

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 OCTOBER 13, 2015 REGULAR MEETING

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

ABSENT:

ALSO

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

PUBLIC HEARINGS

- 1. SP#407, Seshan, 6 Pine Ridge Road, Expansion/renovation of existing garage to accommodate an accessory apartment**

Mr. Hulse called the Public Hearing to order at 7:15 P.M., seated members Bufano, Comiskey, Fiteni, Hulse, Knapp, Nabulsi, Poundstone, Shiue, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Ms. Knapp read the legal notice dated September 28, 2015; and she referred into the record a 2-page Planning and Zoning Staff Report dated October 8, 2015; a memorandum dated October 13, 2015 from Jennifer M. Zbell to Bob Nerney and Daphne White; an email sent October 13, 2015 from Shri Seshan to Lorraine Russo, Daphne White and Robert Nerney.

Commissioner Hulse indicated that he had received legal notice of the application, but did not feel it represented any conflict of interest for him.

Commissioner Comiskey stated that he lives on the same street, but he felt that it did not represent a conflict of interest for him.

Since the applicant was not present in the audience, the application was tabled until later in the evening.

REGULAR MEETING

- A. Mr. Hulse called the Regular Meeting to order at approximately 7:20 P.M., seated members Bufano, Comiskey, Fiteni, Hulse, Knapp, Nabulsi, Poundstone, Shiue, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. September 28, 2015 – Regular Meeting

MOTION was made by Ms. Knapp, seconded by Ms. Poundstone, and carried (9-0) to approve the minutes of September 28, 2015 as drafted.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

1. **SUB#914, 3 Hubbard Road, LLC/O'Brien, 434 Hurlbutt Street, 2-lot subdivision**
2. **REG#15350, Thomas T. Adams, William L. Sachs, David F. Clune, Trustees of the Elizabeth Raymond Ambler Trust, Richard Christopher Montanaro and Richard S. Gibbons, by J. Casey Healy (Attorney for applicants); Amend Sections 29-2.B.60 and 29-4.B.5 of Zoning Regulations pertaining to frontage**

It was the consensus of the Commission to accept the applications and set public hearing dates of October 26, 2015 for SUB#914; and November 9, 2015 for REG#15350.

E. PENDING APPLICATIONS

1. **SP#404, Wilton Youth Football, Inc., Middlebrook School, 131 School Road, renovation of existing grass field to artificial turf**

Discussion continued from the previous meeting of September 28, 2015.

Mr. Nerney advised the Commission that Assistant Town Counsel Pat Sullivan was present to answer questions raised at the previous meeting.

Ms. Sullivan addressed the question of whether the Commission could approve the turf portion of the application without the lighting portion. She stated that such an option is available to the Commission if it finds that proposed lighting does not conform to zoning regulations.

Addressing the question of liability with respect to the composition of the turf, she advised the Commission that it is a land use board and, as such, the composition of the turf is not within its purview. She explained that the Commission is acting in an administrative capacity with respect to a Special Permit application, voting to approve if the application conforms to zoning regulations, or to deny/adjust if it does not.

With respect to whether the Commission can/should propose alternatives to a plan as proposed, Ms. Sullivan explained that the Commission is charged with considering an application as presented before it, as compared with the Inland Wetlands Commission (IWC) which can request prudent and feasible alternatives, although she noted for the record that the IWC had already approved the subject application.

Addressing a question raised by Ms. Knapp as to whether approving a portion of the application (as opposed to the full application) could potentially set a bad precedent, Ms. Sullivan explained that it would essentially be an approval with conditions, which the Commission has done numerous times in the past. She explained further that the Commission's objective is to move the project towards regulation compliance and if the proposed lighting is determined not to be compliant, then that portion can be removed from the application.

Mr. Comiskey expressed concern with removing the lighting portion of the application, noting that such an approach would render the field useless at night and would represent a "cumbersome decision". Ms. Sullivan noted that the applicant has options available, including coming back and appealing the Commission's decision, coming back before the Commission in the future to address lighting, or proposing an amendment to the lighting regulations. She noted that the field is still functional without the proposed lights.

Commissioners Wong and Nabulsi asked whether the issue of possibly non-compliant existing lighting would need to be addressed within any resolution for the subject application. Ms. Sullivan stated that if there is an existing violation, it would be an enforcement issue and not a matter to be addressed via this resolution.

Mr. Nabulsi asked about an issue of standing that was raised during the course of the hearings and whether that issue had been addressed/resolved. Ms. Sullivan explained that the original approval for Wilton Youth Football to act on behalf of the Board of Selectmen (BOS) appeared to have been limited to just the IWC application; as a result, the organization went back before the BOS to clarify that its authorization applied to the Planning and Zoning Commission application as well. She did not feel any issue of

standing remained with respect to the subject application.

Mr. Wong raised an issue of safety, referring in particular to future maintenance of the turf field and concerns that were raised by several Commissioners regarding the use of chemicals that may be necessary for field maintenance and the impacts that such chemical use may have on surrounding areas, particularly wetland soils, over an extended 10-year period or more. He likened it to gas station applications and the Commission's oversight regarding handling of chemicals/potential spill-off, etc. Commissioners Comiskey and Fiteni agreed that this issue was never addressed or presented by the applicant. Mr. Fiteni observed that the Commission looks at safety issues all the time, referencing as an example traffic analyses that are routinely presented in connection with zoning applications.

Ms. Sullivan cited her recollection that upkeep/maintenance of the proposed field would be the same as for the existing turf fields. Mr. Hulse stated that he trusted the Town to maintain the proposed field up to the standards and same level of quality as the Town's other turf fields.

A straw poll was conducted resulting in six Commissioners in favor of approving the turf field without the lighting component, including Commissioners Bufano, Shiue, Poundstone, Hulse, Fiteni and Nabulsi. Three Commissioners opposed the application, including Commissioners Comiskey, Knapp, and Wong.

A draft resolution of approval #1015-17P was distributed for review by the Commission.

Modifications were made to the resolution to clarify the issue of temporary lighting; and to include additional "Whereas" clauses addressing the issue of standing and referencing all documents submitted into the record during the course of the hearing.

MOTION was made by Ms. Poundstone, seconded by Ms. Bufano, and carried (6-3) to adopt as amended Resolution **#1015-17P** for **SP#404**, effective October 30, 2015. Commissioners Comiskey, Knapp and Wong opposed.

WHEREAS, the Wilton Planning and Zoning Commission has received a Special Permit application (**SP#404**) from Wilton Youth Football (applicant) to allow the installation of an artificial turf field at the Middlebrook School including the relocation of field lighting (application subsequently modified by the applicant to include new replacement lighting), on property located at 131 School Road, in a Residential "R-2A" Zoning District, Assessor's Map #59, Lot #3, consisting of 36.433 acres within 109.87 acres owned by the Town of Wilton and shown on the plans entitled:

Map of Property - Prepared for the Town of Wilton, Prepared by Dennis A. Deilus, land surveyor, dated June 4, 1996, last revised January 21, 1997, scale 1"=80', no sheet #.

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Athletic Field Improvements - Prepared for Wilton Youth Football, Prepared by Blades and Goven, LLC, landscape architects, dated May 6, 2015, no scale noted, no sheet #.

Site Alternative No. 1 - Guy Witten Field - Prepared for Wilton Youth Football, Prepared by Blades and Goven, landscape architects, dated December 30, 2013, scale 1"=100', sheet #SA-1.

Site Alternative No. 2 - Comstock Community Center - Prepared for Wilton Youth Football, Prepared by Blades and Goven, landscape architects, dated December 30, 2013, scale 1"=100', sheet #SA-2.

Site Alternative No. 3- Nicholas A. Madaras Field- Prepared for Wilton Youth Football, Prepared by Blades and Goven, landscape architects, dated December 30, 2013, scale 1"=100', sheet #SA-3.

Site Alternative No. 4- Miller-Driscoll School- Prepared for Wilton Youth Football, Prepared by Blades and Goven, landscape architects, dated December 30, 2013, scale 1"=120', sheet #SA-4.

Site Alternative No. 5- Allens Meadows Park- Prepared for Wilton Youth Football, Prepared by Blades and Goven, landscape architects, dated December 30, 2013, scale 1"=100', sheet #SA-5.

Wall Elevations - Prepared for Wilton Youth Football, Prepared by Blades and Goven, LLC, landscape architects, dated June 28, 2015, scale 1"=20', sheet #SK-1.

