

**PLANNING & ZONING COMMISSION REGULAR MEETING MINUTES
MAY 7, 2018, 7:15 P.M.
TOWN HALL ANNEX CONFERENCE ROOM**

PAGE 18-23

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

Also Present: Jonathan Luiz, Town Administrator; Stephan Grozinger, Selectman; Tracy Kulikowski, Land Use Director; members of the public

Digitally recorded

7:20 p.m. Chairman Edgar called the meeting to order.

DISCUSSION: REFERRAL FOR CGS SECTION 8-24 REPORT; SUBLEASE OF LACHAT FARM TO THE FRIENDS OF LACHAT, INC., LACHAT FARM AT THE JULIANA LACHAT PRESERVE, 106 GODFREY RD [TOWN OF WESTON] [18-06]

Stephan Grozinger, representing the Town of Weston Board of Selectmen, and Jonathan Luiz, Town Administrator, came forward to present the Board of Selectmen's request for a CGS Section 8-24 Report for a proposal to sublease a portion of Lachat Farm to The Friends of Lachat, Inc. [FOL] which runs the programs at Lachat Farm. Selectman Grozinger stated that the Town of Weston and The Nature Conservancy, Inc. are each the owners of a fifty percent undivided interest in the property, known as the Juliana Lachat Preserve. This proposed sublease would allow FOL to sublease the two-story residential structure that is located in the area covered by the Town's leasehold interest in the property, to a couple, in exchange for services rendered in the area of farming programs.

Chairman Edgar summarized the process of a referral for a CGS Section 8-24 Report.

The proposed sublease agreement was reviewed by the members. Dialogue continued as Mr. Grozinger and Mr. Luiz discussed the proposed sublease, including the terms, the legal requirements and insurance. The members asked questions. Ellen McCormick, representing the Lachat Town Farm Commission, joined the discussion. The Commission continued to discuss the provisions of the proposed sublease with Selectman Grozinger.

The following members of the public spoke:

Ellen Strauss

Namuk Cho, Walnut Lane

Don Eldon, Godfrey Road

Laurie Bloom Bell, Georgetown Road

Sally Korsh made a motion that the Commission close public comment. Seconded by Jane Connolly. Vote in favor (7-0).

Vice Chairman Saltzman made a motion that the Commission provide a positive Report to the Board of Selectmen for a CGS Section 8-24 Referral with respect to the Sublease of Lachat Farm to The Friends of Lachat, Inc., Lachat Farm at the Juliana Lachat Preserve, as presented to the Commission. Seconded by Sally Korsh. Hearing no further discussion, vote in favor (7-0).

MVS 3:54PM

PLANNING & ZONING COMMISSION REGULAR MEETING MINUTES
MAY 7, 2018, 7:15 P.M.
TOWN HALL ANNEX CONFERENCE ROOM

PAGE 18-24

short recess

**DISCUSSION/DECISION: REFERRAL FROM CODE ENFORCEMENT OFFICER;
LETTER FROM EDWARD STRAUSS TO JAMES PJURA, DATED JANUARY 10, 2018
& LETTER FROM EDWARD STRAUSS TO PLANNING & ZONING COMMISSION,
DATED FEBRUARY 5, 2018; 27 & 29 ROGUES RIDGE RD [LOTS 8A & 9A, MAP 2778]
[18-03]**

Tracy Kulikowski, Land Use Director, presented to the Commission an email she received from Edward Strauss, delivered late afternoon on May 7th, requesting this discussion be rescheduled to next month. This agenda item tabled until next meeting.

**PUBLIC HEARING/DISCUSSION/DECISION: PROPOSED DELETION OF §240-27
FROM CHAPTER 240, ZONING REGULATIONS OF THE TOWN CODE,
MUNICIPAL USES ON TOWN-OWNED LOTS, ALSO KNOWN AS, SECTION 341.7
OF THE WESTON ZONING REGULATIONS, MUNICIPAL USES ON LOTS OWNED
BY THE TOWN OF WESTON [18-07]**

Chairman Edgar read the Public Hearing legal notice into the record.

Chairman Edgar presented a synopsis of the proposed deletion. He indicated that the Commission has no authority to regulate Town-owned property because the Town exempted all municipal property from Weston's Zoning Regulations in 1971. The exemption is found in the Town Code. Chairman Edgar stated that because the Commission does not have authority over Town-owned land, this Section has no substantive effect. Moreover, its mere existence can cause a reader to be confused as to its applicability.

Ms. Kulikowski added into the record that the Weston CT Council of Governments [WestCOG] was notified of the proposed deletion and responded that the proposal is of local interest with minimal inter-municipal impact and that it would not be forwarded to adjacent municipalities.

The following members of the public spoke:

Amy Sanborn asked Ms. Kulikowski to provide a history of the provision that was added to the zoning regulations in 2008.

Steve Nevas, 18 Bridge Road, gave his opinion that he would like the Commission to research this matter further. Mr. Nevas, who represented the intervenors in the Conservation Commission application regarding the Weston Dog Park, spoke about the process that occurred during that submission.

Chairman Edgar responded that there is a distinction between the Commission's jurisdiction and the Commission's interest. WY 3:54PM

Ellen Strauss spoke about the idea of filing a petition for a Town Meeting to bring forth action that would potentially amend the current exemption status of Town-owned lots.

PLANNING & ZONING COMMISSION REGULAR MEETING MINUTES
MAY 7, 2018, 7:15 P.M.
TOWN HALL ANNEX CONFERENCE ROOM

PAGE 18-25

CONT'D

Dan Gilbert gave his opinion regarding the proposed Section deletion and presented to the members a letter written by him and documents which included the exemption, adopted March 6, 1971 by the Board of Selectmen, Weston's "legislative body" and materials gathered from the Connecticut State Library.

Stephan Grozinger, Selectman, expressed his views on the Section and that the Commission should have authority over Town-owned property. Mr. Grozinger added that, as one member of the Board of Selectman, he would welcome a petition or welcome the support of the Planning & Zoning Commission to remove the provision of the Town Code which exempts Town-owned property from zoning regulations.

Namuk Cho gave his opinion as to why the current provision should not be deleted.

Jeff Gurren, Nimrod Farm Rd, expressed his view regarding Mr. Gilbert's discussion about the Town's legislative body.

Chairman Edgar responded that the applicable document that references the Town's legislative bodies is the Town Charter. He continued by stating that the purpose of this hearing is to determine whether it is wise and beneficial to the public for the Commission to leave the current provision in the zoning regulations.

Amy Sanborn expressed that her sense of the public hearing was that the Town people do not want Town-owned property exempt from zoning regulations and suggested the Commission address this topic during the update to the Town Plan of Conservation and Development.

The general proceedings of a public hearing were discussed.

Public comment continued:

Bill Barron asked if this proposed deletion concerned a case of controversy.

Rich Silver, Tobacco Road, expressed his concern about future land development.

Ellen Strauss, Ladder Hill Road North, spoke about the potential for further development and presented a future area growth map.

Ruth Glazer, Nimrod Farm Rd, asked for clarification on the difference between a CGS 8-24 Referral and Section 341.7 of the zoning regulations.

Tom Failla, Samuelson Road, stated his view on the provision which is that it provides the Commission a "check and balance" with the Board of Selectmen and he believes it is a good idea for the Commission to study this matter further.

Leanne Anderson, Norfield Road, commented that she would like to see a petition come before the Board of Selectmen.

MAY 8 3:54 PM

PLANNING & ZONING COMMISSION REGULAR MEETING MINUTES
MAY 7, 2018, 7:15 P.M.
TOWN HALL ANNEX CONFERENCE ROOM

PAGE 18-26

CONT'D

Jeff Farr gave his opinion that this proposed deletion should be tabled until further study is done.

Andy Langlois, Tower Drive, spoke about the potential desire of the Town people to bring action in the form of a Town Meeting.

Hearing no further public comment, Sally Korsh made a motion that the Commission close the Public Hearing. Seconded by Jane Connolly. Vote in favor (7-0).

Richard Wolf stated that he would be in favor of keeping Section 341.7 of the zoning regulations.

Britta Lerner commented that initially she was in favor of considering the deletion of this provision as it appeared to be redundant and confusing. After listening to public comment, Ms. Lerner stated she is now in favor of keeping the section in the regulations while waiting to see what further potential action the Town people may take.

Harry Falber expressed his opinion that he would prefer a time limit for this process so that it helps to minimize any contentiousness and if that time limit is not met, he would favor the removal of the section.

Sally Korsh stated that public comment raised very legitimate questions and that the Commission should take more time to look at this issue and see whether a movement by the Town people to the Board of Selectmen may occur.

Jane Connolly commented that she does not see any harm in leaving the current provision in the regulations to see whether the Town people come together to file a petition.

Vice Chairman Saltzman indicated that he would be in favor of leaving Section 341.7 as is, for now. He stated that he believes any changes to the regulations should come from the public or discussions that occur during the update to the Town Plan.

Chairman Edgar stated that he believes that the legitimacy of the Town's exemption status has been proven through the legal opinion of the Town Attorney and that the Town has acted in accordance with this exemption status for forty-seven years. He continued to state that he personally believes that the Townspeople have the authority to petition the Board of Selectmen to request a Town Meeting be held for a potential change in the current ordinance. Chairman Edgar commented that should a proposed ordinance that changes the Town's exemption status be enacted, the matter would come back to the Commission for discussion. He stressed that it is the Planning & Zoning Commission that has the authority to amend the zoning regulations. Chairman Edgar suggested that the Town Attorney's legal opinion be sought to determine if there is any exposure to keeping a provision in the zoning regulations that is not enforceable. Chairman Edgar stated that his personal opinion is that the provision should not remain in the regulations, however, he said that he was comfortable with deferring the issue to the Commission's next meeting.

**PLANNING & ZONING COMMISSION REGULAR MEETING MINUTES
MAY 7, 2018, 7:15 P.M.
TOWN HALL ANNEX CONFERENCE ROOM**

PAGE 18-27

CONT'D

Sally Korsh made a motion that the Commission continue its discussion of the Proposed Deletion of §240-27 from Chapter 240 of the Town Code, Municipal uses on Town-owned lots, also known as, Section 341.7 of the Weston Zoning Regulations, to the Commission's June 4th meeting. Seconded by Jane Connolly. Hearing no further discussion, vote in favor (7-0).

short recess

DISCUSSION/DECISION: REQUEST FOR 30 DAY EXTENSION TO FILE APPROVED SUBDIVISION PLAN FOR THE MODIFICATION TO HIDDEN SPRING DRIVE SUBDIVISION IN THE LAND RECORDS, HIDDEN SPRING DRIVE, SECTION 8-25 OF THE CONNECTICUT GENERAL STATUTES AND SECTION 4.3 OF THE WESTON SUBDIVISION REGULATIONS [17-15] (WALID CHERFANE ON BEHALF OF IRON SHIELD INVESTMENTS, LLC AND LAND USE DIRECTOR)

Ms. Kulikowski provided a brief history of the approved Modification to the Hidden Spring Drive Subdivision and indicated the owner-applicant has asked for an extension to the recording of the mylar.

Vice Chairman Saltzman made a motion that the Commission approve the Request for a 30-day Extension to file the Approved Subdivision Plan for the Modification to the Hidden Spring Drive Subdivision in the Land Records, Hidden Spring Drive (Walid Cherfane on behalf of Iron Shield Investments, LLC). Seconded by Britta Lerner. Vote in favor (7-0).

DISCUSSION: TOWN PLAN OF CONSERVATION AND DEVELOPMENT

The proposed release of the Request for Proposals was discussed between the members and the Land Use Director. Ms. Kulikowski confirmed an estimated release date of next week. The Commission discussed a time line for the next steps of the Town Plan update process.

APPROVAL OF MINUTES: APRIL 16, 2018

Hearing no comments, the Commission accepted the Minutes of April 16, 2018.

OTHER BUSINESS: None

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

9:16 p.m. Meeting adjourned

Respectfully submitted: AnnMarie Fontana, Admin. Asst.

NY 3:54PM