

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

WILTON PLANNING & ZONING COMMISSION MINUTES APRIL 23, 2012 REGULAR MEETING

PRESENT: Vice Chairman L. Michael Rudolph, Secretary John Gardiner, Commissioners Lori Bufano, Marilyn Gould, Chris Hulse, Bill McCalpin, and John Weiss

ABSENT: Dona Pratt and John Wilson (notified intended absences)

ALSO

PRESENT: Robert Nerney, Town Planner; Daphne White, Assistant Town Planner; and Lorraine Russo, Recording Secretary.

Mr. Rudolph, acting as Chairman in the absence of Chairman Wilson, called the meeting to order at 7:15 P.M. Mr. Rudolph took a moment to note the recent passing of Barbara Frees. He cited her many contributions and years of service to the Town, both on the Planning and Zoning Commission and immediately thereafter on the Zoning Board of Appeals. He noted his personal sadness on her passing.

PUBLIC HEARINGS

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

Continued until May 14, 2012.

2. **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**

Continued until May 14, 2012.

REGULAR MEETING

- A.** Mr. Wilson called the Regular Meeting to order at 7:16 P.M., seated members Bufano, Gardiner, Gould, Hulse, McCalpin, Rudolph, and Weiss, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. April 9, 2012 – Regular Meeting

MOTION was made by Mr. Hulse, seconded by Ms. Gould, and carried (6-0-1) to approve the minutes of April 9, 2012 as drafted. Mr. Rudolph abstained.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

E. PENDING APPLICATIONS

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

Tabled.

- 2. 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**

Tabled.

3. SUB#907, Cronin, 215 Belden Hill Road, 2-lot subdivision

Mr. Weiss recused himself and left the meeting room.

Mr. Rudolph noted that he had listened to the record, and read the minutes, of the previous meeting.

The Commission briefly reviewed draft Resolution #0412-1S, noting that conditions were included in the resolution to address the issue of sight distance along the north side of the existing driveway serving Lot #1, and septic system requirements in connection with the existing house on Lot #1.

MOTION was made by Ms. Gould, seconded by Mr. Hulse, and carried unanimously (6-0) to adopt as drafted Resolution #0412-1S for SUB#907, effective April 26, 2012.

WHEREAS, the Wilton Planning and Zoning Commission has received a **Subdivision** application SUB#907 from Celestine H. Cronin, for a two-lot subdivision located on 215 Belden Hill Road, in an R-2A District, Assessor's Map #100, Lot #7, 4.162 acres, owned by Celestine H. Cronin and shown on the plans entitled:

Vicinity Map, prepared for Celestine H. Cronin, prepared by Douglas R. Faulds, land surveyor, dated November 30, 2011, at a scale of 1"=100', no sheet #.

Property Survey, prepared for Celestine H. Cronin, prepared by Douglas R. Faulds, land surveyor, dated November 30, 2011, at a scale of 1"=40', no sheet #.

Resubdivision, prepared for Celestine H. Cronin, prepared by Douglas R. Faulds, land surveyor, dated November 30, 2011, at a scale of 1"=40', no sheet #.

Data Accumulation Plan, Existing Conditions Plan, prepared for Celestine H. Cronin, prepared by Douglas R. Faulds, land surveyor, dated November 30, 2011, revised April 2, 2012, at a scale of 1"=40', no sheet #.

Subdivision Plan, prepared for Celestine H. Cronin, prepared by Holt W. McChord, engineer, dated February 8, 2012, last revised April 4, 2012, at a scale of 1"=30', sheet #SE1.

Construction Notes and Details, prepared for Celestine H. Cronin, prepared by Holt W. McChord, engineer, dated February 8, 2012, last revised March 26, 2012, scale as noted, sheet #SE2.

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

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

NOW THEREFORE BE IT RESOLVED effective April 26, 2012 the Wilton Planning and Zoning Commission **APPROVES** the two-lot subdivision subject to the endorsement and filing of the record Subdivision Map, and subject to the following conditions:

A. GENERAL CONSIDERATIONS

1. It is the responsibility of the applicant to obtain any other permits or licenses required by law or regulation. Governing bodies which may have jurisdiction include the Town of Wilton; the State of Connecticut or the United States Government.
2. No equipment or material shall be deposited, placed or stored in any wetland or water course, on or off site unless specifically authorized by an Inland Wetlands Permit.
3. Housing numbers shall be as follows:

Lot #1 shall remain 215 Belden Hill Road, (Map#100, Lot#7)
Lot #2 shall become 217 Belden Hill Road, (Map#100, Lot#7-3)

4. For this particular application, the Commission waives the requirement for the dedication of open space. This waiver is granted on the finding that the applicant meets Section 4.5.2. of the Subdivision Regulations. The Planning and Zoning Commission has determined that a reservation of 12% of the parcel for open space is not necessary because the minimum reservation constitutes less than one acre, is not contiguous to other open space and, in light of these conditions, finds that such dedication would be of little public value.

B. PERTAINING TO BOTH LOTS #1 and #2 (In the event Lot #1 and/or Lot #2 undergo new development or redevelopment)

5. Development shall not alter the existing natural site grading and drainage patterns of adjoining properties. Runoff caused by new development, during and after construction, shall be minimized and diverted to natural drainage patterns.
6. Driveways shall be clearly marked to facilitate rapid identification by emergency vehicles.
7. Fuel oil tanks shall only be located above ground or within a basement.
8. Any significant change in the build-out of each lot or location and design of infrastructure improvements associated with this application shall be subject to Commission review and approval.
9. There shall be no construction activities on the site on Sundays or holidays. The hours of construction shall be between the hours of 7:00 am and 5:00 pm Monday through Friday and 8:00 am and 5:00 pm on Saturdays, except for interior work

within the individual houses.

10. A copy of this resolution shall be given to the project manager of each lot and shall be available on site during construction.

C. PRIOR TO FILING OF FINAL SUBDIVISION MAP

11. The Final Subdivision Plan shall be revised to include the following:
 - a. The address designation within each approved lot as specified herein.
 - b. The note: “Subdivision #907 for conditions of approval see Resolution #0412-1S
 - c. The subdivision map shall be filed within 90 days following expiration of the appeal period, unless the applicant obtains an extension from the Planning and Zoning Commission.
 - d. The applicant shall provide the Planning and Zoning Department with an electronic copy of the subdivision plan prior to the recording of said plan with the Town Clerk.
 - e. If the existing house on Lot#1 is to remain, the applicant shall install a new septic system or modify the existing system to the satisfaction of the Wilton Health Department. Said improvement shall be completed prior to the filing of the final subdivision map.
 - f. The applicant shall demolish or relocate the existing cottage and shed located within the building side-yard setback on Lot #1 prior to recording the subdivision map with the Town Clerk.

D. SUBSEQUENT TO FILING OF THE FINAL SUBDIVISION MAP

12. The applicant shall, within thirty (30) day of the filing of the Final Subdivision Plan, submit the following:
 - a. Eight (8) paper prints of the filed subdivision plan with the Town Clerk’s notations. Said prints shall be signed and embossed by all the appropriate consultants/engineers.
 - b. The record subdivision map shall indicate any watercourses and wetlands on the lots and shall delineate the limit of disturbance on each lot.
 - c. A Mylar reduction of the approved Subdivision Plan at a scale of 1"=800'.
 - d. Four (4) copies of all other plans and documents as specified herein. Said plans and documents shall bear the seal, signature and license number of the registered professional(s) responsible for preparing appropriate sections of the plans and documents.

E. PRIOR TO THE ISSUANCE OF A ZONING PERMIT (In the event Lot #1 and/or Lot #2 undergo new development or redevelopment)

13. A sight distance of 100 feet shall be maintained along the north side of the existing driveway serving on Lot#1.
14. A site plan shall be submitted for review and approval by the Commission's staff prior to obtaining a zoning permit for the re-development of either Lot #1 and/or Lot #2. Each site plan shall include a tree and stone wall preservation plan. Said plan shall locate each tree with a diameter (caliper) over 16" within the buildable area and 10" diameter (caliper) within the setback areas and all stone wall features on the property. The plan shall explain why any such tree or stone wall is not to be preserved, and shall explain any alternate plans that have been considered. Any trees and/or stone walls proposed to be preserved shall be depicted on the tree and stone wall preservation plan and shall be protected throughout the construction and thereafter.
15. A bond estimate for all site work shall be provided by the applicant to the Commission's staff for the redevelopment of either Lot#1 or Lot#2, which shall include, but not be limited to sedimentation and erosion controls, tree protection, grading, seeding 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 any site disturbance.
16. Zoning permits involving new construction for either Lot#1 or Lot#2 shall be accompanied by revised site development plans if the site plans of either lot differ from the submitted stamped engineering plans reviewed by the Planning and Zoning Commission. The plans are to be prepared and stamped by a Connecticut-licensed engineer.
17. Final plans shall be updated to include the Health Department certification block pursuant to Section 3.315 of the Subdivision Regulations.

F. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE (In the event Lot #1 and/or Lot #2 undergo new development or redevelopment)

18. All utilities for either Lot#1 or Lot #2 shall be installed underground prior to the issuance of a certificate of zoning compliance.
19. All lot corners shall be pinned and verification from the applicant's Land Surveyor of such lots shall be submitted prior to obtaining zoning compliance for such lot.
20. An as-built plan showing the location of the underground detention system depicted on the Site Development Plan shall be submitted prior to zoning compliance for each lot.
21. The applicant's land surveyor shall submit an as-built survey indicating building and site coverages.

Mr. Weiss returned to the meeting room.

F. COMMUNICATIONS

1. MR#136, 8-24 Mandatory Referral, Proposed extension of public sewer service from the intersection of Horseshoe Pond Road and River Road to the Miller/Driscoll School

Mr. Nerney reviewed details of a memorandum dated April 19, 2012 from First Selectman Brennan requesting input from the Planning and Zoning Commission, pursuant to the provisions of Section 8-24 of Connecticut General Statutes, regarding the proposed extension of public sewer service to Miller/Driscoll School. He explained that a study has been conducted to evaluate the school property for purposes of potentially adding a pre-kindergarten program to the School. Stemming from that review, the consultant concluded that the existing septic system on the site is marginal at best and therefore no program expansions could be implemented with the current septic system in place.

Mr. Nerney explained further that the consultant set out three possible options: 1) to live with the system as is and face the consequences of a possible failure at some point in the future; 2) provide an on-site waste treatment facility; or 3) provide a gravity sewer line from the school down Wolfpit Road to tie into an already existing system, which would be less expensive than option #2. He noted that a \$1.9 million assessment would be offset somewhat by other properties in the vicinity that would also be provided access to the system and he noted that all such property owners have been notified of same.

In response to questions from Commissioners, Mr. Nerney explained that the Sisters of Notre Dame on Belden Hill Road are experiencing a similar situation with their septic system and are currently under order from the DEP to replace their on-site septic system. He stated that the Town has had preliminary discussions with representatives of the order to discuss potential opportunities for servicing both properties in a manner that is supportive of the existing neighborhood land use pattern.

Ms. Gould expressed concern regarding the proposed project, noting that there are other cost effective ways of dealing with a possible pre-school program at the School; she noted in particular that other Town sites/buildings (e.g. Comstock) could possibly be utilized for such a use. She felt that the referral was premature in general since the project has not yet been approved via a Town vote.

Mr. Nerney noted that the existing septic deficiency issue exists independent of the contemplated pre-school program at the site.

Mr. Hulse recommended installation of a gas line at the same time as the proposed sewer extension would occur since the area would already be dug up, representing a cost savings opportunity for the Town; he referred to comments made by First Selectman Brennan some time ago indicating that the Town wished to pursue that option if/when the opportunity arose. He felt that running the Driscoll/Miller heater with gas, as opposed to oil, would provide significant savings to the Town.

Mr. Nerney did not think Yankee Gas was interested because of the remote distance of the school combined with return on investment but he stated that he could pass the suggestion along to Mr. Brennan.

Ms. Gould felt that the Commission should not act on this Mandatory Referral unless it has a guarantee from the Sisters of Notre Dame that the site would never be developed beyond what is currently permitted via R-2A zoning regulations. She felt that this sewer extension could have significant and far-reaching impacts on the Town as a whole, affecting other properties in addition to the Sisters' site.

Mr. Nerney noted that the Town is trying to get this project underway while school is out of session. Mr. Hulse suggested also noting the Commission's encouragement that the project be coordinated with Yankee Gas.

It was the consensus of the Commission that an advisory decision be put on hold for a couple of weeks, in the hope that Mr. Brennan might be able to come to the next meeting and provide further clarification on the matter.

G. REPORT FROM CHAIRMAN

1. Reports from Committee Chairmen

H. REPORT FROM PLANNER

Mr. Nerney advised Commissioners that Recording Secretary Russo would be gone for two weeks in May. As a result, minutes from the next meeting scheduled for May 14, 2012 would be extremely brief, due to time limitations, since she will be leaving shortly after the meeting.

I. FUTURE AGENDA ITEMS

- 1. Training Session – May 14, 2012 – 6:00 – 7:00 P.M.**
- 2. SP#377, Rolling Hills Country Club, Inc., 333 Hulbutt Street, Amend Special Permit to allow employee housing in existing residence on Club’s property [P.H. – June 11, 2012]**

J. ADJOURNMENT

MOTION was made by Mr. Hulse, seconded by Ms. Bufano, and carried unanimously (7-0) to adjourn at 8:00 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary