

PLANNING & ZONING
COMMISSION
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TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

WILTON PLANNING & ZONING COMMISSION MINUTES FEBRUARY 14, 2011 REGULAR MEETING

PRESENT: Chairwoman Sally Poundstone, Secretary Doug Bayer, Commissioners Marilyn Gould, Chris Hulse, Bas Nabulsi, Dona Pratt, and Michael Rudolph

ABSENT: John Gardiner and John Wilson (notified intended absences)

ALSO

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

PUBLIC HEARINGS

1. SP#357, Rolling Hills Country Club, 333 Hurlbutt St, Lighting on four existing tennis courts

Ms. Poundstone called the Public Hearing to order at 7:15 P.M., seated members Gould, Hulse, Nabulsi, Poundstone, and Rudolph, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Bayer noted that the legal notice was read at the previous meeting when the hearing was opened and continued. He referred for the record to a 3-page response letter dated February 9, 2011 from J. Casey Healy to Planning and Zoning Commission.

Mr. Bayer recused himself from the hearing and left the meeting room.

Ms. Pratt arrived at 7:16 P.M. She also recused herself from the hearing and left the meeting room.

Present were Clarissa Cannavino, attorney; and Earl Goven, landscape architect; on behalf of the applicant.

Ms. Cannavino briefly reviewed details of the application, noting that Rolling Hills Country Club wishes to install lighting on four out of eight existing tennis courts on the site. She reviewed in detail the applicant's responses to the Planning and Zoning Staff Report, noting in particular that 1) cut sheets of proposed lighting were submitted as requested; 2) court lighting shall be turned off no later than 10 P.M. during periods of permissible use (primarily from May through October); and 3) the number of tournaments/events is not expected to increase as a result of the proposed lighting.

Mr. Goven addressed lighting issues, noting that rear light shields are proposed around the perimeter of the courts to reduce light spill from approximately 50-60 feet to about 40 feet. He also addressed in detail landscaping proposed by the applicant to reduce impacts of the proposed lighting. He explained the types of vegetation proposed, including a hedgerow of upright hornbeam, as well as Norway spruce and arborvitae which will be planted along the border with Hurlbutt Street. He referred to an elevation drawing (which he also submitted into the record) that depicted site elevations at the time of planting as well as after 4 and 8 years, respectively.

In response to questions from Ms. Gould regarding the amount of time it would take for the proposed landscaping to adequately shield the 22-foot high light poles, Mr. Goven explained that the proposed hornbeam is already 17 feet tall at time of planting and the spruce are 8-10 feet tall. He noted further that the arbor vitae are fast-growing, at a rate of about 2-4 feet per year. Ms. Gould asked that the applicant provide a vicinity sketch showing locations of nearby residences in relation to the proposed lighted tennis courts, all drawn to scale, to give the Commission a clearer understanding of potential lighting impacts on neighboring properties. She questioned in particular the lighting impacts on homes along Hurlbutt Street. Mr. Goven stated that the light would not shed beyond 40 feet from the courts and thus would never reach those property lines.

Mr. Nerney noted a distinction between reflected light, which the applicant asserted would not occur beyond the 40-foot distance from the courts, and visibility of the light fixtures themselves. He noted that the latter issue is the reason for the Commission's concern and the reason for the vegetative screening.

In response to a question from Mr. Rudolph regarding potential sound impacts in connection with the proposed lighting and resultant longer hours of tennis play, Ms. Cannavino stated that there would be no amplification of sound, and she confirmed that the same sounds (as are currently heard) would continue to be heard on the site, but for a longer period of time consistent with the extended hours of lighted tennis play.

In response to concerns expressed by Mr. Nabulsi regarding sufficient light screening as you travel along Hurlbutt Street, particularly in the area where the road crests, Mr. Goven stated that when trees are in bloom (generally the situation in the May through October

timeframe), he was confident that plantings on the club side would do a satisfactory job of shielding the light.

In response to questions from Ms. Gould, the applicant indicated that a similar-sized light pole could be seen at The Lake Club, similar arbor vitae can be seen on the golf course side of the Rolling Hills Country Club, and hornbeam can be viewed behind the Rolling Hills club house.

Mr. Nabulsi questioned whether a more natural/random effect could be achieved with landscaping, as compared to the hornbeam hedge effect that is proposed. Mr. Goven explained that the site is somewhat constrained by stormwater/drainage in that location as well as the existing tree canopy, which makes planting/maintenance more difficult. He felt that the proposed hornbeam is one of the better plant materials available and is very attractive, noting that a similar hedge is located in another area of the site as well. Overall, it was his opinion that the proposed screening is attractive, effective and would shield the light source well during the May through October timeframe.

Ms. Poundstone 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 7:51 P.M. the Public Hearing was closed.

2. SP#358, Anda, 76 Sturges Ridge Road, accessory dwelling unit

Ms. Poundstone called the Public Hearing to order at 7:51 P.M., seated members Bayer, Gould, Hulse, Nabulsi, Poundstone, Pratt, and Rudolph, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Bayer read the legal notice dated January 31, 2011 and he referred for the record to a 2-page Planning and Zoning Staff Report dated February 2, 2011; a memorandum dated February 10, 2011 from Jennifer M. Zbell to Bob Nerney and Daphne White; and a memorandum dated February 14, 2011 from Michael Ahern to Daphne White.

Present was Gary Stluka, architect, on behalf of Jon Anda, owner.

Mr. Stluka referred to plans for the site, noting that the homeowner wishes to install a 12' x 20' pool house with a kitchenette and outdoor shower, completely compliant with setbacks, in addition to a pergola connecting from the pool to the pool house. He noted that the pool house would not be winterized, but would function as a summer building only, and would be constructed with an angled roof to accommodate solar panels. He stated that there is a full planting plan for the back yard, noting further that the site is very

wooded.

In response to questions from Ms. Gould regarding septic issues, Mr. Stluka referred to a memorandum from Wilton's Assistant Sanitarian indicating that the proposed pool house has been approved by both the Wilton Health Department and the State Department of Public Health. He explained that the existing septic system for the main house (which is only two years old) is very large and was deemed adequate to service the proposed pool house as well.

Mr. Nabulsi urged the applicant to be vigilant about possible setback infringement, referring to a potential overhang/projection of the proposed solar panels into the setback. Mr. Stluka stated that the applicant is very much aware of the setback constraints, noting that a final as-built survey will be provided to the Town when the project is completed. Mr. Nerney stressed the importance of surveying and staking the site prior to construction, referring to recent situations in Town where pools, in particular, have been built in violation of setbacks and, in one instance, on another resident's property.

Ms. White noted for the record that Section 29-4.E.2 of zoning regulations permits projection of certain architectural features to not more than one foot into any required yard or open space.

Mr. Bayer raised the issue of parking for accessory apartments, questioning in particular whether there is sufficient parking available on the subject site per requirements of zoning regulations.

Mr. Nerney referred to a survey of the property, noting that there is quite a bit of surface parking available. He felt that at least a dozen vehicles could easily be parked on the site.

Mr. Stluka submitted into the record an Affidavit, as required, signed by the property owner, Jon A. Anda, certifying his residence at the dwelling located at 76 Sturges Ridge Road.

Ms. Poundstone 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 8:09 P.M. the Public Hearing was closed.

3. SP#359, Standard Petroleum of CT, 287 Danbury Road, Modifications to existing service station and replacement of underground fuel storage tanks within an aquifer protection district

Ms. Poundstone called the Public Hearing to order at 8:09 P.M., seated members Bayer, Gould, Hulse, Nabulsi, Poundstone, Pratt, and Rudolph, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Bayer read the legal notice dated January 31, 2011 and he referred for the record to a memorandum dated February 3, 2011 from Inland Wetlands Commission to Planning and Zoning Commission; an emailed memorandum sent February 4, 2011 from Stephen Bartek to Robert Nerney; a 3-page Planning and Zoning Staff Report dated February 7, 2011, with attached Planning and Zoning Staff Report for the same applicant dated June 16, 2005; and a letter dated February 11, 2011 from John F. Fallon, Esq. to Planning & Zoning Department requesting continuance of the hearing to a later date.

Ms. Poundstone 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 8:11 P.M. the Public Hearing was continued until February 28, 2011.

REGULAR MEETING

A. Ms. Poundstone called the Regular Meeting to order at 8:11 P.M., seated members Bayer, Gould, Hulse, Nabulsi, Poundstone, Pratt, and Rudolph, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. January 24, 2011 – Regular Meeting

MOTION was made by Mr. Bayer, seconded by Mr. Hulse, and carried (6-0-1) to approve the minutes of January 24, 2011 as drafted. Ms. Gould abstained.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

1. **SP#363, Cugno/McMenamey, 67 Belden Hill Road, For additions/alterations within setbacks on a historically/architecturally significant residence per Section 29-5.C.8 of zoning regulations**

MOTION was made by Ms. Poundstone, seconded by Mr. Bayer, and carried unanimously (7-0) to accept the application and set a public hearing date for April 11, 2011.

E. PENDING APPLICATIONS

1. **SP#357, Rolling Hills Country Club, 333 Hurlbutt St, Lighting on four existing tennis courts**

The Commission instructed staff to prepare a draft resolution of approval for vote at the next meeting, with conditions as noted during the hearing, including approved hours of lighting, screening requirements, periods of the year during which lighting is permitted, etc. Mr. Nerney indicated that staff would utilize the Lake Club application for tennis court lighting as a template/model.

2. **SP#358, Anda, 76 Sturges Ridge Road, Accessory dwelling unit**

The Commission briefly discussed the application and reviewed draft resolution of approval **RES #0211-4P**.

Mr. Nabulsi felt that additional information/education on the issue of solar panels, with particular reference to issues of reflection, would be helpful to Commissioners. Mr. Nerney indicated that there might be some statutory language prohibiting zoning Commissions' authority to regulate such items, although he stated that he would look into the matter.

MOTION was made by Mr. Nabulsi, seconded by Mr. Bayer, and carried unanimously (7-0) to adopt as drafted Resolution **#0211-4P** for **SP#358**, effective February 17, 2011.

WHEREAS, the Wilton Planning and Zoning Commission has received a Special Permit application (**SP#358**) from Gary Stluka for approval of a detached accessory dwelling unit/pool cabana, for property located at 76 Sturges Ridge Road; in an R-2A (Single-Family Residence District), Assessor's Map#4, Lot #30, and 2.468 acres; owned by Jon A. Anda and shown on the plans entitled:

Zoning Location Survey, Proposed Lot Number 2- Prepared for Jon A. Anda, Prepared by Douglas R. Faulds, land surveyor, dated December 22, 2010, at a scale of 1"=40', no sheet#.

Anda Residence- Prepared for Jon A. Anda, Prepared by Gary W. Stluka, architect, dated December 25, 2010, at a scale of 1/4"=1', sheet#A-1.

WHEREAS, the Wilton Planning and Zoning Commission has conducted a public hearing on February 14, 2011 to receive comment from the public and has fully considered all evidence submitted at said hearing; 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 #358 effective February 17, 2011 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 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 Site Plan shall be completed within five years of the effective date of this resolution. This five-year period shall expire on February 17, 2016.
3. Prior to issuance of a zoning permit, the applicant shall submit documentation of approval from the Wilton Health Department concerning the adequacy of the existing septic system to accommodate both the principal residence and the proposed accessory dwelling unit.
4. Prior to issuance of a zoning permit, this resolution of approval shall be filed in the Office of Land Records (Wilton Town Clerk).
5. The owner of the property has submitted to the Planning and Zoning staff, in the form of an affidavit that the owner is in residence in one of the dwelling units on the property. Certification of owner occupancy shall subsequently be made to the Planning and Zoning Department on an annual basis.

Submittal of revised plans and application prior to the issuance of a zoning permit:

6. 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. 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 after the approval of the plan. Said five-year period shall expire on February 17, 2016."
 - b. "For conditions of approval for Special Permit #352, see **Resolution #0211-4P.**"

- END RESOLUTION -

3. SP#359, Standard Petroleum of CT, 287 Danbury Road, Modifications to existing service station and replacement of underground fuel storage tanks within an aquifer protection district

Noting that a copy of the Planning and Zoning Staff Report (in connection with the applicant's previous application in 2005) was recently provided to Commissioners, Mr. Nabulsi felt it would be helpful for staff to also provide Commissioners with a copy of the corresponding resolution of approval for the same application prior to the next meeting. Mr. Nerney stated that such copies would be provided to the Commission.

F. COMMUNICATIONS

G. REPORT FROM CHAIRMAN

1. Reports from Committee Chairmen

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

1. **SP#360, Plan B Retail Design, 920 Danbury Road, Expand existing shopping center [P.H. February 28, 2011]**
2. **CHZ#10329, Gueron, Overlay Cannon Crossing District (CXD) on underlying R-2A Zone for property known as Assessor's Map 34, Lot 42 [P.H. March 14, 2011]**
3. **REG#10330, Gueron, Amendments to Sections 29-2.B.13 and 29-6.C&E to establish additional regulatory criteria for the CXD District [P.H. March 14, 2011]**
4. **SP#361, ROPO, LLC, 490 Danbury Road, Professional offices and residential apartments in Building #1, and professional office in Building #2 [P.H. March 28, 2011]**
5. **SP#362, ROPO, LLC, 490 Danbury Road, Adaptive use of Building #2 for professional offices [P.H. March 28, 2011]**

J. ADJOURNMENT

MOTION was made by Mr. Hulse, seconded by Mr. Bayer, and carried unanimously (7-0) to adjourn at 8:21 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary