Public Comment: Amy Chadwick of Oak Lane stated her concern about conducting an archeological Native American tribal review, study, survey and consultation of Native American and Indian artifacts and ancient ties to tribes. She believes that this is according to Section 106 "national historic preservation act". She finally stated that the Town should leave the bridge where it is and fix it.

PLANNING & ZONING MINUTES FOR AUGUST 3, 2009 PAGE 09-98
8-24 REPORT CONT:

Don Saltzman stated, just for the record, that the cell tower in the land fill had an Indian expert and the Town is aware that it is something that has to be done.

A resident stated his concern about the safety of the road and should the bridge be shut down? The response was that it was not at the shut down stage. Town Engineer John Conte stated that he has been taking core samples since 1997 and that is why we are at this point now to replace the bridge for these reasons. He stated that the inspections have gone from good, to fair to poor. Mr. Conte went over what he has been doing over the past years inspecting the bridge.

Paul Heifetz question if bridge construction would start in May of 2010?

Seth Miller, owner of the property with the driveway affected, was pleased to have the survey and being that it was a public hearing, was able to ask questions.

Robert Turner thought the A2 of the property included the bridge. It does not however, show the Town property line. The Commission needs to know where the new bridge is going to be in relationship to property line of the Aquarion Water Company property and the property line of the Town property and do not have a map that shows that. The Commission would then know if the Aquarion Water company is involved or not.

Don Saltzman questioned the schedule for construction. Tom Landry, Town Administrator stated that the project has not gone out to bid yet and that will determine the schedule; probably about April or May, 2010 for the demolition. First Selectman Woody Bliss stated that the critical date now is August 26, 2009.

Stephan Grozinger, speaking to the surveyor, asked "could an A2 survey on the road bed and the entire 20 acres be created in time"? It was stated that it would take 21 days and the Town has 20 days. A discussion ensued.

Ran McNeil suggested that the Commission request title searches on three surrounding parcels. A discussion continued to clarify exactly who would be notified.

Stephan Grozinger stated to do a title search of those properties. Selectman Major felt that current owners would show deed restrictions.

Discussion followed of the Commission members.

Don Saltzman stated that he wished the Commission to expedite this 8-24 Report as soon as possible. If the Commission votes affirmative with recommendations that are applicable, usually are not binding, but in this care it is an obligation.

Paul Heifetz felt the Commission should approve passing the suitability of Town land. Our purview is to say if it is proper, with construction being done properly. He was in favor for an approval tonight.

Ridge Young agreed with Paul Heifetz.

John Connolly felt that the proper use of Town land seems to have been clouded and is also learning a lot about A2 surveys. She also understands that the bridge needs to be fixed and the Commission needs to get moving. She felt the Commission should go ahead provided all these discussed items are cleaned up.

Stephan Grozinger felt it is unfortunate we are in this position with the A2 survey. We have what we have and have hammered it out to be in a good position. He felt the Commission should approve this proposal subject to a condition that the Board of Selectmen obtain the title searches on the neighboring property; which should be very quick and inexpensive

Katie Gregory stated her concern about the property lines not being exact.

Don Saltzman started a discussion of what is a condition vs. a recommendation.

Don Saltzman moved that the Commission close the public hearing. Seconded by Paul Heifetz. Vote in favor (6-0) Dan Gilbert absent.

After public comment and back and forth discussions, the Commission ultimately voted to give the project a positive review.

MOTION

Paul Heifetz moved that the Planning & Zoning Commission has reviewed the Board of Selectmen's application, dated August 3, 2009, and accompanying materials related to the replacement of the Valley Forge Road Bridge over the Saugatuck River, road safety improvements along the approach roadways, and related storm drainage improvements, and finds as follows:

The proposal is approved provided that the Board of Selectmen cause to be performed a title search for each property affected by the project and shall direct the Town Attorney to review the title search and resolve any discrepancies revealed by the title search.

Seconded by Jane Connolly. Vote in favor (6-0) Dan Gilbert absent.

PUBLIC CONT: SCHINDEL SUBDIVISION, 6 LOTS, MORTON SCHINDEL, ET ALS. 389 NEWTOWN TURNPIKE (GUIDERA)

Attorney George Guidera and Morton Schindel were present.

The Land Use Director stated that there was a miscalculation in the counting of days for the subdivision timeline by herself and Joan Lewis and Mr. Schindel was on the agenda for this evening to close the public hearing instead of September 8th.

Attorney Guidera went over several documents in detail, to be submitted to the file. These included "Grant of Conservation Restriction and Agreement of Responsibilities; Indemnity". The purpose of all this was to get the Schindel subdivision up to code and not setting a precedent for any future subdivisions.

Two other memos were discussed. One from the Town Engineer, dated July 31, 2009, as follows:

"the engineer has provided the drainage analysis for the above referenced subdivision as I requested in my report to your commission referring to item number 9 of that report, dated May 18, 2009.

