

TOWN OF WESTON  
ZONING BOARD OF APPEALS  
JULY 28, 2020 PUBLIC HEARING  
UNAPPROVED MINUTES

Present: McLeod Snaith, Chairman, Don Scarborough, Dan Gilbert, Ilene Richardson, Glenn van Deusen, and Alternates: John Moran, Jim Low and Megan Loucas  
Also Present: Tracy Kulikowski, Land Use Director, Town Attorney, Nicholas Bamonte

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Chairman Snaith opened the Public Hearing at 7:36 p.m. and Ms. Kulikowski read the legal notice.

96 Georgetown Road, owners, Three K's LLC and Nicholas Klokus, Map 3, Block 1, Lot 27. Appeal related to the Planning & Zoning Commission's decision of June 1, 2020 to extend the Zoning Permit for 98 Georgetown Road.

Mr. Snaith noted that the appellants were not in attendance and it is their responsibility to attend. He asked the Town Attorney if he still stands by his Memorandum dated May 27, 2020 and Attorney Bamonte stated that he does.

Mr. Snaith stated that the discussion was based on the timing of when the permit ran out and the Town Attorney has stated that the permit has not yet expired due to the Governor's Order. Attorney Bamonte noted that the issue the appellant brought up regarding maps comes down to an issue of Title and that is not part of the Board's purview. Neither the P&Z nor ZBA can decide issues of Title disputes and a lot of the appellant's concerns stem from allegations about whether legal descriptions were changed and lines and boundaries changed affecting the frontage. He further stated that he looked at all the relevant laws and there is no issue with the frontage that would have precluded the P&Z from acting on their authority to extend the Zoning Permit for 98 Georgetown Road. Discussion ensued.

Mr. Gilbert stated that the only question they should be looking at is whether the P&Z legally used its authority in extending the Zoning Permit. Mr. Scarborough stated that 3 years ago the Board made a decision after reviewing all the information with the same documentation and materials that are presented with this appeal. Ms. Richardson stated that she agrees, the Board has reviewed all the documents and they appear to be off the mark on what is in the Board's purview. The Board's focus is on whether the permit extension is valid, the other matters are not in the Board's decision making process.

Attorney Olson, representing the owners of 98 and 100 Georgetown Road noted that he believes the Board has touched on the most important issues. There was no appeal to the Superior Court taken from the decision of the ZBA in the first two appeals so the decision of the ZBA is final. Discussion continued.

Having no further discussion, Mr. Scarborough made a motion to close the public hearing and Mr. Gilbert seconded. All in favor, the motion carried (5-0).

***Unapproved Minutes Subject to Final Approval by the Zoning Board of Appeals***

Deliberation:

Voting Members: Snaith, Scarborough, Gilbert, Richardson, van Deusen

Mr. Snaith opened deliberations stating that he believes that the Planning & Zoning Commission action of extending the permit was totally appropriate. Mr. Scarborough concurred. Mr. Gilbert noted that they all took the time to review the material that was submitted and they reviewed it in detail. Mr. van Deusen stated that he agrees that there is nothing indicating that there was anything but the appropriate process in the Planning & Zoning Commission's decision. Ms. Richardson stated that she feels confident that the Board gave all the materials due consideration, even with the late receipt of materials, and is clear in what the Board's purview is and what the decision needs to be.

Hearing no further discussion, Mr. Gilbert made a motion to close deliberations and Ms. Richardson seconded. All in favor, the motion carried (5-0).

#### MOTION TO DENY

Mr. Snaith made a motion to deny the appeal of 96 Georgetown Road by owners, Three K's LLC and Nicholas Klokus, Map 3, Block 1, Lot 27. The appeal related to the Planning & Zoning Commission's decision of June 1, 2020 to extend the Zoning Permit for 98 Georgetown Road is denied for the following reasons:

1. The P&Z Commission properly applied the Zoning Regulations in extending the Zoning Permit for 98 Georgetown Road;
2. This Zoning Board of Appeals has reviewed all the submitted documents and materials in the record and agrees that the Zoning Permit extension was properly issued.

Ms. Richardson seconded the motion. All in favor, the motion carried (5-0).

#### APPROVAL OF MINUTES

Mr. Scarborough made a motion to approve the Minutes from the June 23, 2020 meeting, as amended, and Ms. Richardson seconded. All in favor, the motion carried (5-0).

#### MOTION TO ADJOURN

Mr. Snaith made a motion to adjourn and Mr. Gilbert seconded, all in favor, the motion adjourned at 8:15 p.m.

Respectfully submitted,

Delana Lustberg  
Board Clerk