

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

WILTON PLANNING & ZONING COMMISSION MINUTES SEPTEMBER 12, 2011 REGULAR MEETING

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

ABSENT:

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. REG#11332, Gregory and Adams, P.C., Amend Section 29-7.C.2.k of zoning regulations pertaining to health and fitness clubs in the DE-5 zone
[Continued until Sept 26, 2011]**
- 2. SUB#906, Hirsch/Josefsen, 2 Quiet Lake Lane & 144 Huckleberry Hill Rd, 3-lot subdivision**

Ms. Poundstone called the Public Hearing to order at 7:15 P.M., seated members Bayer, Gardiner, Gould, Hulse, Nabulsi, Poundstone, Pratt, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Bayer read the legal notice dated August 23, 2011; and he referenced a 2-page Planning and Zoning Staff Report dated August 22, 2011 and a memorandum dated September 12, 2011 from Jennifer M. Zbell to Daphne White.

Mr. Nabulsi noted for the record that he was employed by U.S. Surgical Corporation for approximately 10 years until 1998, but he did not feel it would have any bearing on this hearing.

Present were attorneys Jim Murphy and Ed Schenkel, Gregory & Adams, P.C.; and Steve

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McAllister, engineer, McChord Engineering; on behalf of the applicant.

Mr. Murphy reviewed posted plans of existing and proposed site conditions, noting that the 152+ acre property spans both New Canaan and Wilton. He explained that the proposed creation of a third lot (which would be entirely within the borders of New Canaan) would involve no development at this time. Rather, he noted that the application represents a rearrangement of current lot lines and all buildings would remain as is. He stated that the applicant is pursuing a parallel subdivision application with the town of New Canaan.

Mr. Murphy noted that the applicant has a meeting scheduled for September 20th with the Town Planner and staff to work out some technical details pertaining to the application, and to address comments/issues raised in the Planning and Zoning Staff Report of August 22, 2011. Consequently, the applicant requested that the hearing be continued.

Ms. Gould asked for clarification on the sizes of each of the three lots, which the applicant provided. She also noted that the owner, Mr. Hirsch, had built a number of fish ponds and had drilled many wells on the parcel back in the 1980s, which he was subsequently ordered to close. She requested that the applicant provide further documentation at the next hearing indicating the locations of currently active wells and fish ponds on the property.

Ms. Gould stated that she would be looking carefully at the application as a precursor of further development that may be coming before the Commission in the future. Mr. Murphy indicated that the subject application represents more of an estate planning type of issue and not a site development plan.

After further discussion with Mr. Murphy, the Commission determined that the application would be continued until either Tuesday, October 11, 2011 or Monday, October 24, 2011, depending upon the applicant's availability.

Mr. Nerney suggested that anyone interested in attending the next hearing should call the Planning and Zoning office to determine the final scheduled date.

Commissioners determined that a date and time should also be set up for a site walk of the subject property. Ms. Poundstone asked that plans for a scheduled site walk be coordinated through staff.

There being no further comments from the Commission or the public, at approximately 7:35 P.M. the Public Hearing was continued until either October 11, 2011 or October 24, 2011.

3. SP#371, Rendeiro, 124 Kellogg Drive, Accessory apartment in existing barn

Ms. Poundstone called the Public Hearing to order at approximately 7:35 P.M., seated members Bayer, Gardiner, Gould, Hulse, Nabulsi, Poundstone, Pratt, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Bayer read the legal notice dated August 23, 2011, and he referenced a 2-page Planning and Zoning Staff Report dated August 16, 2011; a memorandum dated August 24, 2011 from Michael Ahern to Daphne White; a letter dated September 7, 2011 from Nidy Hendrickson to Sally Poundstone, with attachments; and a memorandum dated September 12, 2011 from Jennifer M. Zbell to Daphne White.

Present was James C. Rendeiro, III, owner.

Mr. Rendeiro briefly reviewed details of the application. He explained that the proposed apartment, which involves conversion of part of the second floor of an existing structure, is intended for use by one of his adult children. He noted for the record that the application as submitted complies with all zoning and health department requirements.

In response to questions from Ms. Gould, Mr. Rendeiro confirmed that the barn is approximately 23 years old and the first floor of the barn houses stables for horses.

Addressing the issue of an unstamped survey that was submitted into the record, Mr. Rendeiro referenced an aerial photograph as further substantiation of the property's conformance with zoning setback regulations, noting that the applicant was unable to obtain the surveyor's official stamp since the surveyor had since died.

Mr. Nerney confirmed that the aerial photograph seems to conform with the submitted survey, which he noted was completed by a Connecticut-licensed surveyor, but he noted for the record that staff and the Commission are relying on the survey, and not the aerial photograph, in their consideration of the subject application.

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 7:44 P.M. the Public Hearing was closed.

REGULAR MEETING

- A.** Ms. Poundstone called the Regular Meeting to order at 7:44 P.M., seated members Bayer, Gardiner, Gould, Hulse, Nabulsi, Poundstone, Pratt, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. July 25, 2011 – Regular Meeting

MOTION was made by Mr. Bayer, seconded by Mr. Hulse, and carried (8-0-1) to approve the minutes of July 25, 2011 as amended. Ms. Pratt abstained.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

- 1. SP#372, Geitz, 9 School Road, Accessory dwelling unit**
- 2. REG#11333, Gregory and Adams, Modifications to Sections 29-7.D and 29-2.B of zoning regulations pertaining to Setback modifications for Design Enterprise Districts, and establishment of definition of Health and Fitness Facility**
- 3. SP#373, Mutual Housing Association of Southwestern CT, Inc. (Wilton Commons), 21 Station Road, Modification of approved plan for 51 affordable housing units for Seniors**

The above applications were accepted by the Commission and scheduled for a public hearing date of September 26, 2011.

Town Planner Nerney gave a brief overview of the Mutual Housing Association application referenced above (SP#373). He explained that as part of the applicant's application for Connecticut financing, there is a requirement to determine if any environmental issues are present on the site. In connection with that requirement, he noted that some traces of arsenic and lead were found on the property. He explained further that arsenic is often found in bedrock as a naturally occurring mineral, noting that there are no signs of dumping on this largely undisturbed property. As a result, the applicants have developed a remediation plan, which will be reviewed on September 26th, to excavate some of the contaminated material and relocate it under the road bed, altering the grades somewhat in the process. He noted for the record that the Planning and Zoning Commission will be reviewing this application from a zoning perspective only.

E. PENDING APPLICATIONS

1. **REG#11332, Gregory and Adams, P.C., Amend Section 29-7.C.2.k of zoning regulations pertaining to health and fitness clubs in the DE-5 zone**

Tabled.

2. **SUB#906, Hirsch/Josefsen, 2 Quiet Lake Lane & 144 Huckleberry Hill Rd, 3-lot subdivision**

Tabled.

3. **SP#371, Rendeiro, 124 Kellogg Drive, Accessory apartment in existing barn**

The Commission reviewed draft resolution RES#0911-19P.

MOTION was made by Ms. Gould to adopt as drafted Resolution **#0911-19P** for **SP#371**, effective September 15, 2011.

Per Commissioner comments/suggestions, modifications were incorporated into the draft resolution pertaining to the granting of a waiver for a stamped survey.

MOTION was then amended by Ms. Gould to adopt as amended Resolution **#0911-19P** for **SP#371**, effective September 15, 2011. Amended motion was seconded by Mr. Gardiner, and carried unanimously (9-0).

WHEREAS, the Wilton Planning and Zoning Commission has received a Special Permit application **SP#371** from James C. Rendeiro, III for approval to establishment a 650 square foot accessory dwelling unit on the second floor of the barn, for property located at 124 Kellogg Drive; in a Residential “R-2A” District, Assessor’s Map #120, Lot #17, consisting of 3.269 acres owned by James C. Rendeiro, III and shown on the plans entitled:

Plan (Survey) - Prepared for Daniel J. Hulbert and Kathryn A. Hulbert, Prepared by Fiorenzo Corbo, Surveyor, dated December 3, 1988, drawn at a scale of 1” = 20’.

Map (Survey) - Prepared for Robert G. Roles and Robert G. Roles, Jr., Prepared by Russell G Faulds, Surveyor, dated June 3, 1970, drawn at a scale of 1” = 100’.

Rendeiro Barn, First Floor Plan - Sheet #A1, Prepared by Duo Dickinson, Architect (George A. D. Dickinson, Jr.), no date noted, scale 1/4”=1’-0”.

Rendeiro Barn, Second Floor Plan - Sheet #A2, Prepared by Duo Dickinson, Architect (George A. D. Dickinson, Jr.), dated March 24, 2003, revised July 7, 2005, scale 1/4”=1’-0”.

Rendeiro Barn, Section A - Sheet #A3, Prepared by Duo Dickinson, Architect (George A. D. Dickinson, Jr.), dated March 24, 2003, revised July 8, 2005, scale 1/4"=1'-0".

Rendeiro Barn, Sections - Sheet #A4, Prepared by Duo Dickinson, Architect (George A. D. Dickinson, Jr.), dated March 24, 2003, revised July 8, 2005, scale 1/4"=1'-0".

Rendeiro Barn, Front Elevation - Sheet #A5, Prepared by Duo Dickinson, Architect (George A. D. Dickinson, Jr.), no date noted, scale 1/4"=1'-0".

Rendeiro Barn, Side Elevation - Sheet #A6, Prepared by Duo Dickinson, Architect (George A. D. Dickinson, Jr.), no date noted, scale 1/4"=1'-0".

Rendeiro Barn, Rear Elevation - Sheet #A7, Prepared by Duo Dickinson, Architect (George A. D. Dickinson, Jr.), no date noted, scale 1/4"=1'-0".

Rendeiro Barn, Side Elevation - Sheet #A8, Prepared by Duo Dickinson, Architect (George A. D. Dickinson, Jr.), no date noted, scale 1/4"=1'-0".

Rendeiro Barn First Floor, Existing First Floor Plan To Remain As Is - Sheet #A1, Prepared by Duo Dickinson, Architect (George A. D. Dickinson, Jr.), no date noted, submitted September 7, 2011, scale as noted.

Rendeiro Barn First Floor, Existing Second Floor Plan with Proposed Accessory Dwelling - Sheet #A2, Prepared by Duo Dickinson, Architect (George A. D. Dickinson, Jr.), dated March 24, 2003 and last revised September 5, 2011, scale as noted.

WHEREAS, the Wilton Planning and Zoning Commission has conducted a public hearing on September 12, 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 #371 to allow the establishment of a 650 square foot accessory dwelling unit on the second floor of the barn, effective September 15, 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 plan shall be completed within five years of the effective date of this resolution. This five-year period shall expire on September 15, 2016.
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 issuance of a Zoning Permit, the applicant shall submit documentation of approval from the Wilton Health Department regarding the adequacy of the existing septic system to accommodate both the principal residence and the proposed accessory dwelling unit.
5. Certification of owner occupancy shall be made to the Planning and Zoning Department on an annual basis.
6. The Planning and Zoning Commission grants a waiver of the requirement for a stamped survey, recognizing that the applicant has submitted a survey signed by a Connecticut-licensed surveyor who is deceased. The submitted aerial was not relied upon in the Commission's review of this application.

Submittal of revised plans and application:

7. 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. "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 September 15, 2016."

b. "For conditions of approval for Special Permit #371, see **Resolution #0911-19P.**"

-END RESOLUTION-

F. COMMUNICATIONS

G. REPORT FROM CHAIRMAN

A discussion arose regarding an upcoming Town vote to permit the sale of beer in grocery stores in Town. The Commission asked Town Planner Nerney to research how Connecticut statutes define grocery stores to better understand what establishments would be permitted to sell beer in the future should this proposal be passed by the electorate.

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

J. ADJOURNMENT

MOTION was made by Mr. Wilson, seconded by Mr. Nabulsi, and carried unanimously (9-0) to adjourn at 8:11 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary