

**PLANNING & ZONING COMMISSION REGULAR MEETING MINUTES  
OCTOBER 2, 2017, 7:15 P.M.  
TOWN HALL ANNEX CONFERENCE ROOM**

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**Present:** Tom Failla, Chairman; Ken Edgar, Sally Korsh, Britta Lerner, Don Saltzman, Richard Wolf

**Not Present:** Jane Connolly, Vice Chairman

**Also Present:** Tracy Kulikowski, Land Use Director; Nina Daniel, First Selectman; members of the public

**Digitally recorded on 10/2/17**

**RECEIPT OF APPLICATION: APPLICATION FOR ACTIVITY IN A FLOOD ZONE,  
10 HEMLOCK RIDGE RD, RELOCATION OF FOOT BRIDGE [LAND TECH]**

Britta Lerner moved that the Commission receive the application for Activity in a Flood Zone, 10 Hemlock Ridge Rd, Relocation of Foot Bridge. Seconded by Sally Korsh. Vote in favor (5-0). Jane Connolly and Don Saltzman absent.

Don Saltzman arrived

**PUBLIC HEARING: DISCUSSION/DECISION: IN ACCORDANCE WITH PUBLIC ACT 17-155 AND CONNECTICUT GENERAL STATUTES SECTION 8-7d, TO DISCUSS PUBLIC ACT 17-155: "AN ACT CONCERNING TEMPORARY HEALTH CARE STRUCTURES" ("THE ACT") INCLUDING SUBSECTION (j) OF SECTION 1 OF THE ACT, ALLOWING FOR A MUNICIPALITY TO OPT OUT OF THE PROVISIONS OF THE ACT AND OF SECTION 8-2(a) OF THE CONNECTICUT GENERAL STATUTES, AS AMENDED BY THE ACT**

Chairman Failla read the legal notice into the record and opened the Public Hearing.

Tracy Kulikowski gave an overview of the Act and the Commission reviewed documents. The intent of the act, the permit process and enforcement concerns were discussed. Ms. Kulikowski and the members discussed the opt-out process.

OC 10 3:40PM

The following spoke:

- Margaret Wirtenberg, Wilson Road, commented on enforcement issues
  - Nina Daniel, First Selectman, requested to hear dialogue on the Act's ability to serve the purpose of maintaining the health and well-being of the elderly population
- Weston Zoning Regulations, Section 240-34: Apartments, was discussed between the Commission and the Land Use Director. The dialogue included current sections of the Town's Zoning Regulations that can accommodate individuals with healthcare needs.

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**PUBLIC HEARING: DISCUSSION/DECISION: IN ACCORDANCE WITH PUBLIC ACT 17-155 AND CONNECTICUT GENERAL STATUTES SECTION 8-7d, TO DISCUSS PUBLIC ACT 17-155: "AN ACT CONCERNING TEMPORARY HEALTH CARE STRUCTURES" ("THE ACT") INCLUDING SUBSECTION (j) OF SECTION 1 OF THE ACT, ALLOWING FOR A MUNICIPALITY TO OPT OUT OF THE PROVISIONS OF THE ACT AND OF SECTION 8-2(a) OF THE CONNECTICUT GENERAL STATUTES, AS AMENDED BY THE ACT**

Richard Wolf commented that the Act appears poorly crafted and impractical; however, he indicated that if the Act is a method to accommodate a family in need, then the Town should adopt its provisions.

Ken Edgar added that opting out does not permanently deny residents the opportunity to have a temporary health care structure; if the Commission perceives there is demand, regulations can be crafted that permit a version of the Act that is more appropriate for the Town. He noted that the opt-out process also requires the approval of the Board of Selectmen.

Margaret Wirtenberg asked about the Apartment permit process and a discussion ensued with the Land Use Director.

Tom Failla noted that the Town's apartment permit process already offers residents a more flexible and possibly less costly option to accommodate impaired persons than the temporary health care structures statute.

Ken Edgar moved that the Commission opt-out of the provisions of Public Act 17-155 and of Section 8-2(a) of the Connecticut General Statutes, as amended by the Act. Seconded by Sally Korsh. The reasons for its decision are that some provisions of the Act will place burdens on the Town, in terms of compliance. Those burdens include, but are not limited to, the continual monitoring that the occupant of the structure is impaired and ensuring the removal of the structure within 120 days of the impaired person vacating the unit. Whether the Town has the resources to address noncompliance was questioned. Opting out will allow the Town the ability to develop its own framework for regulating temporary health care structures, more responsive to the needs of Weston residents, should a demand be evident. Vote in favor (5-1) (opposed, Wolf).

Ms. Kulikowski confirmed a legal notice of the decision will be published in the Weston Forum.

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**A NON-BINDING PRE-APPLICATION REVIEW FOR THE FOLLOWING ITEM:  
PROPERTY: COBBS MILL INN, OLD MILL ROAD [MELISSA TEITEL]**

The Commission conducted a non-binding pre-application review of an application for property development located at 12 Old Mill Road, 13 Old Mill Road and 19 Old Mill Road.

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

Chairman Failla reminded the members of the Special Meeting scheduled for October 30th when a review of the current Town Plan and the research on Requests for Proposals prepared by Commissioners Korsh and Lerner will be discussed.

**DISCUSSION: LEGISLATIVE UPDATE:  
PUBLIC ACT 17-39, AN ACT CLARIFYING THE CONTINUATION OF  
NONCONFORMING USES, BUILDINGS OR STRUCTURES [EFFECTIVE  
7/1/17][LAND USE DIRECTOR]**

Tracy Kulikowski gave a summary of the Act. The Town's current regulations regarding nonconforming uses and structures are not compliant with the Act. Tracy will draft new language to present to the members for discussion at the December regular meeting.

**OTHER BUSINESS:**

Ms. Kulikowski presented the members with the CT Office of Policy & Management 2013-2018 Locational Guide Map used by some state agencies to determine a proposed project's consistency with the State Plan for the purpose of obtaining state or federal funding. A discussion ensued on the State Plan's criteria for establishing a Priority Funding Area and its consistency with Weston's 2010 Town Plan.

Chairman Failla briefly commented on a Saugatuck River Watershed Council Meeting he recently attended.

**APPROVAL OF MINUTES: AUGUST 29, 2017**

Chairman Failla moved that the Commission approve the minutes of August 29, 2017. Seconded by Don Saltzman. Vote in favor (6-0). Jane Connolly absent.

9:05 p.m. Meeting adjourned

Respectfully submitted: AnnMarie Fontana, Administrative Assistant