

**PLANNING & ZONING COMMISSION SPECIAL MEETING MINUTES  
OCTOBER 23, 2018, 7:15 P.M.  
TOWN HALL ANNEX CONFERENCE ROOM**

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

**Not Present:** Jane Connolly

**Also Present:** Tracy Kulikowski, Land Use Director; members of the public

**Digitally Recorded**

7:21 p.m. Chairman Edgar called the meeting to order.

**PUBLIC HEARING/DISCUSSION/DECISION: APPLICATION FOR MODIFICATION TO A SUBDIVISION APPROVAL; KIRSTIN L. POWERS / PHYLLIS A. SCHWARTZ; LEON D. BLACK & DEBRA R. BLACK SUBDIVISION, GODFREY ROAD WEST, MAP 3300A & MAP 3300B [18-10]**

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

Attorney Douglas Bayer of Bayer & Black, came before the Commission, representing his client, Phyllis Schwartz who is the contract purchaser of three lots and the “proposed right of way” in the 1994 approved four-lot subdivision. This modification was approved, with conditions, by the Conservation Commission on September 27, 2018. A conditional approval by the Westport-Weston Health District for the septic replacement plan was discussed. Engineer Tom Quinn of Peak Engineers, LLC, presented maps and site plans which showed Ms. Schwartz’s intention to combine Lots A-2, A-3 and A-4 and the “proposed right of way” into a single lot for the construction of a new single-family home. The Town Engineer has reviewed and signed-off on the Drainage Analysis prepared by Mr. Quinn. The members asked questions and a discussion ensued between the Commission, Mr. Quinn and Ms. Kulikowski. The Commission discussed fire suppression accessibility.

The following members of the public spoke:

Robert Soloff, Godfrey Road West, expressed his concern about downed trees rotting in the Wetland Buffer Zone located on Lot A-2 which runs along Godfrey Road West.

Mr. Marjani, Merry Lane, stated that he had no objection to this application.

Margaret Wirtenberg, Wilson Road, had questions regarding the general proceedings of this application.

Robert Soloff, Godfrey Road West, spoke again about his previously-mentioned concern.

DC 3:08PM

Hearing no further public comment, Vice Chairman Saltzman made a motion that the Commission close the Public Hearing. Seconded by Sally Korsh. All in favor, the motion carried (6-0). Jane Connolly absent.

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CONT'D

Sally Korsh made a motion that the Commission approve, with conditions, the Application for a Modification to a Subdivision Approval; Kirstin L. Powers / Phyllis A. Schwartz; Leon D. Black & Debra R. Black Subdivision; Godfrey Road West, Map 3300A & Map 3300B to consolidate Lots A-2, A-3 and A-4 and the "Proposed Right of Way" into one 8.4 acre Lot, as shown on the Survey entitled Map Showing Consolidation of Parcels A-2, A-3, A-4 and Right of Way As Shown on Filed Map 3300-A, prepared by RKW Land Surveying, dated 7/6/18. Seconded by Britta Lerner.

A draft approval was reviewed by the members. A discussion regarding the conditions of approval and the Special Requirements ensued between the Commission and Ms. Kulikowski, Land Use Director. Ms. Kulikowski stated that for simplicity, the new 8.4 acre Lot resulting from the consolidation of Lots A-2, A-3 and A-4 and the "Proposed Right of Way", would be referred to, in the Approval and Subdivision Mylar, as Revised Lot A-2. The members amended the draft approval.

Chairman Edgar expressed his view that the Commission does not have the authority to address the issue of blight (rotting trees), as a condition for approval of this application.

Hearing no further discussion, all in favor, the motion carried (6-0). Jane Connolly absent.

**DISCUSSION/DECISION: APPLICATION FOR LOT DEVELOPMENT PLAN APPROVAL;  
GODFREY ROAD WEST, LEON D. BLACK & DEBRA R. BLACK SUBDIVISION, MAP  
3300A & MAP 3300B; KIRSTIN L. POWERS / PHYLLIS A. SCHWARTZ [18-11]**

Attorney Doug Bayer of Bayer & Black, came forward to present the application for the Lot Development Plan for Revised Lot A-2 of the Leon D. Black & Debra R. Black Subdivision. The Commission reviewed the site plan which showed the placement of the home, driveway and other related site improvements. A discussion ensued between the Commission, Attorney Bayer and Ms. Kulikowski.

Harry Falber made a motion that the Commission approve, with conditions, the Lot Development Plan for Revised Lot A-2 of the Leon D. & Debra R. Black Subdivision, Godfrey Road West (MBL 12 Block 3 Lots 30-32), for the construction of a new single-family home, driveway, septic system, retaining walls, storm water management facilities, landscaping and related site work as shown on the site plan, entitled "New Construction – Lot Development Plan Septic Notes and Details" prepared by Peak Engineers, LLC, dated 9/15/17, last revised on 10/17/18, and the "Environmental Planting Plan" prepared by Environmental Land Solutions, LLC dated 8/22/18. Draft approval was reviewed and amended by the Commission. Seconded by Sally Korsh. Hearing no further discussion, all in favor, the motion carried (6-0). Jane Connolly absent.

DC 3:08PM

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**DISCUSSION/DECISION: REQUEST FOR LOT DEVELOPMENT BOND RELEASE; LOT 1, 99 NORFIELD ROAD SUBDIVISION, 99 NORFIELD ROAD [JON ROGERS, MCDILLON REAL ESTATE SERVICES] [17-6]**

Ms. Kulikowski presented to the Commission the applicant's request for a bond release of the engineer's 2017 sedimentation and erosion controls posted in the amount of \$3,800.00. The members reviewed the Town Engineer's recommendation for the bond release citing that work associated with the lot development has been satisfactorily completed.

Britta Lerner made a motion that the Commission approve the request for a lot development bond release in the amount of \$3,800.00; Lot 1, 99 Norfield Road Subdivision, 99 Norfield Road [Jon Rogers, McDillon Real Estate Services]. Seconded by Harry Falber. All in favor, the motion carried (6-0). Jane Connolly absent.

**DISCUSSION: TOWN PLAN OF CONSERVATION AND DEVELOPMENT**

Chairman Edgar updated the Commissioners on the status of the Plan of Conservation and Development.

**APPROVAL OF MINUTES: SEPTEMBER 12, 2018**

Hearing no comments, the Commission accepted the minutes of September 12, 2018.

Sally Korsh made a motion that the Commission adjourn the meeting. Seconded by Chairman Edgar. All in favor, the motion carried (6-0). Jane Connolly absent.

8:32 p.m. Meeting adjourned

Submitted by: AnnMarie Fontana

DCS 3:08PM