

PLANNING & ZONING
COMMISSION
Telephone (203) 563-0185
Fax (203) 563-0284



TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

WILTON PLANNING & ZONING COMMISSION MINUTES JUNE 23, 2014 REGULAR MEETING

PRESENT: Chairman Christopher Hulse, Vice Chair Sally Poundstone, Secretary Doris Knapp, Commissioners Lori Bufano, John Comiskey, Joe Fiteni, Bas Nabulsi, and Franklin Wong

ABSENT: Peter Shiue (notified intended absence)

ALSO

PRESENT: Robert Nerney, Town Planner; Daphne White, Assistant Town Planner; Lorraine Russo, Recording Secretary; members of the press; and interested residents.

PUBLIC HEARINGS

- 1. SP#390, Rolling Hills Country Club, Inc., 333 Hurlbutt Street, To allow construction of paddle tennis courts and warming hut**

Mr. Hulse called the Public Hearing to order at 7:15 P.M., seated members Bufano, Comiskey, Fiteni, Hulse, Knapp, Nabulsi, Poundstone, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. He noted that the hearing was continued from a prior date.

Ms. Knapp referenced a letter dated June 20, 2014 from J. Casey Healy withdrawing the 44 Westport Road application (listed as #2 under Public Hearings this evening); and a 2-page response letter dated June 18, 2014 from J. Casey Healy to Planning and Zoning Commission addressing issues raised in connection with SP#390.

Present were J. Casey Healy, attorney; and Scott Semple, General Manager, Rolling Hills Country Club.

P&Z Minutes – 06/23/14 – Page 2

Attorney Healy referenced his response letter of June 18th, reviewing in detail each of the comments/issues raised at the prior hearing. In particular, he noted that:

- Landscaping plans were changed to incorporate additional trees for screening, to be planted on a new 30-36-inch high earthen berm;
- Shut-off time for paddle tennis court lighting will be 11 P.M.
- Proposed drainage will be adequate per submitted McChord Engineering letter;
- An updated Report of Club Membership and Parking has been submitted to update comparable data provided at the February 11, 2008 hearing;
- The practical maximum occupancy of the deck between the paddle and tennis courts is 24 to 30 people, but the more typical maximum average will likely be 8 to 12 people;
- The principal use of the warming hut will be for winter paddle tennis play, averaging 12 players or less, with tournaments bringing the potential maximum crowd to 12-24 people.
- The paddle tennis courts and warming hut will not be leased for outside events since, among other reasons, the hut does not have cooking facilities;
- The site plan was revised to include a manhole adjacent to the warming hut and to substitute 6-inch ductile iron pipe in lieu of the 4-inch PVC pipe previously proposed.

Mr. Comiskey expressed concerns with potential noise issues, noting that the paddle court decking is aluminum, which tends to be a noisy surface, and since there could potentially be 12 people utilizing 3 courts at any given time.

Mr. Nerney explained that the Town has a noise ordinance limiting noise levels to 55 decibels during evening hours, which he indicated could form the basis for a condition of approval if the Commission so desired, although he indicated that he would be surprised if noise levels exceeded that maximum number during hours of play.

Addressing Mr. Comiskey's follow-up question regarding ability of the applicant to dampen sound from the courts, Mr. Semple referenced proposed evergreen and wind screening, the elevation of the courts with an apron running below, and the fact that doors and windows in the neighborhood will likely be closed since paddle tennis is considered a winter sport.

Mr. Healy confirmed that evening hours, for purposes of the Town's noise ordinance in Section 29-9.H.7 of zoning regulations, are defined as 10 P.M. – 7 A.M.

Mr. Hulse asked if anyone in the audience wished to speak for or against the application.

There being no further comments from the Commission or the public, at 7:28 P.M. the Public Hearing was closed.

2. SDP, 44 Westport Road, LLC, 44 Westport Road, To allow construction of twenty (20) units pursuant to Section 8-30g of CT General Statutes

It was noted previously that the application was withdrawn at the request of the applicant.

In response to a question from Mr. Wong, Mr. Nerney confirmed that all previously submitted documents/letters would need to be resubmitted into the record if a new application is submitted for the site. He explained that, essentially, everything would be de novo, i.e. the application starts all over again.

REGULAR MEETING

A. Mr. Hulse called the Regular Meeting to order at approximately 7:30 P.M., seated members Bufano, Comiskey, Fiteni, Hulse, Knapp, Nabulsi, Poundstone, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. June 9, 2014 – Regular Meeting

2. June 12, 2014 – Special Meeting

MOTION was made by Ms. Knapp, seconded by Ms. Poundstone, and carried (8-0) to approve the minutes of June 9, 2014 as modified, and the minutes of June 12, 2014 as drafted.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

1. SDP, Troup, 84 Old Driftway, Filling of land

It was the consensus of the Commission to schedule the Site Development Plan discussion for Troup, 84 Old Driftway, on July 28, 2014, and to move up the date of the Public Hearing for application SP#391 from July 28, 2014 to July 14, 2014.

E. PENDING APPLICATIONS

1. SP#390, Rolling Hills Country Club, Inc., 333 Hurlbutt Street, To allow construction of paddle tennis courts and warming hut

The Commission reviewed Draft Resolution #0614-5P and incorporated some minor modifications into the draft.

MOTION was made by Ms. Poundstone, seconded by Ms. Knapp, and carried unanimously (8-0) to adopt as amended Resolution #0614-5P for SP#390, effective June 26, 2014.

WHEREAS, the Wilton Planning and Zoning Commission has received Special Permit application (SP#390) from the Rolling Hills Country Club, Inc. to add three paddle tennis courts and one warming hut, 333 Hurlbutt Street (a/k/a Assessor's Map 33, Lot 2), owned by the Elizabeth Raymond Ambler Trust, and located in a Residential "R-2A" District; as shown on the plans entitled:

Vicinity Sketch-Prepared for Rolling Hills Country Club

Prepared by Jason Edwards, land surveyor, dated July 7, 2012, scale 1"=200'.

Improvement Location Survey-Prepared for Rolling Hills County Club

Prepared by Jason Edwards, land surveyor, dated July 3, 2012, scale as noted.

Site Drainage Plan-Prepared for Rolling Hills Country Club

Prepared by Holt W. McChord, engineer, dated May 14, 2014, revised June 18, 2014, scale 1"=20', sheet #SE1.

Paddle Ball Court-Prepared for Rolling Hills Country Club

Prepared by Earl J. Goven Jr., landscape architect, dated March 14, 2014, revised June 4, 2014, scale 1"=20', sheet #SP-1.

Title Sheet- Project Info (-Site Layout)-Prepared for Rolling Hills Country Club

Prepared by Rex B. Gedney, architect, dated November, 2013, revised/permit application April 9, 2014, scale as noted, sheet #T100.

Graphic Symbols-Abbreviations-Typ. Mounting Locations-Prepared for Rolling Hills Country Club

Prepared by Rex B. Gedney, architect, dated November, 2013, revised/permit application April 9, 2014, scale as noted, sheet #T101.

(Title Sheet- Project Info) -Site Layout-Prepared for Rolling Hills Country Club

P&Z Minutes – 06/23/14 – Page 5

Prepared by Rex B. Gedney, architect, dated November, 2013, revised/permit application April 9, 2014, scale as noted, sheet #T100.

Court & Hut Layout-Prepared for Rolling Hills Country Club

Prepared by Rex B. Gedney, architect, dated November, 2013, revised/permit application April 9, 2014, scale as noted, sheet #A-100.

Court & Hut Layout-Prepared for Rolling Hills Country Club

Prepared by Rex B. Gedney, architect, dated November, 2013, revised/permit application April 9, 2014, scale as noted, sheet #A-100.

Spectator Deck: Plan-Prepared for Rolling Hills Country Club

Prepared by Rex B. Gedney, architect, dated November, 2013, revised/permit application April 9, 2014, scale as noted, sheet #A-101.

Warming Hut: Floor Plans-Prepared for Rolling Hills Country Club

Prepared by Rex B. Gedney, architect, dated November, 2013, revised/permit application April 9, 2014, scale as noted, sheet #A-102.

Warming Hut: Elevations-Prepared for Rolling Hills Country Club

Prepared by Rex B. Gedney, architect, dated November, 2013, revised/permit application April 9, 2014, scale as noted, sheet #A-200.

Warming Hut: Section/Details-Prepared for Rolling Hills Country Club

Prepared by Rex B. Gedney, architect, dated November, 2013, revised/permit application April 9, 2014, scale as noted, sheet #A-300.

Nailing/Hurricane Clip Schedule-Prepared for Rolling Hills Country Club

Prepared by Rex B. Gedney, architect, dated November, 2013, revised/permit application April 9, 2014, scale as noted, sheet #A-301.

Court Plans-Prepared for Rolling Hills Country Club

Prepared by Rex B. Gedney, architect, dated November, 2013, revised/permit application April 9, 2014, scale as noted, sheet #CT-100.

Elevations/Details-Prepared for Rolling Hills Country Club

Prepared by Rex B. Gedney, architect, dated November, 2013, revised/permit application April 9, 2014, scale as noted, sheet #CT-101.

Rolling Hills Country Club Tennis Courts-Prepared for Rolling Hills Country Club

Prepared by Andrew Luebke, w/Ruud Lighting Direct, dated March 27, 2014, scale 1"=30', sheet #PH-1.

WHEREAS, the Planning and Zoning Commission has conducted a public hearing on May 27,

P&Z Minutes – 06/23/14 – Page 6

2014 and June 23, 2014 to receive comment from the public and has fully considered all evidence submitted at said hearing; and

WHEREAS, the Planning and Zoning Commission has received and considered evidence from the applicant concerning the implementation of landscaping and light shielding so as to reduce potential lighting impacts associated the proposed application;

NOW THEREFORE BE IT RESOLVED effective June 26, 2014 that the Wilton Planning and Zoning Commission **APPROVES** Special Permit #390 to add three paddle tennis courts and one warming hut subject to the following conditions:

1. This Resolution does not replace requirements for the applicant to obtain any other permits or licenses required by law or regulation by the Town of Wilton, such as, but not limited to: Zoning Permit, Sign Permit, Building Permit, Certificate of Zoning Compliance; or from the State of Connecticut or the United States Government. Obtaining such permits or licenses is the responsibility of the applicant.
2. In accordance with Section 8-3.(i) of the Connecticut General Statutes, all work or physical improvements required and/or authorized by the approved Special Permit site plan shall be complete within five years of the effective date of this resolution. This five-year period shall expire on June 26, 2019.
3. The applicant shall file a Land Record Information Form with the Town Clerk (form to be provided by the Planning and Zoning Department) prior to the issuance of a Zoning Permit.
4. The applicant shall install timers on the lighting for the three paddle tennis courts. All lighting shall be extinguished by 11:00 p.m.
5. The applicant shall install the additional vegetative screening as shown on the revised plan entitled Paddle Ball Court-Prepared for Rolling Hills Country Club, Prepared by Earl J. Goven Jr., landscape architect, dated March 14, 2014, revised June 4, 2014, scale 1"=20', sheet #SP-1.
6. A bond estimate shall be provided by the applicant to the Commission's staff, which shall include, soil and erosion control measures and a 10% contingency. Such amount shall be approved by the Commission's staff. The bond shall be in a form and amount with proper surety satisfactory to the Commission's Land Use Counsel and shall be submitted prior to the issuance of a zoning permit.
7. No cooking facilities shall be permitted within the warming hut.
8. No amplification of sound or music shall be allowed in the paddle tennis area unless

approved by the Planning and Zoning Commission.

9. All activities within the paddle tennis court facility shall comply with Section 29-9.H.7. of zoning regulations pertaining to the emanation of noise.
10. In order to reduce light spillage the applicant shall install the lighting as reviewed by the Planning and Zoning Commission which include light cut-offs. Such improvements shall be completed in accordance with submitted cut sheets and plans, prior to the issuance of a certificate of zoning compliance.

Submittal of revised plans and application:

11. Three (3) completed revised sets, (collated and bound) shall be submitted to the Commission's office for endorsement as "Final Approved Plan" by the Town Planner prior to receiving a zoning permit. Said plans shall include all revisions noted above and shall bear an ORIGINAL signature, seal and license number of the professional responsible for preparing each plan or portion of it. Said plans shall include the following notes:
 - a. "According to Section 8-3.(i) of the Connecticut General Statutes, all work in connection with this site plan shall be completed within five years after the approval of the plan. Said five-year period shall expire on June 26, 2019."
 - b. "For conditions of approval for Special Permit #390, see Resolution #0614-5P."

Prior to the Issuance of a Zoning Certificate of Compliance:

12. The applicant shall submit an as-built photometric plan and shall submit documentation verifying the installation of the approved light fixtures, prior to the issuance of zoning compliance.

- END RESOLUTION -

2. **SDP, 44 Westport Road, LLC, 44 Westport Road, To allow construction of twenty (20) units pursuant to Section 8-30g of CT General Statutes**

Withdrawn.

F. COMMUNICATIONS

1. **SP#386, Hoffman Landscapes, Inc., 647-651 and Lot 26A on Assessor's Map 23 Danbury Road, Request to allow administrative approval of project phasing pertaining to Resolution #0314-3P**

Present was J. Casey Healy, attorney for the applicant.

Mr. Nerney referenced a letter dated June 18, 2014 from J. Casey Healy to Planning and Zoning Commission. He explained that the applicant has requested permission to phase site improvements recently approved by the Commission in order to maintain business operations during height-of-the season construction activities. He noted that zoning compliance could become an issue since project phasing was not specifically approved by the Commission. He explained that the applicant could resubmit a formal phasing plan for administrative approval by the Planner, if the Commission agrees, since the applicant is just proposing timing modifications, not changes to proposed site improvements.

Mr. Nabulsi stated that while he has no issue with administrative approval of such a request, he felt that the Commission needs to be careful. He noted that the applicant might choose not to complete later phases of proposed improvements once a C.O. is obtained at the end of phase one construction, which could be problematic if certain aspects of the subsequent phases of construction were important to the Commission.

Mr. Nerney explained that the Town could pursue an enforcement to stop use of the property if the applicant did not make good on completing the agreed upon improvements. He also indicated that the applicant could be restricted via conditions of approval to a very short timeframe to complete all phases.

A question arose at this point as to whether the request was for a 2-phasing process. Mr. Healy clarified that the applicant was proposing a 3-phase construction process - phase 1 would involve the material storage yard; phase 2 would address office buildings; and phase 3 would involve garage improvements; with a final completion date of 2017.

Mr. Nerney indicated that he would have felt more comfortable if all site improvements could have been completed within 2 years. Mr. Healy stated that the applicant could continue a discussion with the Planner pertaining to projected timeframes once plans are fully laid out. Mr. Nerney concurred, noting that staff has no issue with the essence of the proposal but would need to work out projected timeframes going forward.

It was the consensus of the Commission to proceed in favor of allowing an administrative approval, as requested by the applicant, provided the aforementioned concerns are addressed.

G. REPORT FROM CHAIRMAN

H. REPORT FROM PLANNER, OTHER ISSUES

Referencing a recent article in the press, Mr. Nabulsi questioned the feasibility of a possible temporary moratorium on Section 8-30g applications in Wilton.

Mr. Nerney explained that such moratoriums are possible and have been pursued by a couple of Towns in Connecticut. He noted that a moratorium of this nature would not be imposed by the Commission but rather is granted by the State, noting that the State's review is based upon a point system whereby the State weights different types of affordable housing within a community differently. He explained further that a letter from the chief elected official of a Town is required and thus the impetus would seem to come more from the Board of Selectmen than the Planning and Zoning Commission. He stated that it takes quite a bit of time, research, assembling property deeds, etc. and requires a legal review. He noted that Darien has instituted such a moratorium and Ridgefield is in the process of filing one.

Mr. Nabulsi asked whether the pendency of such an application might make it possible for the Town not to accept an 8-30g application while that process is going on. Mr. Nerney stated that it is the opinion of legal counsel that once an application is filed, there is a certain vesting to the process that is in place. He noted that the application still passes or fails on its merits, but moratoriums cannot be made retroactive.

I. FUTURE AGENDA ITEMS

- 1. SP#391, Fairfield County Bank, 190 Old Ridgefield Road, To allow a second drive-in facility (ATM) [Public Hearing – date changed to July 14, 2014]**

J. ADJOURNMENT

MOTION was made by Ms. Knapp, seconded by Ms. Bufano, and carried unanimously (8-0) to adjourn at 7:52 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary