

**PLANNING & ZONING COMMISSION REGULAR MEETING MINUTES  
SEPTEMBER 8, 2021; 7:15 P.M.  
HELD VIRTUALLY VIA INTERNET AND PHONE**

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**Present virtually:** Ken Edgar, Chairman; Sally Korsh, Harry Falber, Britta Lerner, Richard Wolf, James Carlon

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

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

**Digitally Recorded [held virtually pursuant to Sections 163-167 of Senate Bill 1202]**

7:17 p.m. Chairman Edgar called the meeting to order.

**DISCUSSION/DECISION CON'T: REQUEST FOR WAIVER TO SECTION 3.10.4 OF THE SUBDIVISION REGULATIONS TO PERMIT LOT 21 OF THE OLD HILL FARMS SUBDIVISION, OLD FARM ROAD (MAP 2 BLOCK 5 LOT 8) TO HAVE DRIVEWAY ACCESS ON OSBORN FARM ROAD FOR ACCESSIBILITY PURPOSES [JACLYN TYLER, PRINCIPAL, NEXUS CREATIVE DESIGN] [21-08]**

Jaclyn Tyler, Architect at Nexus Creative, representing the property owner, came before the Commission to present supplemental documentation that the Commission had requested at its August 2<sup>nd</sup> meeting. Ms. Tyler presented a site development plan, prepared by McChord Engineering, dated July 26, 2021 and last revised on August 31, 2021, which depicts the final design for the site development. She stated that the property owner has abandoned the two curb cuts for the driveway and that the plan proposes only one curb cut. Ms. Tyler proceeded to demonstrate how the criteria specified in Section 3.14 Waivers of the Subdivision Regulations, have been met so as to justify the Commission granting a waiver. Ms. Tyler gave her opinion that, due to the topography of the site, having a driveway access from Osborn Farm Road is likelier a safer option than a driveway access from Old Farm Road. She spoke about the natural and physical conditions of the site that do not apply generally to other land in the vicinity. Ms. Tyler spoke about the topography of other sites in the vicinity. She stated that a driveway access from Osborn Farm Road would create significantly less land disturbance and would help preserve more of the site's natural resources. The Commission reviewed the driveway access of existing sites along Old Farm Road, Osborn Farm Road and Grey Fox Lane. The members asked questions and a discussion ensued between Ms. Tyler and the Commission. Richard Wolf stated that upon review of the additional information presented to the Commission, he is in favor of approving the request for a waiver and Chairman Edgar agreed.

Chairman Edgar made a motion that the Commission approve the Request for a Waiver to Section 3.10.4 of the Subdivision Regulations to permit Lot 21 of the Old Hill Farms Subdivision, Old Farm Road (Map 2 Block 5 Lot 8) to have driveway access on Osborn Farm Road for accessibility purposes. Seconded by Sally Korsh. Hearing no further discussion and a roll call vote, all in favor, the motion carried (6-0). Vice Chairwoman Connolly absent.

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**DISCUSSION/DECISION CON'T: REVIEW OF THE COMMISSION'S PROPOSAL TO AMEND THE ZONING MAP AND TO AMEND AND TO RESTATE THE ZONING REGULATIONS OF THE TOWN OF WESTON, INCLUDING A PROPOSED NEW SECTION 322, VILLAGE DISTRICT (VD) TO REPLACE THE CURRENT SECTION 322, NEIGHBORHOOD SHOPPING CENTER DISTRICT (NSC) OF THE ZONING REGULATIONS, WITH SLR CORPORATION**

Elizabeth Esposito, Planner with SLR Corporation, and Paolo Campos, Architect with Patriquin Architects, came before the Commission to continue the review of the Commission's proposal to amend the Zoning Map and to amend and restate the Zoning Regulations including a proposed Village District (VD). Ms. Esposito provided the members with background information on Patriquin Architects and its role and contribution to the proposal. Mr. Campos reviewed Appendix A, Policy Regarding Site and Building Design Standards and Guidelines for the VD. The Commission and SLR spoke about the architectural styles for buildings proposed in the VD. Mr. Campos commented that the proposed language provides examples of select architectural styles and that it does not limit styles exclusively to those highlighted in the Appendix. He presented the members with illustrations of architectural styles, proposed building heights, wall and roof materials, window types and a variety of ornamental elements. Richard Wolf asked whether alterations to existing buildings should adhere to the same design standards and aesthetics as those laid out for new buildings and expressed his concern about applying those standards to existing buildings, particularly in the current Town Center. He asked that SLR provide the Commission with a vision of how Town Center might be developed in the future. Harry Falber commented on the potential ability for existing buildings and new buildings in the VD to achieve cohesiveness and to flow with varying architectural styles. Britta Lerner expressed her opinion that Weston and its identity, including signage and uniformity with architectural styles, are important elements to consider. The members and SLR continued to discuss the draft regulations. Chairman Edgar stated that after the enactment of the Village District Regulations, should an applicant come before the Commission with an attractive proposal that did not conform to the Regulations, then the Commission would be able to decide whether to revisit the Regulations for potential amendments. Mr. Campos restated that the proposal gives the Commission discretion with regard to architectural standards and guidelines for the VD. Richard Wolf stated that the Commission should study what the VD may look like should an existing owner want to expand an existing building's footprint. Chairman Edgar commented that it is more prudent for the Commission to analyze actual applications for VD development than to study hypothetical scenarios in the VD. Sally Korsh felt that the Commission's work should be to set forth a framework for applicants to come before the Commission with proposals for VD development within which positive changes can be made for the Town. Ms. Esposito discussed the challenges with promulgating multiple visualizations on hypothetical scenarios and indicated that having a framework that provides guidance for potential applicants is more beneficial.

The Commission discussed revisions to other proposed language, primarily in Section 322 of the regulations. The members reviewed proposed Permitted Uses and agreed that outdoor seating for food service establishments should be permitted, similar to seating permitted for restaurants or cafes. The Commission discussed Bed and Breakfast establishments and agreed to retain the proviso that they are permitted only if located in buildings existing on the effective date of the VD Regulations.

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The Commission discussed the potential to regulate the size of apartments located in buildings that are purely residential in nature. Harry Falber stated that the square footage of apartments located in buildings that are purely residential in nature should be regulated in order to potentially provide affordable housing and senior housing. The members agreed to consider further this Permitted Use and to continue the discussion at its next meeting.

The Commission reviewed changes made to the proposed Limitation on Uses. The members agreed that exterior areas enclosed by walls, fences and/or hedges, areas devoted to utilities, and attics, basements or cellars shall not be included in the calculation of square footage of a building exclusively used for non-residential purposes. James Carlon commented that this benefit would provide business owners with some needed storage without the burden of including this space as part of their overall square footage. The Commission discussed exterior storage of articles for sale, or of other materials or equipment, and agreed that this Limitation on Uses would need further review and discussion.

The members reviewed the proposed Requirement for Affordability where five or more residential dwelling units are proposed and discussed the minimum percentage of such units that would be required to be "affordable" as described in Section 8-30g of the Connecticut General Statutes. After further discussion, the Commission agreed to change the proposed minimum percentage from 20% to 15%.

Chairman Edgar spoke about a possible provision to be added to the draft VD Regulations, in accordance with a recently enacted State Statute, that would allow the Commission to hire a consultant or consultants to perform a technical review of an application relating to the VD and that the applicant would pay the cost of fees associated with any such review by consultant(s). Tracy Kulikowski, Land Use Director, stated that the Weston Town Code contains a provision for a Support Service Fee that permits Land Use Commissions to engage the services of an outside consultant to evaluate and review applications and that the costs associated with the review are to be paid by the applicant. She agreed to review the State Statute and the Weston Town Code to help the Commission determine whether this possible provision should be added to the VD Regulations.

The following member of the public spoke:

Jess DiPasquale of 48 Norfield Road whose property is in the proposed VD Zoning Map, expressed his concern that his property may not meet the frontage and/or setback requirements for Permitted Uses in the VD. He stated that he would conduct a measurement of the property's frontage to verify that fact. He also expressed his concern with the pressure on restaurant operators to provide for dining with less density and more open space due to the pandemic. He stated that this could affect the amount of square footage and parking that a property owner may need and thus, may result in the owner's inability to conform to the VD Regulations. SLR agreed to come back to the Commission with a recommendation regarding Mr. DiPasquale's concern. He commended the Commission on its direction and progression with the proposal and expressed his favorability of an architectural review board as the body to review all development in a VD. Chairman Edgar stated that the Commission will have further discussions on this topic including whose authority it is to create a potential architectural review board.

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Chairman Edgar stated that Ken Kleban of Kleban Properties had sent him a note questioning whether certain types of professional offices, such as medical, dental and/or legal, should be permitted on the first floor of mixed-use buildings. Ms. Esposito gave her opinion that allowing the public first-floor accessibility to professional offices is important especially if new buildings are proposed that are not large enough to support elevators. Mr. Campos spoke about the accessibility building codes and some of the situations in which they become applicable. The members declined to prohibit such offices on the first floor of mixed-use buildings.

The Commission discussed application requirements for VD development including a water-impact analysis and sustainability measures.

The following member of the public spoke:

Josh Tolk, operator and representative of the Weston Shopping Center, stated that the owner of the Center also owns 10 Cricket Lane, which abuts the proposed VD Zoning Map. Chairman Edgar referred to the 2020 Town Plan of Conservation and Development and stated that it appeared that this particular property was not included in the Plan's proposed VD Zone. Mr. Tolk spoke about the proposed height restrictions in the VD and gave his opinion that they may impose limitations on achieving density and expressed concern about the limitations to square footage of any single building exclusively used for non-residential purposes. He praised the Commission on its flexibility and its discussion about potential VD text amendments should an applicant, in the future, propose an application that the Commission determines is beneficial to the Town.

**DISCUSSION/DECISION: SET PUBLIC HEARING DATE FOR THE COMMISSION'S PROPOSAL TO AMEND THE ZONING MAP AND TO AMEND AND RESTATE THE ZONING REGULATIONS OF THE TOWN OF WESTON, TO ADOPT A NEW SECTION 322, VILLAGE DISTRICT (VD) TO REPLACE THE CURRENT SECTION 322, NEIGHBORHOOD SHOPPING CENTER DISTRICT (NSC) OF THE ZONING REGULATIONS**

The Commission agreed that it should continue to discuss this matter at its next meeting and to not set a public hearing date at this time.

**APPROVAL OF MINUTES: AUGUST 30, 2021**

Hearing no comments, the Commission accepted the Minutes of August 30, 2021.

**OTHER BUSINESS:** none

Sally Korsh made a motion that the Commission adjourn the meeting. Seconded by Britta Lerner. All in favor, the motion carried (6-0). Vice Chairwoman Connolly absent.

9:31 p.m. Meeting adjourned

Submitted by: AnnMarie Fontana, Admin. Assistant