I have reviewed the report and find the analysis and recommendations concerning proposed post development on site drainage containment satisfactory to this office"

The second memo is from Fire Chief John Pokorny, dated July 30, 2009, as follows:

I have completed a plan review of the Weston Woods subdivision (plans dated 6/24/09) and find that the access proposed for emergency service vehicles is acceptable.

It is my understanding that residential sprinklers will be installed in all new construction in the subdivision.

I would recommend that a dry hydrant be installed in the pond on the West side of Weston Woods Road across from lots 3 and 4 to protect the Subdivision during the construction phase of the project. This hydrant would also allow the Fire Department adequate water supply for existing buildings on the property that may not require sprinklers. Generally insurance companies will give a discount to properties within 1000' of a dry hydrant."

Don Saltzman suggested the installation of a 30,000 gallon underground tank for water storage. A discussion of sprinklers followed and felt it would be done if a museum permit was submitted and approved.

Also noted that there is a drainage report and bond estimate for the road, in the file.

PUBLIC HEARING CONT: SCHINDEL SUB. CONT:

Jane Connolly moved to close the public hearing for the Schindel Subdivision. Vote in favor (6-0) Dan Gilbert absent.

To be on the agenda for September 8th for a discussion/decision.

RECEIPT OF APPLICATION FLOOD ZONE DEVELOPMENT PERMIT, POOL, 4 OLD REDDING ROAD (LIEBOW)

The owner, Mr. Liebow was present to submit an application for activity in a flood zone for a pool at 4 Old Redding Road. He has been the owner for four years. He stated that a permit had been issued by Conservation in 2005 before he bought the house and that permit is about to expire. In addition to the pool there will be some patio work, a deck, pergola and steps. Also stated that the Aspetuck River floodway is in front of the house And the proposed pool would be 120 feet from this.

Don Saltzman asked if the engineer had checked all the flood plain requirements and the response was that the engineer is working on that.

Mr. Liebow and Fred Anderson, Conservation Planner, have talked to FEMA and FEMA stated they had no concerns.

The Land Use Director reported that Mr. Liebow was also before the Conservation meeting tonight and the members of that commission will walk the property.

Stephan Grozinger moved that the Commission receive the flood zone development permit for a proposed pool at 4 Old Redding Road. Seconded by Ridge Young. Vote in favor (6-0) Dan Gilbert absent.

The Land Use Director requested an extension of one day to allow the public hearing to start on September 8th a Tuesday instead of Monday, September 7, due to the Labor Day holiday. Mr. Liebow granted that extension.

DISCUSSION ENFORCEMENT: 4 GOODHILL ROAD, CHILDREN'S HEALTH SERVICES LLC – ADVERTISEMENT IN THE WESTON FORUM

Dr. Lieberman was present. Stephan Grozinger stated that at Commissioner Paul Heifetz's request, this item was put on the agenda. Paul Heifetz stated that the Commission issued a cease and desist in early 2009. The Commission had a discussion with Dr. Lieberman and granted a waiver to the cease and desist given to Dr. Lieberman until the end of the year, to work out his affairs. He noted in the Weston Forum on July 23, 2009 an advertisement by Dr. Lieberman, stating the addition of two new doctors. He felt this was in gross violation of the Zoning Regulations.

DR. LIEBERMAN CONT:

Mr. Heifetz felt it is flagrant violation of the regulations with relation to the number of employees and the waiver letter should be rescinded and a new cease and desist order should be issued. He explained that the Commission was trying to revise the home occupation.

Katie Gregory gave a brief history of the doctor's office and explained that many patients are still there and Dr. Lieberman trying to serve his patients well until the end of the year.

Jane Connolly read the ad with two doctors coming on board by August 1, 2009. Ridge Young felt the Commission never gave any restrictions to Dr. Lieberman.

Don Saltzman asked Dr. Lieberman if these were the same two doctors that previously left the practice. The answer was no.

Dr. Lieberman stated that in order to have the public know who is working for you, the easiest way is to put an ad in the paper. He also stated he would like to inform the Commission that he has never been issued a cease and desist and but would be given time to December 31st if he did not comply. He just received a letter from the Zoning Officer.

Dr. Lieberman explained why Drs. Gorman and Cohen left the practice as they did not want to live in the house. He did not see why the Town does not want a pediatric office. Also stated on what you have done to me is very damaging to my practice. He would like to stay for two more years and you are making it difficult. He stated that he has lost 50% of my patients and not getting new patients and trying very hard to conform to what you are requesting.

Paul Heifetz referred again to the Zoning Regulations. Dr. Lieberman questioned Mr. Heifetz and his wife's business of the Weston Forum having more than two employees in the past. A discussion followed.

Stephan Grozinger stated the Commission wants to allow you to do what you want to do and we intend to bring in other people who are in violation. You are not being singled out and very sympathetic with your situation and I think the Commission has been fair and we are obligated to enforce the zoning regulations.

Dr. Lieberman stated that I have until December 31st to conform and to threaten me now is completely unfair. I have not added two doctors because some are gone.

Don Saltzman stated that this is very unfortunate and the Commission is between a rock and a hard place. It is beyond question that nobody wants to put a doctor out of business, but the Commission had to uphold the regulations. I hope you are working towards legalizing the situation and make the whole situation disappear. A discussion followed.

DR. LIEBERMAN CONT;

Dr. Lieberman stated that he would love to have this practice to continue after I am gone but no way can it continue with just two employees.

POSSIBLE EXECUTIVE SESSION. POTENTIAL LITIGATION, ASPETUCK VALLEY COUNTRY CLUB

Stephan Grozinger felt that there was no reason to go into Executive Session. He then stated that on July 20, 2009, the Commission approved the Aspetuck Valley country Club Special for a pool and other facilities. The Section 336 of the Zoning regulations for special permit site states one year to complete the project. Attorney Fallon, for the Club, stated that the project cannot be completed in one year.

Jane Connolly felt that the Club could come back to the Commission in one year and the Commission possibly give an extension. A discussion followed.

Don Saltzman felt it cannot be changed now as it is the regulation. The Club could apply now for a modification to a special permit – outline the hardship and get a quicker timetable.

Stephan Grozinger agreed and feels the Club will sue the Commission and anticipate that in the next few days.

Stephan Grozinger prepared an amendment draft of Section 337 which is an extension of time for the special permit and capture the Club and other special permits that are missing dates due to tough economic times. A discussion followed.

The amendment draft that Stephan Grozinger presented is as follows:

PROPOSED ZONING REGULATION AMENDMENT – EXPIRATION OF SPECIAL PERMIT.

336. Expiration of Special Permit (AMENDED). A special permit shall be deemed to authorize only the particular use or uses specified in the permit. A special permit shall expire if (i) said use or uses is intentionally abandoned or is changed to another use, or (ii) all required improvements are not completed as of the date which is five years following the date of issuance of the special permit, or such shorter or longer period as determined by the Commission and set forth in the conditions of approval. The Commission may extend any expiration date upon application by the permittee.

337. Extension of Certain Special Permits (NEW). Notwithstanding the terms of Section 336 or any condition of approval to the contrary, special permits granted between

AMENDMENT CONT:

December 1, 2007 and September 2009 shall not expire for failure to complete required improvements, unless a required improvement remains substantially incomplete as of the date which is five years following the date of issuance of the special permit.

Existing Regulation, page 20, Zoning Regulations of the Town of Weston (4/16/09)
336 Expiration of Special Permit

A special permit shall be deemed to authorize only the particular use or uses specified in the permit. It shall expire if said use or uses shall cease for more than one year for any reason, or if all required improvements are not completed within one year from date of issue, or if all such required improvements are not maintained and all conditions and standards complied with throughout the duration of the use.

The Land Use Director stated that the amendment will be sent to SWRPA and 35 days for an opinion. The public hearing would be on 9/21/09. Also Stephan Grozinger will send a letter along with the public notice to explain the situation to all of the residents noticed for all recent special permits.

MOTION:

Don Saltzman moved that the Commission approve sending the draft amendment revision to special permit regulations to the Town Attorney for a possible boiler plate and legal approval. Seconded by Paul Heifetz. Vote in favor Don Saltzman, Paul Heifetz, Jane Connolly and Stephan Grozinger. Not in favor Katie Gregory and Ridge Young Dan Gilbert absent.

Meeting adjourned.

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval

PLANNING AND ZONING MINUTES FOR NOVEMBER 2, 2009 PAGE 09-122

Present: Stephan Grozinger, Chairman; Jane Connolly, Vice Chairman; Don Saltzman, Paul Heifetz, Katie Gregory, Ridge Young Dan Gilbert resigned to run for the Board of Selectmen

Also present: Tracy Kulikowski, Land Use Director

Meeting on tape dated 11/2/09

TOWN PLAN – 6 P.M.

Discussion of the proposed survey – wording and distribution

REGULAR MEETING: 7:15 P.M.

APPROVAL OF MINUTES: 10/19/09

Jane Connolly moved that Commission approve the minutes of the October 16, 2009 meeting with correction. Seconded by Ridge Young. Vote in favor (5-0) Paul Heifetz abstained

CHAIRMAN'S REPORT

Discussion of a dead tree posing a safety hazard, in the right of way of a Tannery Lane Subdivision road. The road system is completed for the subdivision but has not been deeded to the Town. A resident of this subdivision has requested its removal and there is remaining bond money to cover the cost.

DISCUSSION ASPETUCK VALLEY COUNTRY CLUB, 43, 47 & 67 OLD REDDING ROAD, REVIEW OF LANDSCAPING PLAN PER SPECIAL PERMIT APPROVAL (E. COOK)

Postponed to the next meeting on November 16th, 2009.

DISCUSSION REGARDING POTENTIAL AMENDMENTS TO THE ZONING AND SUBDIVISION REGULATIONS

Jane Connolly went over her revisions, with the members, to the draft of potential amendments (Sections 312.7, 411, 411.1 and 411.2 and New Sections 312.9, 348.4 (c and 401; Repealing Sections 341.6 and 321.1i to the Zoning Regulations and Section 3.12 of the Subdivision Regulations. A copy of the draft has been sent to SWRPA and will receive an opinion from them at the end of the month. Also these potential amendments will be discussed with the Town Attorney. The discussion included the proposed regulation for the "Disabled" and also "Set Backs from Watercourses" and Open Space Reservations for Parks and Playgrounds in the Subdivision Regulations. This discussion will be continued to the next meeting on November 16th.

DISCUSSION REGARDING POTENTIAL AMENDMENTS TO THE ZONING REGULATIONS cont:

There was also a discussion of doing a template of requirements for an 8-24 report.

The members will attempt to finalize the document at the next meeting and wait for the opinion of SWRPA.

DISCUSSION RE: NOMINATIONS FOR CHAIRMANSHIP OF THE PLANNING & ZONING COMMISSION

The members suggested that nominations and election of the Chairman of the Planning & Zoning Commission be held at the next meeting.

The nominations and election of the Vice chairman of the Planning & Zoning Commission to be held at the December 7th meeting.

TOWN PLAN

A discussion continued regarding the “draft” of the Town Plan of Conservation and Development.

Meeting adjourned.

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval: Unanimous approval on November 16, 2009

PLANNING & ZONING MINUTES FOR NOVEMBER 16, 2009 PAGE 09-124

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

Also present; Tracy Kulikowski, Land Use Director

Meeting on tapes 1-4 dated 11/16/09

David Allen and Joe Limone were introduced as new members of the Planning & Zoning Commission.

TOWN PLAN

Members discussed the Town Plan "draft".

Newly elected First Selectman Gayle Weinstein was present to introduce herself to the Commission members and stated that she looked forward to working with them.

APPROVAL OF MINUTES:

Stephan Grozinger moved that the Commission approve the minutes of November 2, 2009. Ridge Young seconded. Vote in favor (7-0)

CHAIRMAN'S REPORT

Stephan Grozinger reported on his meeting with the Zoning Enforcement officer and the Town Attorney and stated that he wanted the Commission business to remain as open and public as possible. The Chairman stated that he does not want the Commission to become secretative.

DISCUSSION: ASPETUCK VALLEY COUNTRY CLUB, 43, 47 & 67 OLD REDDING ROAD, REVIEW OF LANDSCAPING PLAN PER SPECIAL PERMIT APPROVAL (E. COOK).

Wesley Stout of Wesley Stout Associates and also Mr. Klaasen, representing the Finance Committee of the Club, were present.

Mr. Stout presented a proposed landscaping plan of the plantings along Old Redding Road in front of the pool area, tennis courts and maintenance building. He went over the plan in detail. The Commission felt that this plan was the same plan that was presented at a previous meeting and stated that they had asked for, as follows, from the legal decision.

"Landscaping and buffers: The applicant shall install and maintain in perpetuity such landscaping, trees and other plantings substantively as shown of the submitted Site Plans except that more buffering and screening that is currently shown on SP2. Such

DISCUSSION: ASPETUCK VALLEY COUNTRY CLUB CONT:

landscaping, trees and other plantings are to provide a complete visual screening of and to that portion of the property known as 47 Old Redding Road which borders on Old Redding Road. In doing so, the stone wall in front of 47 Old Redding Road on Old Redding Road is to remain and be maintained by Aspetuck Valley Country Club. The applicant shall, in consultation with the owners of 50 Old Redding Road, so modify the landscaping plan shown on SP-2 of the Site Plan. The modified landscaping plan shall be reviewed and approved by the Planning & Zoning Commission before a building permit will be issued”.

The Commission members did not feel that the plan presented tonight had been modified and was the same that had been presented at a previous meeting. The landscaping contained over 100 trees of a native plant mix. A discussion followed.

Don Saltzman asked if Mr. Stout had a point of view from the Robert's property? Mr. Stout stated that he did not. However, it was noted that the Club had talked with the Robert's and they were okay with the proposed landscaping plan which has been confirmed by letter submitted by Joe Jordan, President of the Club, dated November 16, 2009, to the file.

Jane Connolly did not see the submitted landscaping plan, as a complete buffer at all. She also referred to the pile of dirt that had been brought to the Commission's attention about 9 months ago and has not received a report as yet. A soil test was to have been conducted and a destination for the dirt was to be disclosed.

Mr. Klaasen, a member of the Club, stated that he did not know about the plans for the dirt and will research the situation. Don Saltzman questioned if the dirt was destined to fill the foundations of the Ally/Kimberly houses after they are demolished?

Jane Connolly felt the plan submitted tonight is so close to what was presented before and stated that when you go around the curve on Old Redding, it should look like a country road and the Club should be completely screened. Mr. Klaasen stated that Mr. Cook of the Club met with the Robert's and if we need more landscaping, the Club will do so.

Mr. Stout went over, in detail, the type of trees that are going to be planted. Ridge Young asked if you will be able to see the tennis courts? Mr. Stout stated that if you drive by, it will look heavily landscaped. Don Saltzman felt that the plan was incomplete and that the Club still has more homework to do on this plan.

Mr. Klaasen, the finance person for the Club, stated concern for the screening by the Club and it is now at \$100,000.

DISCUSSION: ASPETUCK VALLEY COUNTRY CLUB CONT:

David Allen who is a civil engineer stated his concern and requested a vertical elevation. Mr. Klaasen stated that the Club is only doing phase 1 of the plan.

At this point, Katie Gregory, asked the Chairman to take a sense of the meeting for an approval of the landscaping this evening and there were none in favor.

A discussion followed on what it would take to make this landscaping plan acceptable. Don Saltzman suggested taking a "point of view" from three places (1) from the Roberts's property (2) down Old Redding Road to the cart barn and coming up Old Redding Road pointing to the parking lot. Stephan Grozinger was in agreement with Mr. Saltzman.

Stephan Grozinger stated his concern about the pile of dirt, (since last February) that it is unsightly but not illegal. Don Saltzman would like to see a soils report on the pile of dirt.

Ridge Young would like to see a complete visual screening plan.

Public Comment: none.

To be continued to the next meeting.

ZONING PERMIT: APPLICATION PURSUANT TO 7/7/08 LETTER TO ZONING ENFORCEMENT OFFICER: RENOVATION OF SECOND BUILDING ON SITE, 81 DAVIS HILL, (HUNTER SMITH, ARCHITECT)

Hunter Smith, Architect and owner of the property were present. Mr. Smith explained that the owner would like to turn the old house into a Carriage House to store three cars – and for miscellaneous recreational uses as are allowed by the letter they received from the former Zoning Officer Robert Turner. There will be no separate residence, living quarters, rental unit, nor home occupation within this structure.

Mr. Smith went over detailed plans of the project with the members. A question arose when Mr. Smith requested to put a foundation under the existing deck to create the three car garage. Stephan Grozinger read Section 374 of the Regulations that the foundation would be adding more footprint into the set back. Is there a way to do this building without increasing the footprint? The discussion of a variance was a discussed. The Commission suggested that the applicant go the Zoning Board of Appeals for a variance. Mr. Grozinger was comfortable with the proposed use but not comfortable with the setback situation.

81 DAVIS HILL CONT:

Most of the members agreed. He would be comfortable with a variance with the same application.

The applicant chose to withdraw his application and go to Zoning Board of Appeals for a variance.

DISCUSSION: ORDER OF REMOVAL DATED 9/11/09 – 11 BLUEBERRY HILL – FAILURE TO MOVE TWO SHEDS AND AN IN GROUND POOL FROM THE SETBACK. (ZBA VARIANCE REQUEST DENIED)

Stephan Grozinger recused himself as he is a neighbor of 11 Blueberry Hill.

Jane Connolly Vice chairman conducted the meeting for this application.

The applicant, Mr. and Mrs. Frank Jaboby and their Attorney George Guidera were present. Also present was the Zoning Officer, James Pjura.

It was explained that an “Order of Removal” was sent to Mr. and Mrs. Frank Jacoby on September 11, 2009 setting forth a Notice of Violation, dated May 29, 2009, by the Zoning Officer, requiring that the applicant remove the sheds and pool from the setback areas immediately. Also failure to comply with this order will cause monetary penalties to accrue pursuant to C.G.S. sections 8-12.

Attorney Guidera stated that the sheds and pool equipment have been moved off the setback but the pool is still in question. The pool was completed in July 14, 2004, with a permit but due to a mixup with the surveyor and the pool contractor, the pool was constructed in the setback. Attorney Guidera submitted a site plan and went over it in detail with the members. He stated that Mr. Jacoby went to Zoning Board of Appeals. Attorney Guidera then stated that the entire Blueberry Hill Subdivision is a one acre subdivision and prior to 1953 there were no set back regulations. Subdivision regulations came in 1956 and this is really not a subdivision but a zoning layout. There is a septic system around the house and the pool was located where it should have been because of this situation. This pool, built in 2004, and there is a three year Statute of Limitations is run on moving it. This runs from the time of construction.

A discussion followed and Jane Connolly suggested that the applicant take an appeal to the court because the Planning & Zoning Commission does not have the jurisdiction to make a declaratory judgment.

Attorney Guidera read the Statute of Limitations, Section 8-13a. The members then referred to the Zoning Officer’s file on 11 Blueberry Hill and a discussion followed.

11 BLUEBERRY HILL CONT:

Don Saltzman suggested that Jane Connolly and Attorney Guidera, come in on a Thursday, after Thanksgiving, and talk to the Town Attorney, for their advice.

To be on the agenda for the next meeting.

DISCUSSION CONTINUED REGARDING POTENTIAL AMENDMENTS TO SECTION 312.7, 411, 411.1 AND 411.2; NEW SECTIONS 312.09, 348.4(C) AND 401; REPEALING SECTIONS 341.6 AND 321.11 TO THE ZONING REGULATIONS.

Stephan Grozinger felt that these potential amendments have been discussed and requested that the Commission approve going to a public hearing on December 21. Due to the two new members not having had time to review this document, this item will be on the agenda for the next meeting.

Don Saltzman moved that the Commission approve setting a public hearing on December 21. Seconded by Jane Connolly (to be held at 7:15 p.m.). Seconded by Jane Connolly. Vote in favor (7-0)

DISCUSSION CONTINUED REGARDING POTENTIAL AMENDMENTS TO SECTIONS 312, "OPEN SPACE RESERVATIONS FOR PARKS AND PLAYGROUNDS" OF THE SUBDIVISION REGULATIONS

Don Saltzman talked about giving up a lot for open space and how you are going to determine the 10% dollars of the full value of the subdivision? Also, the dollars would go to the Town to buy land and it would be the Town's decision on what to buy. Katie Gregory stated that she would like to see the 10% requirement on less than 10 acres and a discussion followed.

To be on the next agenda with a proposed public hearing for December 21, 2009.

NOMINATIONS AND ELECTION FOR CHAIRMANSHIP OF PLANNING & ZONING COMMISSION

Jane Connolly moved to nominate Stephan Grozinger for Chairman of the Planning & Zoning Commission and praised him for all his extraordinary good work this past year. Seconded by Ridge Young

Discussion: Katie Gregory agreed with Jane Connolly about Stephan's fine leadership and that the Commission has benefited immensely.

Vote in favor (7-0)

ELECTIONS CONTINUED:

Don Saltzman moved that the Commission add to this agenda, the nominations for Vice Chairman. Seconded by Ridge Young. Vote in favor (7-0)

Stephan Grozinger nominated Jane Connolly for Vice Chairman of the Planning & Zoning Commission and praised her for her fine work this past year. Seconded by Ridge Young.

Discussion: Stephan Grozinger explained that this nomination is earlier than her one year time limit and referred to the Charter. Don Saltzman suggested a secret ballot with the understanding that it will be published.
All in favor (no vote)

The Land Use Director referred to the Charter. Katie Gregory and Ridge Young felt that Jane Connolly has done a great job this past year.

Don Saltzman moved that the Commission go to a secret ballot rather than to a voice vote. Seconded by Katie Gregory. Vote (4-3) motion does not carry. For a voice vote – David Allen, Joe Limone, Stephan Grozinger Jane Connolly. For a paper ballot vote – Don Saltzman, Katie Gregory, Ridge Young.

Jane Connolly nominated Don Saltzman for Vice Chairman of the Planning & Zoning Commission. Seconded by Don Saltzman

Stephan Grozinger asked if there was any further discussion and not hearing any asked the Commission members to raise one hand who wish to vote for Don Saltzman for Vice Chairman of the Planning and Zoning Commission. Don Saltzman and Jane Connolly raised their hands (2).

Stephan Grozinger then asked the Commission members to raise one hand for those who wished to vote for Jane Connolly as Vice Chairman of the Planning and Zoning Commission. Katie Gregory, Ridge Young, Joe Limone and Stephan Grozinger Dave Allen raised their hands (5 votes) Don Saltzman, Jane Connolly abstained (2).

Meeting adjourned.

Respectfully submitted,

Joan Lewis, Administrative Assistant

Approval: Unanimous approval vote (6-0) Joe Limone absent

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

Tracy Kulikowski, Land Use Director was present

Meeting on tapes 1-4 dated 12/7/09

APPROVAL OF MINUTES: 11/16/09

Ridge Young moved that Commission approve the minutes of November 16th, 2009, with corrections. Seconded by Jane Connolly. Vote in favor (6-0) Joe Limone absent.

CHAIRMAN'S REPORT

Jane Connolly, Vice Chairman, gave a brief report on attending a recent Cemetery Committee meeting. This committee has been existence since 1991. They are looking at four sites in Weston that are wholly owned by the Town.

