

**PLANNING & ZONING COMMISSION REGULAR MEETING MINUTES  
JANUARY 8, 2018, 7:45 P.M.  
TOWN HALL ANNEX CONFERENCE ROOM**

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**Present:** Jane Connolly, Acting Chairman; Don Saltzman, Ken Edgar, Sally Korsh, Harry Falber, Britta Lerner, Richard Wolf

**Also Present:** Tracy Kulikowski, Land Use Director [arrived late]; Patricia Sullivan, Town Attorney; members of the public

**Digitally recorded on 1/8/18**

**DISCUSSION/DECISION: REQUEST FOR LOT DEVELOPMENT BOND RELEASE, METIN RIZA ERCAN, LOT 12, TANNERY LANE SUBDIVISION, 7 BANKS DRIVE [M&N BUILDERS, LLC] [15-1]**

The Commission reviewed and discussed the recommendation provided by John Conte, Town Engineer, for a bond release of the engineer's soil and erosion control bond estimate of 2014. Mr. Conte's letter recommends a release of \$7,910.00 citing that work associated with the lot development has been satisfactorily completed.

Sally Korsh made a motion that the Commission approve the request for a lot development bond release, Metin Riza Ercan, Lot 12, Tannery Lane Subdivision, 7 Banks Drive [M&N Builders, LLC]. Seconded by Ken Edgar. Vote in favor (7-0).

**DISCUSSION/DECISION CONT'D: APPLICATION FOR MODIFICATION TO A LOT DEVELOPMENT PLAN APPROVAL; DANIJELA TODOROVICH, LOT 1, TANNERY LANE SUBDIVISION, 1 SMITH RIDGE ROAD, POOL & POOL HOUSE [HOFFMAN LANDSCAPES] [ 17-14]**

Commissioner Edgar recused himself, out of an abundance of caution, citing his contractual relationship with Hoffman Landscapes for his personal landscaping needs.

Matthew Biron, landscape architect with Hoffman Landscapes, representing the owner and applicant, presented the Commission with site plans, prepared by Francione Engineering, LLC, last revised 11/7/17, a survey, prepared by CCA, LLC, last revised 12/11/17, and pool house drawings, prepared by Kathleen Poirier Architects, LLC, last revised on 12/20/17. The revised plans show a bath room, a living area, but no kitchen. The members asked questions and a discussion ensued.

Acting Chair Connolly requested the applicant provide a statement signed by the owner and architect indicating the proposed pool house/cabana will not be constructed as a dwelling unit, as defined in Weston's Zoning Regulations. Ms. Connolly commented on the ability to obtain

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certification that the pool house/cabana will continue to remain as such, and not a dwelling unit, subject to inspection.

Sally Korsh made a motion that the Commission approve the application for Modification to a Lot Development Plan Approval; Danijela Todorovich, Lot 1, Tannery Lane Subdivision, 1 Smith Ridge Road, Pool & Pool House as shown on the architect drawings, revised on 12/20/17, as well as, a certification by the architect and homeowner that the pool house/cabana will not have a kitchen. Seconded by Harry Falber. Vote in favor (6-0). Ken Edgar recused.

**PUBLIC HEARING/DISCUSSION/DECISION: APPLICATION FOR MODIFICATION TO A SUBDIVISION APPROVAL; IRON SHIELD INVESTMENTS, LLC, HIDDEN SPRING DRIVE SUBDIVISION (APPROVED 11/3/14), HIDDEN SPRING DRIVE, MAP 3829A & MAP 3829B [WALID CHERFANE] [17-15]**

Acting Chair Connolly read the public hearing legal notice into the record.

John Ribas, attorney with Goldman, Gruder & Woods, LLC, representing Walid Cherfane of Iron Shield Investments, LLC, came before the Commission to discuss the application. A history of the Subdivision was discussed. Mr. Ribas spoke on current litigation between the applicant and the Weston Gun Club regarding the ownership of a portion of land within the Subdivision. Maps and surveys of a proposed reconfiguration of the Subdivision's boundary lines were presented by Attorney Ribas, Mr. Cherfane and Mr. Tom Quinn of Peak Engineers, LLC. A discussion began with the members.

Attorney Ribas discussed a proposed agreement between the applicant and Weston Gun Club. The relevance of the Weston Gun Club to this application and how conditional the Commission's decision is to a proposed agreement between the two parties was discussed.

The Commission then discussed that the sequence of events will be as follows: the Weston Conservation Commission will make a determination regarding Lot 2 and revised Lot 1, and, subsequent to that determination, if favorable, the Planning & Zoning Commission will make a determination regarding the modification to the Subdivision.

The members agreed to provide the applicant with feedback and a sense of the Commission. The sense of the members was that in the event of an approval from Conservation for Lot 2 and revised Lot 1, and no other outstanding concerns or issues, the members would be inclined to render a favorable decision. The applicant will come back to the Commission next month.

This public hearing was continued to the February 5<sup>th</sup> regular meeting.



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**PUBLIC HEARING CONT'D/DISCUSSION/DECISION: APPLICATION FOR  
MODIFICATION TO A SUBDIVISION APPROVAL; ROBERT & HOPE TURNER,  
LOT X-2 AND LOT X-3, KATYDID LANE, MAP 3854 [JAMES MURPHY, GREGORY  
& ADAMS] [17-13]**

Jim Murphy, attorney with Gregory & Adams, representing Robert & Hope Turner of Katydid Lane, Weston, CT, came before the Commission. Mr. Murphy presented documents and maps to the members. A letter he received from Mr. Philip Merriss, Katydid Lane, was added to the file. Mr. Murphy presented the history of the property, the modification request and the purpose of the application. Lot X-2 is currently 1.0040 acres and Lot X-3 is 1.7537 acres. The application seeks to equalize the size of the two lots at 1.3788 acres and 1.3789 acres respectively. A discussion ensued between Mr. Murphy, Mr. Robert Turner, the members and Ms. Pat Sullivan, Town Attorney. The Commission asked questions and a dialogue continued.

Minutes of the February 20, 1958 P&Z Meeting referencing "Clarke to Searle to Turner Sale" were discussed. After discussion, the Commission proceeded to consider this matter on the basis that the property currently consists of two pre-existing, non-conforming building lots.

Mr. Murphy continued his presentation and spoke about the Commission's concerns on whether it had the statutory authority to rule on this application.

Attorney Sullivan's legal opinion was requested by the members. She felt that there are two existing lots and that the objective of the 1958 Minutes was to make clear that the property be comprised of two buildable lots. An administrative action, at the request of the applicant, resulting in the recording of Map 3854, which depicts Lot X3 to be the combination of Plot X-3 and Plot X-4, was discussed.

Ms. Sullivan stated that neither she nor Mr. Murphy had found any legal support for the proposition that the Commission can take two pre-existing, non-conforming lots, each less than two acres, and make one smaller, and thus more non-conforming.

Mr. Murphy, Ms. Sullivan and the members continued the discussion. Ms. Sullivan stated she found no statute or case law indicating the Commission would be able to give the applicant an approval, as that decision would increase a non-conformity.

Ms. Sullivan's assessment and the Commission's concerns continued to be discussed.

Sally Ruf, Katydid Lane, came forward and read a letter, signed by her, into the record. Ms. Ruf asked questions and a discussion ensued with the members and Ms. Sullivan.

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The 1958 P&Z Meeting Minutes and a 1981 P&Z recorded letter, titled "Subdivision of Gladys Clarke", were discussed.

Acting Chair Connolly asked for any further comment from the public.

Mr. Turner spoke. Mr. Murphy respectfully disagreed with Ms. Sullivan's advice.

Hearing no further public comment, Don Saltzman moved that the Commission close the Public Hearing. Seconded by Ken Edgar. Vote in favor (7-0).

Acting Chair Connolly asked for any further discussion from the Commission.

Hearing no further comment, Ken Edgar made a motion that the Commission deny the Application for Modification to a Subdivision Approval; Robert & Hope Turner, Lot X-2 and Lot X-3, Katydid Lane, Map 3854. Seconded by Sally Korsh. Vote in favor (5-2) (opposed: Falber, Wolf).

**DISCUSSION/DECISION: SELECTION OF P&Z COMMISSIONER TO SERVE ON THE BOARD OF SELECTMEN'S LEGAL REVIEW COMMITTEE**

Acting Chair Connolly nominated Sally Korsh and made a motion that the Commission select Ms. Korsh to serve on the Board of Selectmen's Legal Review Committee. Seconded by Britta Lerner. Vote in favor (7-0).

**ELECTION OF CHAIRMAN AND VICE CHAIRMAN PURSUANT TO SECTION 6.3(b) OF THE TOWN CHARTER**

Acting Chair Connolly nominated Ken Edgar and made a motion that the Commission elect Ken Edgar as Chairman for 2018. Seconded by Sally Korsh. Vote in favor (7-0).

Sally Korsh nominated Don Saltzman and made a motion that the Commission elect Don Saltzman as Vice Chairman for 2018. Seconded by Harry Falber. Vote in favor (7-0).

**APPROVAL OF MINUTES: DECEMBER 4, 2017**

Britta Lerner made a motion that the Commission approve the minutes of December 4, 2017. Seconded by Sally Korsh. Vote in favor (7-0).



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**OTHER BUSINESS:**

Ms. Kulikowski stated the Request for Qualifications, as part of the process to update the Town Plan, will be sent out this week.

An article, from January's issue of "Connecticut Magazine", brought in by Richard Wolf, was distributed to the members. The article highlights New Canaan's Planning & Zoning Commission and Grace Farms.

Jane Connolly made a motion that the Commission adjourn the meeting. Seconded by Ken Edgar. Vote in favor (7-0).

10:30 p.m. Meeting adjourned

Respectfully submitted:

AnnMarie Fontana, Administrative Assistant