



Incorporated 1787

Conservation Commission

Staff Advisory Memo to the Weston Conservation Commission

April 21, 2022

In a letter April 11, 2022 Attorney Stephen Nevas raised a question about the completeness of Permit Application CC 22-05 requesting modifications to Permit CC 18-01 regarding a dog park on a Town of Weston parcel known as the "Moore Property" at Lords Highway East and Davis Hill.

Mr. Nevas asserts that requirements for applications fall under Town Code Sect. 215-7-D, which is the same as Section 7.4 under the town's Inland Wetlands Regulations. 7.4 states: "If the proposed activity involves a significant activity as determined by the Commission and defined in Section 2.1 of these regulations, additional information based on the nature and anticipated effects of the activity, including but not limited to the following, may be required ..."

This application is a request for a modification, which involves lesser activity than the currently permitted project under CC 18-01. In approving that application, the Commission found no significant activity and the court, upon a plaintiff appeal, upheld the finding. Therefore, the matter of application completeness does not fall under Section 7.4 but rather under Section 7.3 (the same as Town Code 215-7-C). 7.3 states: "All applications shall contain such information in writing or on maps or drawings that is necessary for a fair and informed determination of the issues, including..." The town has complied with the applicable provisions under that subsection (i.e. "a." through "e." and "g." through "k." and "m.")

Note, the Town is back in front of the Commission because CC Permit 18-01 Condition E. "any changes ... shall require notification to the Commission and may require a new application may be made." In this case, because the scope of proposed activity has been reduced, the town seeks a modification.

Respectfully Submitted

Dr. Tom Failla