1. Approximately 2 acres on Upper Parish Road, the Strassler Fromson property, on a private road and under power lines.
2. The Moore Property consisting of 36 acres on Lords Highway East
3. The Jarvis property on Norfield and Weston Roads, which they felt was too noisy.
4. The open space behind Norfield Church and felt it cannot be used because of an existing septic system for the Church
5. The Lachat property on Newtown Turnpike

Stephan Grozinger, Chairman, reported on the following:

112 Georgetown Road (Frank Residence). The Zoning Officer has confirmed that the commercial sign on this property has been removed and the matter is closed.

266 Newtown Tpke. (Diapice Residence) The Zoning officer has confirmed that the illegal structure on this property has been removed and the matter is closed.

306 Lyons Plain Road (Fallaiice Residence) It is believed that the owner recently demolished an outbuilding in close proximity to the Saugatuck River and rebuilt it without a permit. The Zoning Officer sent a notice of violation on November 17 and will send an order of removal on December 7th.

8 Hillside Road. The Chairman's request for an opinion from Town Counsel per my August 20th letter remains outstanding.

CHAIRMAN'S REPORT CONT:

8 September Lane (Hurwitz Residence) The Zoning officer issued a notice of violation on November 5th in connection with an outbuilding built without a permit and over the setback. The Zoning Officer extended the deadline to January 8th to give the owners an opportunity apply for a variance.

25 Lakeside Drive. The owners have built a stone wall within a flood zone without a permit. The Zoning officer sent out a notice of violation on December 3.

Rob Nimkoff of Fern Valley Road. Mr. Nimkoff met with the Zoning Officer and Stephan Grozinger to discuss how to apply to use the property at the corner of Route 57 and Norfield Road (currently George Guidera's law office) as a restaurant serving 80 people. Stephan Grozinger suggested that he prepare a complete plan, obtain any necessary easements from the Town for parking and septic, and formally apply to the full Commission to expand the Neighborhood Shopping Center District or to create a new district.

11 Blueberry – to be discussed with Planning & Zoning Commissioners and Town Counsel on Thursday, December 12th.

Regional Chairman Meetings. Thanks to Ron Corwin of Westport, the Planning & Zoning chairs of New Canaan, Wilton, Fairfield, Darien, Easton, Norwalk, Westport and Weston will be meeting quarterly in the new year to exchange ideas, etc.

DISCUSSION CONT: ASPETUCK VALLEY COUNTRY CLUB, 43, 47 & 67 OLD REDDING ROAD, REVIEW OF LANDSCAPING PLAN PER SPECIAL PERMIT APPROVAL

Present for this application: Attorney John Fallon, Wesley Stout of Wesley Stout Associates, Landscape Architecture and the neighbors across Old Redding Road, the Roberts.

Attorney Fallon referred to the letter of apology from the president of the Aspetuck Valley Country Club and the presentation for the Club at the last Planning & Zoning meeting. Attorney Fallon explained that Wesley Stout did not have a copy of the final approval with the request to come back to the Commission with an enhancement of the landscaping plan. The plan to be presented this evening has been revised to show approximately 41% more plantings.

Wesley Stout went over the landscaping plan in detail showing the proposed screening with 6 types of evergreens - 8' to 10' and 10' to 12' high. He described all the different kinds of evergreens and trees being used.

ASPETUCK VALLEY CC LANDSCAPING PLAN CONT:

Jane Connolly requested that the Planting List be checked over by the Conservation Planner. A discussion followed as to whether it should be a condition of approval.

Katie Gregory raised a safety issue for cars coming out of the driveway of the Club accessing Old Redding Road with reference to this revised landscaping plan. Mr. Stout stated that the landscaping will not affect the site lines.

Don Saltzman raised the question of screening from Mayflower Drive. Attorney Fallon did not have any views into the maintenance areas from this point.

Attorney Fallon noted that the pile of dirt is gone and relocated to a maintenance storage area on site. Jane Connolly then asked if the old tree is still standing to the right of the former Kimberly house? Mr. Stout felt that it was going to die because it is in a construction area. Ms. Connolly requested that if possible, to please save this tree.

Don Saltzman felt this revised plan was a major improvement from the last plan that the Commission reviewed and properly conforms to the conditions of the approval.

Katie Gregory questioned the screening by the tennis courts on the other side of the Club behind the parking lot. It was noted by Attorney Fallon at a previous meeting that he had met with the neighbors in that area and they were okay with the plan.

Jane Connolly stated that it will be the Club's responsibility to maintain and replace the landscaping.

Public Comment: The Roberts of 50 Old Redding Road spent time with the Club and felt a lot better about the revised landscaping plan. There was one area noted, by Old Redding Road where they requested be planted with lower shrubs. Mr. Stout referred to it as a thicket and would plant an evergreen screening of approximately 12 inkberry evergreens on the inside edge where it is clear. Attorney Fallon stated that he had no problem doing that.

The Commission felt they could approve the plan with conditions

It was noted by Attorney Fallon that the Club cannot start any of the proposed work until the landscaping plan is approved.

Stephan Grozinger requested that Mr. Stout note on the map of record (SP-2.1 dated July 10, 2009 and revised October 13, 2009 and December 1, 2009, entitled "Pool Area: Phase 1 Planting Plan) the new request for the inkberry evergreens.

ASPETUCK VALLEY COUNTRY CLUB LANDSCAPING PLAN CONT:

Mr. Roberts expressed appreciation to the Commission for the new revised landscaping plan. Another resident located at 52 Old Redding Road stated that he was comfortable with this revised landscaping plan.

Jane Connolly again requested to run the list of trees listed and shown, by Mr. Stout, past the Conservation Planner Fred Anderson, just to be sure that it is done right.

Attorney Fallon requested that the Commission approve the plan tonight and if you need any modification by the Conservation Planner, the Club will do it.

David Allen stated his appreciation to Wesley Stout for going to this effort to make the digital pictures of the proposed landscaping.

Katie Gregory moved that the Commission close the discussion on the Landscaping Plan for the Aspetuck Valley Country Club. Seconded by Ridge Young. Vote in favor (6-0) Joe Limone absent.

Stephan Grozinger stated that the Commission will now have a discussion on a decision.

Don Saltzman discussed of what will happen in the future with the condition after approval in the field, upon retaining approval of the Conservation office and additional trees that may be needed. He requested to put the digital photos of the plan into the record.

Jane Connolly wants to make sure, with another set of eyes, to check the list of plantings.

David Allen questioned if there is a requirement for an asbuilt? Setphan Grozinger stated that here we are dealing with trees.

The Land Use Director stated that the original approval of the modification of the special permit on July 20, 2009, stated the following:

Landscaping and Buffers: The applicant shall install and maintain in perpetuity such landscaping, trees and other plantings substantively as shown of the submitted Site Plans except that more buffering and screening that is currently shown on SP-2. Such landscaping, trees and other plantings are to provide a complete visual screening of and to that portion of the property know as 47 Old Redding Road which borders on Old Redding Road. In doing so, the stone wall in front of 47 Old Redding Road on Old Redding Road is to remain and be maintained by Aspetuck Valley Country Club. The applicant shall, in consultation with the owners of 50 Old Redding Road, so modify the landscaping plan shown on SP-2 of the Site Plan. The modified landscaping plan shall be reviewed and approved by the Planning & Zoning Commission before a building permit will be issued.”

ASPETUCK VALLEY CC LANDSCAPING PLAN CONT:

Attorney Fallon stated that he and Wesley Stout will submit a letter to the Commission on the changes on the plan agreed to here tonight. Stephan Grozinger then requested Mr. Stout to add and initial the changes directly on plan submitted tonight. SP-2.1, dated July 10, 2009 and revised October 13, 2009 and revised December 1, 2009, entitled "Pool Area" Phase 1, Planting Plan.

Stephan Grozinger moved that the Commission approve the map # SP2.1 for the Aspetuck Valley Country Club, Old Redding Road, entitled "Pool Area" Phase 1 Planting Plan, dated July 10, 2009, revised October 13, 2009 and also revised December 1, 2009, prepared by Wesley Stout Associates, as amended during the course of this meeting and subject to the following condition:

1. The applicant shall maintain and replace, as needed, the plantings, existing and new, as shown on Plan SP-2.1 (mentioned above), in perpetuity.

Seconded by Ridge Young. Vote in favor (6-0) Joe Limone absent

DISCUSSION CONTINUED REGARDING POTENTIAL AMENDMENTS TO SECTIONS 312.7, 411, 411.1 AND 411.2; NEW SECTIONS 312.9, 348.4 (c AND 401; REPEALING SECTIONS 341.6 AND 321.1i, TO THE ZONING REGULATIONS

DISCUSSION CONTINUED REGARDING POTENTIAL AMENDMENTS TO SECTION 3.12, "OPEN SPACE RESERVATIONS FOR PARKS AND PLAYGROUNDS" OF THE SUBDIVISION REGULATIONS.

Stephan Grozinger felt that the Commission has discussed these amendments numerous times and was put back on the agenda for the benefit of the new members. There will be a public hearing for both sets of amendments on December 21, 2009.

OTHER BUSINESS

Stephan Grozinger with regard to the Town Plan, felt it was not a cohesive document and wishes to rewrite and edit what the Commission has written so far and then give that document to Jane Connolly and then back to the Commission for comment. Discussion followed.

There was also a discussion on the process for tallying the survey results and agreed to meet on December 17th.

Further discussion on future regulations to include trailers, boat trailers, motor homes etc. in the setback. A review of the fence regulation and also the driveway ordinance which is now under the Board of Selectmen.

Meeting adjourned:

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval: Unanimous approval with correction on December 21, 2009