

**PLANNING & ZONING COMMISSION REGULAR MEETING MINUTES FOR JUNE 5, 2017**

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**Present:** Tom Failla, Chairman; Jane Connolly, Vice Chairman; Don Saltzman; Ken Edgar; Britta Lerner; Sally Korsh

**Not Present:** Richard Wolf

**Also Present:** Tracy Kulikowski, Land Use Director; John Pokorny, Weston Fire Marshal/Chief; members of the public

**Digitally recorded on 6/5/17**

**PUBLIC HEARING (CONTINUED): PETITION TO AMEND SECTION 610, DEFINITION OF BUILDING HEIGHT, WESTON ZONING REGULATIONS [ATTORNEY KAUFMAN, CARMODY TORRANCE SANDAK & HENNESSEY LLP]**

7:18 p.m. Chairman Failla opened the Public Hearing to continue the discussion.

Jacqueline Kaufman, attorney with Carmody Torrance Sandak & Hennessey LLP, representing Michael and Katherine Sullivan of 24 Lords Highway, Weston, CT, came before the Commission to continue the discussion of the applicant's petition to amend the definition of building height in the Weston Zoning Regulations. Ms. Kaufman indicated that new information received and recent conversations with the Weston Fire Marshal may lead to a revision in the applicant's petition.

Michael MacDonald, architect, was not present, so the Commission and Attorney Kaufman agreed to postpone discussion for later in the evening to allow Mr. MacDonald to be part of the dialogue.

**7:22 p.m. DISCUSSION/DECISION: APPLICATION FOR LOT DEVELOPMENT APPROVAL, 99 NORFIELD ROAD, LOT 1, 99 NORFIELD ROAD SUBDIVISION, NEW HOUSE AND RELATED SITE IMPROVEMENTS [MOUNTAIN VIEW COURT, LLC; JON ROGERS]**

Jon Rogers of Mountain View Court, LLC, came before the Commission to begin a presentation. The property consists of 2.28 acres and is proposed for the construction of a new single family residence where the prior home was located before being demolished. Mr. Rogers indicated a 12 foot wide by 15 foot depth hammerhead would be installed at the end of the driveway to assist with the maneuvering of fire apparatus, and added the hammerhead to the site plan.

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After further discussion, Vice Chairman Connolly made a motion that the Commission approve the application for Lot Development Approval, 99 Norfield Road, Lot 1, 99 Norfield Road Subdivision, new house and related site improvements, subject to conditions, and as amended on the site plan prepared by J. Edwards & Associates. Seconded by Chairman Failla. Vote in favor (6-0). Richard Wolf absent.

**7:32 p.m. DISCUSSION/DECISION: APPLICATION FOR LOT DEVELOPMENT APPROVAL, 31 HIDDEN SPRING DRIVE, LOT 1, HIDDEN SPRING DRIVE SUBDIVISION, NEW HOUSE AND RELATED SITE IMPROVEMENTS [IRON SHIELD INVESTMENTS, LLC; PEAK ENGINEERS, LLC]**

Tom Quinn of Peak Engineers, LLC, representing owner Iron Shield Investments, LLC, came forward to present the application. The property is approximately 3.1 acres and is proposed for the construction of a new single family residence. It is Lot 1 of an approved three-lot subdivision. Health approval, Conservation permit approval and drainage analysis were discussed. Site plan and surveys were reviewed by Commission members. Discussion ensued between the Commission and Ms. Kulikowski. Draft approval was reviewed and discussed by the Commission.

Ken Edgar made a motion that the Commission approves the application for Lot Development Approval, 31 Hidden Spring Drive, Lot 1, Hidden Spring Drive Subdivision, subject to conditions, as discussed and modified. Seconded by Chairman Failla. Vote in favor (6-0). Richard Wolf absent.

**PUBLIC HEARING (CONTINUED): PETITION TO AMEND SECTION 610, DEFINITION OF BUILDING HEIGHT, WESTON ZONING REGULATIONS [ATTORNEY KAUFMAN, CARMODY TORRANCE SANDAK & HENNESSEY LLP]**

7:45 p.m. Chairman Failla reopened Public Hearing.

Attorney Jacqueline Kaufman addressed the Commission to review the applicant's proposal to amend the calculation of building height to read from average grade to the mean point of the eaves or roof peak, rather than to the highest roof peak currently provided by the Regulations. The proposed amendment also strikes language that precludes lower ridge peaks from being included in the calculation.

The Zoning Regulations of neighboring towns, including Easton, Fairfield, New Canaan, Norwalk, Redding, Ridgefield, Westport and Wilton were submitted to the Commission members.

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Ms. Kaufman indicated that she discussed fire safety issues with Fire Marshal John Pokorny and stated that some of the language in the applicant's request may change to allow for the average vertical distance measured from finished grade adjacent to the walls of the building.

Mr. Pokorny discussed the Fire Department's accessibility to buildings with its existing apparatus.

