

**PLANNING & ZONING COMMISSION SPECIAL MEETING MINUTES  
MARCH 1, 2018  
WESTON PUBLIC LIBRARY COMMUNITY ROOM**

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

**Not Present:** Jane Connolly

**Also Present:** Chris Spaulding, First Selectman; John Conte, Town Engineer; Patricia Sullivan, Town Attorney; Tracy Kulikowski, Land Use Director; members of the public

**Digitally recorded on 3/1/18**

**Videotaped and available on westonct.gov and at: <https://vimeo.com/258258994>**

**DISCUSSION: REFERRAL FOR CGS SECTION 8-24 REPORT; PROPOSED COMMUNITY DOG PARK; MOORE PROPERTY, MAP 17, BLOCK 1, LOT 17; LORDS HIGHWAY EAST**

7:16 p.m. Chairman Edgar called the meeting to order and addressed the format of the evening. He summarized the process of a referral for a CGS Section 8-24 Report.

John Conte, Town Engineer, representing the Board of Selectmen [BOS], presented the BOS's request for a CGS Section 8-24 Report, which was received by the Commission on January 29, 2018. Mr. Conte presented design plans and a project description for an access to the proposed dog park from Lords Highway East. The access way, parking spaces, drainage and other specifics of the project description were discussed by Mr. Conte.

Mr. Conte responded to the issues addressed in the Commission's 8-24 Report, dated 5/1/17, regarding a proposed dog park to be located on the Moore Property with an access way from Davis Hill Road. A preliminary list of construction cost estimates was provided to the members. Mr. Conte distributed maps and a spreadsheet, showing an analysis done by Weston staff of Town-owned land that could possibly house a dog park.

The members asked Mr. Conte questions and a discussion ensued.

Stephen Nevas, attorney representing nine intervenors and several other Weston residents came before the Commission and stated their concerns over the proposed use of the Moore Property. Mr. Nevas stated the reasons his clients have filed an environmental intervention before the Commission, pursuant to CGS Section 22a-19. The language of the February 2003 Executor's Deed was discussed. Attorney Nevas discussed flooding issues that neighbors to the Moore Property have experienced.

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Sidney Dudash, 26 Lords Highway East, presented the members with recently-taken photos of his property following rainfall.

Chairman Edgar asked questions and a discussion began.

John Matluck, 11 Lords Highway East, presented the Commission with video and photos taken by him of flooding and erosion on his property during rain storms.

Commissioner Falber asked questions and a discussion ensued with Mr. Matluck.

Attorney Nevas continued his presentation and the members asked questions.

Commissioner Edgar requested Attorney Sullivan's legal opinion with respect to the language found in the Executor's Deed and whether Weston Zoning Regulations preclude the Town from locating a dog park on the Moore Property. She stated that the Moore Property, as is the case for all municipal property of the Town, is exempt from Weston Zoning Regulations.

Chairman Edgar requested Attorney Sullivan's legal opinion with respect to the attempted environmental intervention before this Commission and the concurrent intervention before the Conservation Commission. He reminded the members of the distinction between the two Commissions and said that Planning & Zoning is to render a report while Conservation is to render a decision.

Ms. Sullivan referenced CGS 22a-19 which indicates "the verified pleading shall contain specific factual allegations...and should be sufficient to allow the reviewing authority to determine from the verified pleading whether the intervention implicates an issue within the reviewing authority's jurisdiction." Ms. Sullivan felt that the Commission's charge is to render an 8-24 Report and that the environmental issues raised in the attempted intervention are not within the Commission's jurisdiction. Discussion continued.

Attorney Nevas disagreed with Attorney Sullivan and discussion continued. Chairman Edgar asked Mr. Nevas to clarify whether his clients are asserting the same environmental issues before the Conservation Commission proceedings. Mr. Nevas responded that his clients are doing so.

Chairman Edgar asked the Town Engineer to discuss the Transfer Station and the reasons this property is not appropriate for providing a dog park. Mr. Conte responded with evidence that the Transfer Station would not be a suitable location for the dog park. First Selectman Spaulding and Attorney Nevas joined the discussion.

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Maria Proto, 7 Roscrea Place, representing Weston Dog Park, Inc., spoke to the members. In addition to her comments, she gave an overview of events that led up to this referral.

John Conte spoke to the Commission and responded to issues addressed by Attorney Nevas, including the groundwater table, surface runoff and drainage. Mr. Conte presented photos taken by him and discussed the landscape of the property.

The following members of the public spoke:

Michael Duvel

Ellen Strauss

Attorney Glenn Major, representing the owners of 15 Lords Highway East, stated his clients' concerns over the entranceway to the proposed dog park. Moving the center line to the east and angling the last portion of the entranceway was discussed.

First Selectman and the members discussed the feasibility of a gate at the entranceway.

Public comment continued:

Marilyn Parker, Richmond Hill Road

Edina Field, Katydid Lane

Frank Costello, Lords Highway East

Dania Anderson, Richmond Hill Road

Carleigh Welsh, Richmond Hill Road

Bob Atkinson, Lords Highway East

Theresa Zuch, Newtown Turnpike

Michelle Halpin, Norfield Farm Lane

Ms. Steinharter, Joanne Lane

Harvey Bellin, Maple Street

Leslie Feller

Attorney Stephen Nevas

The Town Attorney provided the members with public documents that pertained to the purchase of the Moore Property. Ms. Sullivan summarized a general timeline of events, from November 2002, through February 2003. Discussion continued with regard to the Town's purchase of the Moore Property and its intended municipal use. Attorney Nevas joined the discussion.

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Public comment continued:

Maria Proto  
Dennis Savitsky, Davis Hill Road  
Carleigh Welsh  
Ellen Strauss

Harry Falber made a motion that the Commission close public comment. Seconded by Vice Chairman Saltzman. Vote in favor (6-0). Jane Connolly absent.

Richard Wolf stated that although a dog park is an excellent idea, the Moore Property is the wrong location for the proposed use.

Britta Lerner commented that after hearing presentations and comments, she would vote to issue a positive 8-24 Report.

Sally Korsh stated that the Commission's duty is to determine the appropriateness of a proposed dog park on this particular property. Ms. Korsh commented that after analyzing the information provided and pursuant to CGS Section 8-24, the proposed use is a general municipal use and is an appropriate use of this property.

Vice Chairman Saltzman stated that he would abstain from voting and that Weston residents will decide in a referendum whether the Town establishes a dog park on the Moore Property.

Harry Falber referenced recorded public meetings made during the 2002 8-24 Referral process regarding the Moore Property land acquisition and the documented comments made by the First Selectman about the suitability of this property for any general municipal use. Commissioner Falber stated he would be in favor of a positive report.

Chairman Edgar summarized the Commission's 5/1/17 8-24 Report and the reasons, at that time, for disapproval of the proposal. He stated that the Commission's belief that the proposal be brought to Town voters for approval is now satisfied with the March 10, 2018 referendum vote. Chairman Edgar cited events that have occurred since the issuance of the Report, which included a more detailed description of the dog park and sufficient analysis of possible alternative locations. The Chairman stated that he believes the Town has done an adequate job responding to the issues addressed in the Report, as well as exploring alternatives, and is not convinced that there is a good alternative to the Moore Property. Chairman Edgar stated he would be supportive of this proposal.

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Sally Korsh made a motion that the Commission provide a positive recommendation to the Board of Selectmen on an 8-24 Report with respect to the development on the Moore property of the proposed Dog Park, as presented to the Commission. Seconded by Britta Lerner. By a 4-1-1 vote (for: Chairman Edgar, Lerner, Korsh and Falber; opposed: Wolf; abstained: Vice Chairman Saltzman), motion carried. Jane Connolly absent.

**APPROVAL OF MINUTES: FEBRUARY 5, 2018**

Sally Korsh made a motion that the Commission approve the minutes of February 5, 2018. Seconded by Vice Chairman Saltzman. Vote in favor (6-0). Jane Connolly absent.

Vice Chairman Saltzman made a motion that the Commission adjourn the meeting. Seconded by Chairman Edgar. Vote in favor (6-0). Jane Connolly absent.

10:18 p.m. Meeting adjourned

Respectfully submitted:

AnnMarie Fontana, Administrative Assistant