

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

## **WILTON PLANNING & ZONING COMMISSION MINUTES JANUARY 23, 2012 REGULAR MEETING**

**PRESENT:** Vice Chairman L. Michael Rudolph, Commissioners Lori Bufano, Marilyn Gould, Bill McCalpin, Dona Pratt, and John Weiss

**ABSENT:** John Gardiner, Chris Hulse, John Wilson (notified intended absences)

**ALSO** Robert Nerney, Town Planner; Daphne White, Assistant Town Planner; Lorraine

**PRESENT:** Russo, Recording Secretary; members of the press; and interested residents.

### **PUBLIC HEARINGS**

- 1. REG#12336, Gregory and Adams, P.C., Amendments to Sections 29-2.B and 29-5.C.1 of zoning regulations pertaining to employee housing at private membership recreation clubs as a customary and incidental accessory use**

Mr. Rudolph, acting as Chairman in the absence of Mr. Wilson, called the Public Hearing to order at 7:17 P.M., seated members Bufano, McCalpin, Pratt, Rudolph, and Weiss, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. He noted that the hearing was continued from a previous date.

Present were J. Casey Healy, attorney; and David Schiff, Planner; on behalf of the applicant.

Mr. Healy reviewed details of the application to allow employee housing at private membership recreation clubs as a customary and incidental accessory use. He explained that Rolling Hills Country Club (one of four existing private clubs in Wilton) currently has one employee housing structure per a 1978 Planning and Zoning approval (Resolution #478-1P). He noted for the record that such clubs require Special Permit approvals and any subsequent changes/modifications to the sites require amendments to their Special Permits.

Mr. Schiff cited Section 29-5.C.1 of zoning regulations requiring that Private Membership Recreation Clubs be subject to Special Permit and Site Plan approvals in accordance with Sections 29-10 and 29-11 of the regulations. In that regard, he noted that such Clubs (while not specifically defined in Section 29-2.B of current zoning regulations) must conform to all Special Permit requirements/procedures, including but not limited to, provision of an Environmental Impact Statement, as well as consideration of the application with respect to the health, safety and welfare of the public in general and the immediate neighborhood in particular. He noted further that the Commission has the authority, per Section 29-10.A.10 of the regulations, to impose conditions/safeguards as it deems necessary in each instance.

Referencing the existing employee housing at Rolling Hills Country Club, Mr. Schiff explained that the premises have been occupied over the years by the greens-keeper and his family, who are now planning to move out. He noted that the Club has an ongoing need for a wide range of employees, including hospitality students from overseas, and thus is seeking approval to utilize the structure for multiple employees of the Club. He stated that the applicant has researched other communities and has determined that it is fairly common for Clubs of this nature to provide employee accommodations on site.

Mr. Schiff reviewed the subject application, noting that it proposes a definition for “Private Membership Recreation Club”, since none currently exists, and it proposes that the subject housing use be limited to employees of the Club and that it be subject to the requirements of Section 29-10 for Special Permit uses. He noted that Special Permits are subject to many requirements, as are already noted in the regulations, and he emphasized that the Commission would have discretion to limit the number of employees permitted to live in such housing, if it so chose.

Ms. Gould arrived and was seated at 7:27 P.M.

Mr. Rudolph referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Weiss noted for the record that while he lives on Hurlbutt Street, approximately two miles down the road from Rolling Hills Country Club, he did not feel it represents a conflict of interest for him.

Addressing a question from Mr. Weiss, Mr. Schiff noted that it is common for private clubs in many surrounding communities to provide some number of housing units for staff and he cited some relevant examples. He explained further that despite the prevalence of employee housing at such Clubs, there are generally no zoning regulations within these respective communities specifically addressing such housing. It was his inference that such housing is therefore accepted as a customary accessory use in these communities, subject to land use controls applicable to the Clubs as a whole. He cited a recent approval for a Country Club in Greenwich whose existing Special Permit was just

amended to allow an additional building on the site for the purpose of employee housing.

Commissioners raised a number of questions/issues, including the number of employees expected to live on-site; the definition of “employee” for the purpose of the proposed regulation (i.e. clarification regarding short-term seasonal employees, married employees with/without children, etc); the control/impact of noise on surrounding neighbors; supervision with respect to seasonal externs living on-site; as well as distances from Clubs to private homes in those communities/Towns cited in the application.

Mr. Rudolph requested that the applicant provide a history of the experiences of some of the other communities that allow for such housing opportunities that are cited in the application.

Mr. Healy stated that a specific number of employees was not included in the proposed amendment, although he indicated that the Club’s intent is to provide housing for approximately 12 employees, many of whom would probably be externs from overseas who are in the hospitality business. He stated that the applicant was unable to find any specific regulations pertaining to this in other communities’ zoning regulations, noting that the Special Permit process seems to provide broad discretion in this regard. Referencing the subject application, he cited a wide range of employee housing numbers that are permitted in surrounding communities’ Clubs, from as low as 8 in Norwalk to as high as 48 in Greenwich.

Mr. Schiff felt that Clubs would be able to exercise better control of employees living on-site specifically *because* they would be living on-site and in full view of management.

In that regard, Mr. Healy noted that the applicant is considering closing the existing employee home’s driveway on Hurlbutt Street, thus mandating that any future employees living on-site would have to enter the grounds through the Club’s main driveway and park in the main parking area.

Ms. Gould questioned the impact on the school system of full-year employee residents with children. She also noted zoning’s current strict limitations on the number of unrelated people living together in a residence.

Mr. Nerney suggested that the applicant consider ways of weaving in specific criteria into the proposed regulation to address some of the aforementioned issues raised by the Commission. Mr. Rudolph also suggested that the applicant research controls that are utilized by other communities to regulate/control such housing at private Clubs.

Mr. Healy stated that he would be willing to grant an extension of the deadline to close the public hearing until February 27, 2012 in the event that the next hearing on February 13, 2012 has to be rescheduled due to weather.

Mr. McCalpin, serving as Secretary in the absence of Commissioner Gardiner, referenced an email sent January 11, 2012 from Donna Stone (SWRPA) to Robert Nerney.

Mr. Rudolph 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 7:45 P.M. the Public Hearing was continued until February 13, 2012.

**2. REG#12334, Town of Wilton, Amendment to Section 29-11.A.12 of zoning regulations pertaining to bond requirements**

Mr. Rudolph called the Public Hearing to order at 7:45 P.M., seated members Bufano, Gould, McCalpin, Pratt, Rudolph, and Weiss, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. He noted that the hearing was continued from the previous meeting.

Mr. Nerney noted that the hearing was left open at the previous meeting to give the regional agencies time to provide comment. He referenced the aforementioned email from Donna Stone at SWRPA, noting that the proposed bond regulation change was mentioned in the email but not specifically addressed via any comments.

Mr. Rudolph 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 7:47 P.M. the Public Hearing was closed.

**3. REG#12335, Town of Wilton, Amendments to Section 29-5.B.10 of zoning regulations pertaining to affordable housing in DRD, THRD and CRA-10 multi-family residential districts**

Mr. Rudolph called the Public Hearing to order at 7:47 P.M., seated members Bufano, Gould, McCalpin, Pratt, Rudolph, and Weiss, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. He noted that the hearing was continued from the previous meeting.

Mr. Rudolph noted that the Commission has been waiting for comments/input from the original applicant's attorney.

Mr. Nerney indicated that he spoke with the former applicant during the week. He suggested that the hearing be kept open since there is no pressing need at the moment to address this issue quickly, in addition to the fact that the Commission, as applicant, may grant itself extensions if necessary.

Mr. Rudolph 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 7:49 P.M. the Public Hearing was continued until February 13, 2012.

## **REGULAR MEETING**

- A.** Mr. Rudolph called the Regular Meeting to order at 7:49 P.M., seated members Bufano, Gould, McCalpin, Pratt, Rudolph, and Weiss, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

## **B. APPROVAL OF MINUTES**

### **1. January 9, 2012 – Regular Meeting**

**MOTION** was made by Mr. McCalpin, seconded by Ms. Pratt, and carried (6-0) to approve the minutes of January 9, 2012 as drafted.

## **C. SITE DEVELOPMENT PLAN REVIEW**

## **D. ACCEPTANCE OF NEW APPLICATIONS**

- 1. REG#12337, Kevin O'Brien, Amend Sections 29-6.C.6.d, 29-6.E.1 and 29-6.E.2 for revised area and bulk requirements in Wilton Center District**
- 2. REG#12338, Kevin O'Brien, Amend Section 29-6.C.4.b pertaining to Special Permit Uses in the Wilton Center District when property is located within 1000 feet from Wilton train station**
- 3. CHZ#12339, Kevin O'Brien, 291 & 300 Danbury Road & 7 Station Road, Zone change from General Business (GB) and Residential (R-1A) to Wilton Center (WC) District**
- 4. SP#375, 190 Danbury Road Associates, LLC, 186-190 Danbury Road, To allow construction of new car showroom and on-site new vehicle display and storage area**

5. **SP#376, Fosterhouse, LLC, 122 Olmstead Hill Road, Construction of an accessory dwelling unit**

MOTION was made by Ms. Gould, seconded by Mr. Weiss, and carried unanimously (6-0) to accept the above applications and set public hearing dates as follows:

**Applications #1) REG#12337, #2) REG#12338 and #3) CHZ#12339 – Feb 13, 2012**

**Application #4) SP#375 – Mar 12, 2012**

**Application #5) SP#376 – Feb 27, 2012**

#### **E. PENDING APPLICATIONS**

1. **REG#12336, Gregory and Adams, P.C., Amendments to Sections 29-2.B and 29-5.C.1 of zoning regulations pertaining to employee housing at private membership recreation clubs as a customary and incidental accessory use**

Tabled.

2. **REG#12334, Town of Wilton, Amendment to Section 29-11.A.12 of zoning regulations pertaining to bond requirements**

The Commission reviewed DRAFT Resolution #0112-1REG. A minor modification was incorporated into the Resolution.

MOTION was made by Ms. Gould, seconded by Ms. Bufano, and carried unanimously (6-0) to adopt as amended Resolution **#0112-1REG** for **REG#12334**, effective January 26, 2012.

**WHEREAS**, the Wilton Planning and Zoning Commission accepted application #12334 for amendments to Sections 29-11.A.12 of the Zoning Regulations of the Town of Wilton pertaining performance bond requirements; and

**WHEREAS**, the Planning and Zoning Commission conducted a public hearing on January 9, 2012 and January 23, 2012 to receive comment from the public and has fully considered all evidence submitted at said hearing; and

**WHEREAS**, notice and copies of the application have been forwarded to the South Western Regional Planning Agency and the Housatonic Valley Council of Elected Officials for review and commentary and said agencies have elected not to comment on the application

**WHEREAS**, the proposed regulation is consistent with Connecticut General Statutes § 8-3 (g ), effective as of October 1, 2011.

**NOW THEREFORE BE IT RESOLVED** that the Wilton Planning and Zoning Commission **APPROVES** application #12334 effective, January 26, 2012 as follows:

12. Bond Requirements:
  - a. Bond: As a condition of Site Plan approval, the Commission may, in its sole discretion, require that the applicant post a performance bond in a form satisfactory to the Town Attorney and with surety satisfactory to the Commission, in order to guarantee satisfactory completion of all proposed site improvements (excluding buildings) shown on the approved Site Plan. An itemized estimate of the cost of the specific improvements shall be prepared by the applicant, including a separate inflation factor for the estimated construction period, and shall be submitted to the Town Engineer and the Town Planner for approval. Said bond shall be posted with the Town for an initial period of 18 months unless an extension of time shall be requested by the applicant and granted by the Commission.
  - b. Form of Bond: Performance bonds required under this section shall:
    - (1) Be in a form and with surety satisfactory to the Commission; and,
    - (2) Be in a form of cash; a passbook or statement savings account; a certified check payable to the Town of Wilton; an irrevocable letter of credit from a bank chartered to conduct business in Connecticut or a surety bond in a form acceptable to the Commission.
  - c. Reduction of Performance Bond: Upon the completion of at least 25%, 50% and/or 75% of the cost of the bonded site improvements, the applicant may request in writing a reduction of the bond. The Commission shall cause the site to be inspected by the ZEO, the Town Engineer, and/or other appropriate Town officials to determine if the portion of the required site improvements for which the reduction is being requested has been satisfactorily completed in accordance with the approved Site Plan. Based upon these findings, the Commission may authorize the reduction of such bond.
  - d. Release of Performance Bond: Before the release of a performance bond, the Commission:
    - (1) Shall require the applicant submit "as-built" drawings in accordance with 29-11.A.18.

- End Resolution -

- 3. REG#12335, Town of Wilton, Amendments to Section 29-5.B.10 of zoning regulations pertaining to affordable housing in DRD, THRD and CRA-10 multi-family residential districts**

Tabled.

Mr. McCalpin and Mr. Nerney referred again for the record to an emailed document dated January 11, 2012 from Donna Stone (SWRPA) referencing all three applications heard this evening (REG#12336, REG#12334 & REG#12335).

**F. COMMUNICATIONS**

**G. REPORT FROM CHAIRMAN**

**H. REPORT FROM PLANNER**

**I. FUTURE AGENDA ITEMS**

**J. ADJOURNMENT**

MOTION was made by Mr. McCalpin, seconded by Ms. Pratt, and carried unanimously (6-0) to adjourn at 7:55 P.M.

Respectfully submitted,

Lorraine Russo  
Recording Secretary