Michael MacDonald, architect for the applicant, came forward, using the Sullivan home as an example, to discuss how the proposed amendment would affect the building height calculation without compromising fire safety.

Commission members discussed concerns associated with using average or mean in the calculation of building height.

Attorney Kaufman suggested an option to include a special permit in the regulations. Don Saltzman stated issues with this option and discussion continued.

Although the applicant has granted the Commission an extension to continue and close the public hearing, Vice Chairman Connolly suggested to Ms. Kaufman that her client withdraw the application and begin the process with a new application that proposes a new text amendment to building height, should the client indeed propose a change in the language. Attorney Kaufman stated she would speak with her client.

Tracy Kulikowski read into the record the letters received from MetroCOG, Connecticut Metropolitan Council of Governments and WestCOG, Western Connecticut Council of Governments. Both letters indicated no regional impacts from proposed changes.

Ken Edgar commented on the concerns using average or mean to calculate building height, and stated that this isn't an issue that has been brought before the Commission very often.

The Public Hearing was continued to the Commission's July 10 meeting.

**8:23 p.m. DISCUSSION/DECISION: APPLICATION FOR LOT DEVELOPMENT APPROVAL, 7 GREY FOX LANE, LOT 31, OLD FARM HILLS SUBDIVISION SECTION II RESUBDIVISION, NEW HOUSE AND RELATED SITE IMPROVEMENTS [ALBA CONSTRUCTION, LLC; ARTHUR CELAJ]**

Arthur Celaj of Alba Construction, LLC, came before the Commission to discuss the application. The property consists of 2.65 acres and is proposed for the construction of a new single family dwelling. Health approval, Conservation approval, a site plan, engineering plan and survey were

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reviewed and discussed by the members. Bond estimates will be revised and increased to reflect 260 linear feet of hay bales. Discussion continued with Mr. Celaj, the Commission and Ms. Kulikowski.

Don Saltzman made a motion that the Commission approve the application for Lot Development Approval, 7 Grey Fox Lane, Lot 31, Old Farm Hills Subdivision Section II Resubdivision, subject to conditions, as discussed and modified. Seconded by Jane Connolly. Vote in favor (6-0). Richard Wolf absent.

**8:34 p.m. DISCUSSION/DECISION: APPLICATION FOR ACTIVITY IN A FLOOD ZONE, 108 VALLEY FORGE ROAD, EXISTING HOUSE INTERIOR RENOVATION [RAKAJ & STAKAJ; RAYMOND LEMLEY]**

Tracy provided history on the property and began a preliminary discussion. The home was built in 1968 and formerly housed a veterinary hospital. Approximately 2/3 to 3/4 of the home sits in the floodway. The home predates 1978 FEMA regulations and Wetlands Regulations. Current FEMA rules indicate that, within a 10-year period, if the cost of improvements exceeds 50 percent of the market value of the building, it must be brought up to current floodplain management standards.

Raymond Lemley, of CSB Communications, LLC, representing the applicant, came forward to provide details on the renovation. The proposed plan would require no changes to the existing footprint.

Mr. Lemley indicated more time would be needed to calculate the value of improvements and subsequently provide a more accurate total of estimated costs. The issue of finished costs exceeding estimates was addressed. Mr. Lemley understood more research was needed and the Commission agreed to discuss this application at a future meeting.

**8:43 p.m. DISCUSSION/DECISION (CONTINUED): PRE-APPLICATION REVIEW LETTER AND PROCEDURE [CGS 7-159b]**

The Commission members reviewed the draft applicant's agreement form and discussed the purposes and proposed procedures with regards to a pre-application review meeting. The non-binding nature of the pre-application review process was discussed. The Commission spoke about amending some of the language found in the draft procedures. Tracy will modify the draft to include these changes.

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**8:55 p.m. DISCUSSION: TOWN PLAN OF CONSERVATION AND DEVELOPMENT [TPCD] – REQUEST FOR QUALIFICATIONS**

Chairman Failla suggested the Commission invite a member of the Conservation Commission to join in the discussion on Request for Qualifications/Proposals (RFQ/RFP) process and the members agreed. The detailed RFQ used for the 2010 Town Plan was reviewed by the Commission. The timeframe of the process was discussed. The Commission agreed to review the 2010 TPCD and CGS 8-23 [Preparation, amendment or adoption of plan of conservation and development].

**APPROVAL OF MINUTES: MAY 1, 2017**

Vice Chairman Connolly made a motion that the Commission approve the minutes of May 1, 2017, as amended. Seconded by Chairman Failla. Vote in favor (6-0). Richard Wolf absent.

**OTHER BUSINESS:** none

9:04 p.m. Chairman Failla made a motion that the Commission adjourn the meeting. Seconded by Vice Chairman Connolly. Vote in favor (6-0). Richard Wolf absent.

Respectfully submitted:

AnnMarie Fontana, Administrative Assistant