

**PLANNING & ZONING COMMISSION
MEETING MINUTES
APRIL 4, 2022 7:15PM
HELD VIRTUALLY VIA INTERNET AND PHONE**

22-8

Present Virtually: Sally Korsh, Chair; Ken Edgar, James Carlon, Richard Wolf, Megan Loucas, Alexander Burns, and Michael Reiner

Also Present: Tracy Kulikowski, Land Use Director; First Selectwoman Samantha Nestor, Town Attorney Ira Bloom, members of the public

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

Ms. Korsh called the meeting to order at 7:20PM

Receipt of Application: Application for Subdivision Approval, 48 Kettle Creek Road, Daniel Offutt Subdivision [Towne Building & Development LLC, Tom Kelley] [22-03] Tom Kelly briefly described his plan for two 5,000 square foot homes on Lot 1 at 2.35 acres, and Lot 2 at 2.85 acres. Mr. Burns made a motion to accept the application, Ms. Korsh seconded. Motion carries unanimously.

Discussion/Decision: Request for Lot Development Bond Release, 87 Weston Woods Way, Lot 5 of the Weston Woods Subdivision [Tracy Kulikowski, Land Use Director] [20-04] Ms. Kulikowski explained the location is now a completed house site and it is appropriate to release the lot development bond collected at the beginning of the project. Ms. Loucas made a motion for the release of the bond, Mr. Reiner seconded. Motion carries unanimously.

Public Hearing and Discussion/Decision: Application for Modification of a Subdivision Approval, 11 & 15 Ridge Road, Lots 4 and 3, Imperial Bridge Subdivision [Peter Romano, LANDTECH and Eli Watchtel, owner] [22-02] Ms. Kulikowski read the legal notice for the public hearing for Application for Modification of a Subdivision Approval, 11 & 15 Ridge Road, Lots 4 and 3. Pete Romano, Principal of Landtech, introduced himself and Eli Wachtel, property owner, to discuss proposed modifications to 11 & 15 Ridge Road. These modifications would convert an existing emergency-only accessway across Lot 3 to a regular driveway to Mr. Watchtel's property, Lot #4. Mr. Romano further explained that the proposed location of the driveway exit onto Route 53/Norfield Road meets the CT Dept of Transportation sightline requirements and provided a letter from the State to that effect. Mr. Wachtel spoke of his difficulty using the Ridge Road entrance.

Comments from members of the public:

Margret Wirtenberg, former Weston resident spoke regarding the awkward entrance on Ridge Road.

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Mr. Edgar made a motion to close the public hearing and Mr. Carlon seconded. Motion carries unanimously.

The Commissioners discussed the denial of a substantially similar application on November 29, 2001. The denial was appealed by the prior owners but was upheld by the Superior Court, Judicial District of Stamford/Norwalk on December 5, 2003, Timothy M. Koller, et al, v. Planning and Zoning Commission of the Town of Weston, CV 02 0187147. The Commission discussed whether there was any “compelling need” to change the subdivision as originally approved if no condition had “materially changed” to the present date, the same reasoning used in the denial of November 29, 2001.

Ms. Loucas questioned what would happen to the property addresses and if it might affect fire safety and postal routes? Ms. Kulikowski answered that addresses may need to change. Mr. Edgar pointed out that no other resident of the Imperial Bridge Subdivision seemed to be affected nor voiced an opinion about the Application. Ms. Korsh noted that the map provided seems to indicate the proposed sight lines are not currently established as the map references potential regrading and removal of vegetation.

Mr. Edgar made a motion to deny the Application, Ms. Korsh seconded. Motion carries unanimously.

Receipt of Referral and Discussion/Possible Report: Referral for CGS Section 8-24 Report, Proposed Weston Dog Park, Moore Property, Map 17 Block 1 Lot 17, Lords Highway East [Samantha Nestor, First Selectwoman, Harry Rocheville, Jr, P.E.] [22-04]

First Selectwoman Samantha Nestor introduced herself, stating she is presenting on behalf of the Board of Selectmen which is referring this modification to the Commission per CT General Statutes § 8-24. Ms. Nestor outlined the approvals of the Weston Dog Park to date and briefly discussed the modifications. Harry Rocheville, P.E, McChord Engineering, showed a map and architectural drawings of the modified Weston Dog Park plan, including a shortened driveway, decreased parking, relocated drainage systems and the outlined distance from nearby wetlands. Mr. Rocheville explained the use of the property and further expanded on Ms. Nestor’s discussion of the reduction in the prior plan cost. He stated there will be no clearing happening, only the removal of dead trees and low branches.

Ira Bloom, Town of Weston Attorney, reminded the Commission that tonight's meeting is a statutorily required referral from the Board of Selectmen, where an appealable decision is not made, but merely a positive or negative report is made on the proposed use of this municipal property.

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In initial discussion among the Commission members, Ms. Korsh stated that in her opinion, and as found previously by the Commission on March 5, 2018, this is a valid use of town property completely in concert with the Conservation Commission prior approval and town municipal use. Further, the town vote on April 4, 2018, and the inclusion in the 2020 Plan of Conservation and Development also supports this use.

Mr. Wolf stated he is in favor of a dog park but does not believe this is the proper location for it,

Mr. Burns commented that although partially opposed due to the town funds required, he would vote in favor of the dog park on this property as a valid use of town property.

Ms. Korsh noted that a request for continuance had been received from Attorney Stephen Nevas on behalf of his clients, 12 Weston residents.

Comments from members of the public:

Attorney Stephen Nevas, speaking for his clients, requested to continue consideration of this referral for an additional 2-3 weeks to allow his clients to review and be able to make valuable comments. Mr. Nevas explained it was his belief that there hasn't been enough time to review and consider all documents and his clients are being directly impacted by this decision. He wants to present information but needs a couple of weeks to put it together to present it in a way that will be valuable. Ms. Korsh advised Mr. Nevas that any particular drainage/environmental matters are not appropriately heard before this Commission but can be heard at the Conservation Commission meeting scheduled for April 21, 2022.

Mr. Reiner responded that these are scaled back plans of previous plans that have already been addressed with your clients. Mr. Nevas stated that these changes are affecting his clients more than before.

Mr. Bloom addressed the Commission to indicate that the information regarding this modification has been available since January at the Board of Selectmen website and that the McChord Engineering summary of changes and materials have been available there for a full month when the BOS decided to make the § 8-24 referral to Planning and Zoning.

Margaret Wirtenberg indicated that although this has been a long process, she trusts the Planning and Zoning Commission to do the right thing.

Maria Calamito, Weston Dog Park, indicated the people of this town cannot believe this has taken six years. You've already approved this property as good for a dog park, the fact that you're even considering a special meeting for this is ridiculous. This is now less impact on this property and has already been approved. It is essentially putting in a fence.

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Christina Koether- It is disheartening as a resident and volunteer in town for something so simple as a dog park to take so long.

Michelle Halpin- Board Member for Weston Dog Park, stated this meeting has been very disappointing, to push something off that has been approved by commissions, and putting this off is disappointing and upsetting. I hope this decision is made this evening.

Members of the Commission then responded to the comments and the request for delay by Mr Nevas. Mr. Edgar stated he understood the frustration members of the public expressed. Six years is unreasonable, we need to consider both sides. He hopes that people can be a bit more patient.

Mr. Burns stated he wouldn't be opposed to pumping the brakes so we can hear everyone's thoughts, but he would also vote tonight, it's been voted on before, it's now a smaller project, it's been done before.

Mr. Reiner stated he thinks we have heard it all, we have addressed it all, he's not sure what the additional 35 days will do. He is not in favor of extending but if it's only another two weeks, he would allow that.

Ms. Loucas felt no compelling reasons to push it back another two weeks, we owe it to the community to move it to next steps. She will not be voting to extend.

Mr. Carlon stated even if these distinctions between the previous proposal and current modifications have a greater impact on individuals that Attorney Nevas is representing, he was not sure that impact affects the legal analysis for purposes of § 8-24. He wants to give these individuals a chance to articulate how they may be impacted however he wouldn't change his mind in two weeks from now. He would not vote to further extend the vote.

Mr. Wolf stated he is in agreement with letting Attorney Nevas make a presentation two weeks from now.

Ms. Korsh believes we have seen and debated these issues before. She would not be in favor of extending this vote.

Mr. Edgar made a motion to continue the meeting no longer than two weeks to April 18, 2022, to allow any further presentations. Mr. Wolf seconded the motion. Hearing no discussion and a roll call vote, the motion fails 2-5 [for Richard Wolf, and Ken Edgar; opposed Sally Korsh, Michael Reiner, Alex Burns, Jim Carlon, Megan Loucas].

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Mr. Edgar made a motion to issue a favorable report under CT General Statutes § 8-24 regarding the modification referred by the Board of Selectmen for the Weston Dog Park, Ms. Loucas seconded. The motion carries 6-1 as follows: [for, Sally Korsh, Ken Edgar, Michael Reiner, Alex Burns, Jim Carlon, and Megan Loucas; opposed Richard Wolf]

The Commission finds the Weston Dog Park is an appropriate use of municipal property; the modifications present a mere reduction of the plan previously approved by this Commission on March 5, 2018; the Town voted to support the Weston Dog Park on this property on April 4, 2018; the Conservation Commission approved the Weston Dog Park on May 3, 2018 (upheld on appeal); and, the Weston Dog Park was included in the 2020 Plan of Conservation and Development.

Discussion con't: Draft of potential amendments to the Accessory Apartment regulations, Section 345 (Apartments) of the Weston Zoning Regulations. Public Hearing scheduled for Monday May 2, 2022 at 7:15 pm, format TBA.

Ms. Korsh reviewed revisions of Planning & Zoning Proposed Accessory Apartment draft regulations with the Commission. Mr. Wolf asked for clarification on § 345.2. Discussion ensued. The draft will be modified to include suggested changes.

Discussion con't: Appointment of Architectural Review Board

Ms. Korsh and Ms. Kulikowski will continue to develop this matter.

Discussion con't: 2022 Proposed State Legislation

Ms. Kulikowski stated outdoor dining has been extended by the Governor for another year. Ms. Kulikowski discussed possible hybrid meetings for future Commission meetings based on State requirements.

New Business

Mr. Wolf asked if Weston Gardens must be a retail garden supply enterprise or if it can be a wholesale business only. This will be looked into by Ms. Kulikowski.

Approval of Minutes: March 7, 2022

Hearing no further comment, the Commission accepted the Minutes of March 7, 2022, Mr. Edgar abstaining. Mr. Edgar made a motion to adjourn the meeting. Ms. Korsh seconded the motion. All in favor, the motion carried [7-0]. Meeting adjourned 9:57 P.M.

Respectfully submitted, Marina Zegarelli, Assistant