Existing Conditions Plan - Prepared for Wilton Youth Football, Prepared by Barry Michael Blades, landscape architect, dated May 16, 2014, scale 1"=40', sheet #EC-1.

Site Layout Plan - Prepared for Wilton Youth Football, Prepared by Barry Michael Blades, landscape architect, dated May 16, 2014, revised June 29, 2015, scale 1"=20', sheet #L-101.

Grading/Erosion Control Plan - Prepared for Wilton Youth Football, Prepared by Barry Michael Blades, landscape architect, dated May 16, 2014, revised June 29, 2015, scale 1"=20', sheet #L-201.

Site Details - Prepared for Wilton Youth Football, Prepared by Barry Michael Blades, landscape architect, dated May 16, 2014, scale as noted, sheet #L-300.

Drainage Plan - Prepared for Wilton Youth Football, Prepared by Holt W. McChord, engineer, dated May 16, 2014, last revised March 27, 2015, last submitted May 6, 2015, scale 1"=20', sheet #C-100.

Construction Notes and Details - Prepared for Wilton Youth Football, Prepared by Holt W. McChord, engineer, dated May 16, 2014, last revised March 27, 2015, last submitted May 6,

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2015, scale 1"=20', sheet #C-200.

Existing Conditions Drainage Map - Prepared for Wilton Youth Football, Prepared by Holt McChord Engineering Associates, Inc., engineers, dated May 20, 2014, scale 1"=100', sheet #SK-1.

Proposed Conditions Drainage Map - Prepared for Wilton Youth Football, Prepared by Holt McChord Engineering Associates, Inc., engineers, dated May 20, 2014, revised April 2, 2015, scale 1"=100', sheet #SK-2.

What Matters in Lighting Technology - Prepared for the Town of Wilton, Prepared by Musco, lighting company, dated 2015, no scale noted.

Light-Structure Green-LED Light Source - Prepared for Lakepoint Sports Complex, Emerson, Georgia, Prepared by Musco, lighting company, dated 2014, no scale noted.

Glare Beyond School Property - Prepared for the Town of Wilton, not dated, no scale noted, full sized plan and (11"x17"size).

Glare Beyond School Property – Google earth - Prepared for the Town of Wilton, dated 2015 w/imagery date September 27, 2014, no scale noted, full sized plan and (11"x17"size).

Wilton Turf Field - Prepared for the Town of Wilton, Prepared by Musco, lighting company, not dated, no scale noted.

Project Summary (Pole/Fixture Summary) - Prepared for the Wilton Turf Field, Prepared by Bradley D. Schlesselman w/ Musco, lighting company, dated September 8, 2015, no scale noted, (11"x17" sheet size).

Illumination Summary (Horizontal Footcandles-Guaranteed Average 20) - Prepared for the Wilton Turf Field, Prepared by Bradley D. Schlesselman w/ Musco, lighting company, dated September 8, 2015, scale 1"=40', (11"x17" sheet size).

Illumination Summary (Horizontal Footcandles-Scan Average 0.005) - Prepared for the Wilton Turf Field, Prepared by Bradley D. Schlesselman w/ Musco, lighting company, dated September 8, 2015, scale 1"=200', (11"x17" sheet size).

Illumination Summary (Max. Vertical Footcandles-Scan Average 0.0069) - Prepared for the Wilton Turf Field, Prepared by Bradley D. Schlesselman w/ Musco, lighting company, dated September 8, 2015, scale 1"=200', (11"x17" sheet size).

Illumination Summary (Candela -Scan Average 216.0446) - Prepared for the Wilton Turf Field,

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Prepared by Bradley D. Schlesselman w/ Musco, lighting company, dated September 8, 2015, scale 1"=200', (11"x17" sheet size).

Equipment Layout - Prepared for the Wilton Turf Field, Prepared by Bradley D. Schlesselman w/ Musco, lighting company, dated September 8, 2015, scale 1"=50', (11"x17" sheet size).

WHEREAS, the Wilton Planning and Zoning Commission has conducted a public hearing on June 22, 2015, July 13, 2015, July 27, 2015 and September 15, 2015 to receive comment from the applicant and the public and has fully considered all evidence submitted at the hearing; and

WHEREAS, the Wilton Planning and Zoning Commission received evidence of authorization for application filing from the Wilton Board of Selectmen; and

WHEREAS, the applicant has provided evidence of approval from the Inland Wetlands Commission as evident by the receipt of documents from that agency; more specifically known as Inland Wetland Permit #2295 and the action represents a positive report from such agency; and

WHEREAS, substantial input was received from the public as evidenced by the Secretary of the Commission's reference to such materials during the public hearings, as noted in the minutes of June 22, 2015, July 13, 2015 and September 15, 2015; and

WHEREAS, the Wilton Planning and Zoning Commission has determined the lighting component of the application to be non-compliant with the Town of Wilton Zoning Regulations; specifically finding:

1. The applicant failed to demonstrate that the application complies with the zoning regulations concerning lighting.
2. The alternative of replacing existing lights with new lights involve the use of upward lighting which is contrary to Sections 29-9E.2.a and 29-9E.2.i of the zoning regulations.
3. The analysis of lighting impacts on adjoining properties did not take topographic conditions into account.
4. Information pertaining to average foot candles was provided for the football field area and failed to provide measurements for the entire site. Note, the Commission deems the site to be an area consisting of 36.433 acres formed by the property frontage along School Road and property lines running in an easterly, southerly and westerly direction on plans submitted by the applicant.

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission **APPROVES** Special Permit #404 to allow the installation of an artificial turf field at Middlebrook School, property located at 131 School Road, effective October 30, 2015 subject to the following conditions:

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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 Government of the United States. Obtaining such permits or licenses is the responsibility of the applicant.

The applicant shall file a Land Record Information Form for this Special Permit approval, SP#404, with the Town Clerk (form to be provided by the Planning and Zoning Department) prior to the issuance of a zoning permit.

Approval of this application does not include nor extend to the relocation, placement or replacement of new or existing permanent and/or temporary lighting on the field site. The applicant's site plans shall be revised to indicate the removal of all existing and proposed field lighting, including temporary lighting, unless otherwise approved by the Commission.

Hours of installation/construction shall be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturday between the hours of 8:00 a.m. and 5:00 p.m. No installation/construction shall be permitted on Sunday or legal holidays.

Submittal of revised plans and application:

Two (2) 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 the issuance of 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 Special Permit shall be completed within five years following approval. Said five-year period shall expire on October 30, 2020."
- b. "For conditions of approval for Special Permit #404, see **Resolution #1015-17P.**"

Prior to the issuance of a certificate of zoning compliance:

The applicant shall submit verification from a Connecticut-licensed surveyor confirming that the artificial turf field meets appropriate regulatory setback requirements. Said information shall be provided prior to the issuance of a zoning certificate of compliance.

An engineer's as-built plan showing the location of the underground detention system, as depicted on the applicant's revised Drainage Plan, shall be submitted to the Planning and Zoning Department prior to zoning compliance.

The applicant shall provide written verification attesting to compliance with the engineer's hydrology report. Such information shall be submitted to the Planning and Zoning Department prior to zoning compliance.

-END RESOLUTION-

At approximately 8 P.M., the Commission returned to tabled item #1 (SP#407) under Public Hearings.

PUBLIC HEARINGS

1. SP#407, Seshan, 6 Pine Ridge Road, Expansion/renovation of existing garage to accommodate an accessory apartment

Present were applicants/owners Shri and Jayanti Seshan.

Mr. Seshan explained that the proposed site modifications would help to meet the family's expanded needs. He reviewed details of the application, noting their intent to expand the existing garage by 10 feet and to add a 748 square-foot apartment above the garage. He stated that an existing garage wall located 39.5' away from the property line would be moved 6" in to comply with setback regulations.

Mrs. Seshan distributed a "Review of points raised & actions" in response to comments/issues raised in the Planning and Zoning Staff report of October 8, 2015; and a revised "Special permit description".

Mr. Seshan briefly reviewed the eight responses, noting in particular that 1) the application narrative was updated with the corrected proposed square footage of 748 square feet as well as the corrected 2-car garage description; 2) the requested approval is for the accessory dwelling unit only; 3) and a notarized affidavit, which could not be obtained due to the Monday bank holiday, will be submitted into the record as required.

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

There being no further comments from the Commission or the public, at approximately 8:10 P.M. the Public Hearing was closed.

The agenda was scrambled to return to Pending Applications item #2 (SP#407).

E. PENDING APPLICATIONS

2. SP#407, Seshan, 6 Pine Ridge Road, Expansion/renovation of existing garage to accommodate an accessory apartment

Staff distributed draft resolution #1015-18P for Commission review.

MOTION was made by Mr. Nabulsi, seconded by Ms. Knapp, and carried unanimously (9-0) to adopt as drafted Resolution **#1015-18P** for **SP#407**, effective October 15, 2015.

WHEREAS, the Wilton Planning and Zoning Commission has received a Special Permit **SP#407** application from Shri and Jayanti Seshan for approval of the establishment of a 748 square-foot accessory dwelling unit, property located at 6 Pine Ridge Road; in a Residential “R-2A” District, Assessor’s Map #18, Lot #58, consisting of 2.034 acres, owned by Shri and Jayanti Seshan and shown on the plans entitled:

Improvement Location Survey- Prepared for Shri Seshan, Prepared by Paul A. Brautigam, land surveyor, dated April 15, 2015, drawn at a scale of 1” = 20’-0”, no sheet#.

Accessory House Floor Plan – Prepared for Shri and Jayanti Seshan, Prepared by Simona Tudor AIA, LLC, architects, dated October 13, 2014, last revised October 30, 2014, drawn at a scale as noted, sheet# A 1-1.

Accessory House Elevations – Prepared for Shri and Jayanti Seshan, Prepared by Simona Tudor AIA, LLC, architects, dated October 13, 2014, drawn at a scale as noted, sheet#A 2-1.

WHEREAS, the Wilton Planning and Zoning Commission has conducted a public hearing on October 13, 2015 to receive comment from the public and has fully considered all evidence submitted at said hearing; and

WHEREAS, the Planning and Zoning Commission has given due consideration to a favorable report from the Inland Wetlands Commission; and

WHEREAS, the Wilton Planning and Zoning Commission has determined that the application is in substantial compliance with the Wilton Zoning Regulations;

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission **APPROVES** Special Permit **#407** to allow for the establishment a 748 square-foot accessory dwelling unit, for property located at 6 Pine Ridge Road, effective October 15, 2015 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:

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Zoning Permit, Sign Permit, Building Permit, Certificate of Zoning Compliance; or from the State of Connecticut or the Government of the United States. 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 plan shall be completed within five years of the effective date of this resolution. This five-year period shall expire on October 15, 2020.
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. Prior to the issuance of a zoning permit, the applicant shall demonstrate full compliance with additional requirements and/or standards set forth by the Wilton Health Department.
5. Prior to the issuance of a zoning permit, the applicant shall modify Form B to reflect the square footage of the proposed accessory dwelling unit.
6. The proposed accessory dwelling unit shall comport with the architect's submitted floor plans and shall not exceed 748 square feet of living space.
7. Approval of this application pertains solely to the request for an accessory apartment and physical improvements associated therewith. It shall not be construed as conveying or granting approval of any planned improvements associated with the primary residence.
8. Approval of this special permit application is subject to the applicant providing an affidavit of intended use written and executed in a format acceptable to the Planning and Zoning Departments staff. Certification of owner occupancy shall subsequently be made to the Planning and Zoning Department on an annual basis.

Submittal of revised plans and application:

9. Two (2) completed revised sets, (collated and bound) shall be submitted to the Commission's office for endorsement as "Final Approved Plan" by the Town Planner. 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. "Pursuant to Section 8-3.(i) of the Connecticut General Statutes, all work in connection with this Special Permit shall be completed within five years after the approval of the plan. Said five-year period shall expire on October 15, 2020."
- b. "For conditions of approval for Special Permit #407, see **Resolution #1015-18P.**"

F. COMMUNICATIONS

G. REPORT FROM CHAIRMAN

1. Reports from Committee Chairmen

H. REPORT FROM PLANNER

Mr. Nerney advised Commissioners that he would be meeting with the DOT this week regarding the bridge connection between the Common Fund property and Town Center.

He noted that the sidewalk work in Town Center was coming along very nicely; and there will be 6000+/- lights on the Town Green Christmas tree this holiday season.

I. FUTURE AGENDA ITEMS

J. ADJOURNMENT

MOTION was made by Ms. Knapp, seconded by Ms. Poundstone, and carried unanimously (9-0) to adjourn at approximately 8:20 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary