

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

WILTON PLANNING & ZONING COMMISSION MINUTES JUNE 11, 2012 REGULAR MEETING

PRESENT: Chairman John Wilson, Vice Chairman L. Michael Rudolph, Secretary John Gardiner, Commissioners Lori Bufano, Marilyn Gould, Peter Shiue, and John Weiss

ABSENT: Chris Hulse, Bill McCalpin (notified intended absences)

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. SP#377, Rolling Hills Country Club, Inc., 333 Hurlbutt Street, Amend Special Permit to allow employee housing in existing residence on Club's property**

Mr. Wilson called the Public Hearing to order at 7:15 P.M., seated members Bufano, Gardiner, Gould, Rudolph, Shiue, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

Mr. Wilson recused himself and left the meeting room. Vice-Chairman Rudolph acted as Chairman in the absence of Mr. Wilson.

Mr. Gardiner read the legal notice dated May 11, 2012.

Ms. Bufano stated that she received legal notice of the application as a resident within 500 feet of the subject site. However, she noted that while a small portion of her property meets that criteria, her home is actually 3500+/- feet from the actual building in question, and therefore she did not feel she would have any conflict of interest and wished to participate in the hearing.

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Present were J. Casey Healy, attorney; David Schiff, professional planner; Earl Goven, landscape architect; and Mike Catanzano, Manager, Rolling Hills Country Club.

Mr. Healy referred to a posted site plan and briefly reviewed a history of the site. In particular, he noted that the residence in question was approved in 1970 for occupancy by the greens superintendent of the Club, and his family. He explained that the superintendent has since moved and the Club would like to convert the ranch style home to employee housing for multiple employees.

Mr. Schiff noted that all other abutting municipalities have recreational Clubs with employee housing permitted on their respective properties. He explained that none of these municipalities has specific zoning regulations relating to such a use, noting further that the use is considered a customary and reasonable accessory use to a recreational Club.

Mr. Healy indicated that the applicant is not proposing any changes to the existing site plan, other than closing off an existing driveway to the residence (except for use by emergency vehicles), and the installation of additional landscaping for screening.

Mr. Healy distributed responses, dated June 11, 2012, to the Planning and Zoning Staff Report of June 7, 2012. He reviewed on a point-by-point basis all comments/issues raised in the Report. In particular, he noted that 1) no expansion to the existing structure is proposed; 2) the applicant is seeking maximum housing of 12 employees in the residence and would accept such maximum as a condition of approval; 3) the existing Hurlbutt Street driveway to the residence will not be opened during the winter season, except for emergency vehicle access only; 4) application has not been made to the Health Department since the applicant believes existing conditions will serve the residence as currently proposed, and contact has not been made with the Building or Fire Departments yet, pending approval of the application by the Commission; and 5) any expansion/change to proposed plans would require an application to/appearance before the Planning and Zoning Commission in the future.

In response to questions from Ms. Gould regarding the size of the existing residence, Mr. Goven estimated the current square footage of the 30' x 40' ranch at approximately 1200-1300 square feet, in addition to an existing basement of approximately 1200 square feet, of which 600+/- square feet are finished, although he noted that the applicant is not planning to utilize the basement.

In response to a question from Mr. Shiue regarding the maximum number of unrelated persons permitted to live together, Town Planner Nerney read the definition of "family" from the zoning regulations, noting in particular that it includes "a group of not more than four unrelated persons, living and cooking together as a single housekeeping unit". He

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noted, however, that said definition relates to single family use, whereas the applicant is proposing employee housing under the umbrella of a private membership club use. He indicated further that the issue of relevance is when a use starts to be considered a primary use versus an accessory use to the club.

Mr. Healy stated that he reviewed various Connecticut clubs that permit on-site employee housing and all such clubs treat the use as a customary and accessory use.

In response to a question from Mr. Rudolph regarding the locations of other clubs, Mr. Healy stated that a number of the other clubs, including ones in Darien, New Canaan, Stanwich in Greenwich, and Woodway in Stamford are all located in strictly residential areas. He confirmed, in response to a question from Ms. Bufano, that although the existing residence was originally approved for 2700 square feet and 2.5 stories, it was never built out to that degree.

Mr. Goven explained further that the home's three bedrooms would be equipped with bunk beds to accommodate the proposed twelve employees, and he noted that there are two full baths in the home.

The applicant again confirmed that the proposed use is based upon no anticipated expansion to the existing structure, and if any changes in that regard were proposed in the future, the applicant would be required to come back before the Commission for approval.

Ms. Gould expressed concern with the size of the residence and its suitability to house twelve people. It was her belief that there is a generally accepted minimum square footage required per person of 120 square feet, which did not appear to be satisfied by the subject residence. She questioned whether the applicant would be willing to accept a smaller maximum number of employees. Mr. Healy stated that he would have to consult with the applicant further in that regard.

Mr. Rudolph asked if there was any relevance to the number twelve, i.e. was it based on the number of people that could comfortably be accommodated in the residence; or on the number of such employees that actually work at the club and will require such accommodation; or was it an arbitrary choice on the part of the applicant.

Mr. Healy explained that, for the most part, the residence would house externs, primarily from Great Britain, who wish to learn the hospitality business, along with assistant golf and tennis pros. He stated that there would definitely be a need to house twelve residents in the summer but probably not in the winter months.

Questions were raised by Commissioners regarding potential behavior issues in the residence, referring in particular to possible noise impacts on nearby neighbors.

Mr. Healy referenced a list of rules that had been submitted in connection with a previously submitted, and subsequently withdrawn, application. He distributed another copy of the rules for Club employees, noting that the rules are very specifically drafted and fairly conservative in nature, with potential on-the-spot termination of employment for violations.

Addressing a question of enforcement raised by Mr. Rudolph, Mr. Catanzaro explained that the aforementioned rules are fairly common among such clubs and the person who will be managing the extern program at Rolling Hills was previously responsible for an even larger such program in Greenwich. Consequently, Mr. Catanzaro felt that this individual would be well-qualified to address issues of enforcement in such matters.

In response to a further question from Mr. Rudolph regarding the prompt addressing of issues that could potentially arise during evening hours, Mr. Healy explained that there is an emergency contact number for the Clubhouse manager, who would be called in the event of an issue. Mr. Catanzano noted that there had been a noise issue one or two evenings in prior years when the Club had rented a house for employee use on Duck Pond and, as a result, the Club is now seeking to provide housing on-site so as to be able to keep a keener eye and supervision on such residents.

Mr. Weiss arrived and was seated at 7:48 P.M. He noted for the record that although he lives on Hurlbutt Street, he is located about two miles down from the subject property so he did not feel he would have any conflict of interest.

Mr. Gardiner referred for the record to a 3-page Planning and Zoning Staff Report dated June 7, 2012.

In response to a further question from Mr. Rudolph regarding the vetting of such externs for employment at the Club, Mr. Catanzaro explained that sometimes a Club administrator travels to England to vet externs and/or frequently the Club depends upon trusted individuals in the respective countries to vet them.

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

Addressing the Commission's concerns about issues that could potentially arise in the late evening hours at the residence, Mr. Healy noted that the applicant would be willing to accept a condition that a house monitor be required to live at the house, i.e. someone responsible for assuring that all rules are enforced.

Addressing the question of adequate/reasonable space per person, Mr. Healy explained that the residents would be working hard at the Club, and thus would be out of the residence many hours per day.

Ms. Gould requested that the applicant provide the Commission a floor plan with dimensions. The applicant agreed.

Mr. Nerney suggested that the applicant obtain commentary from other Town Departments now that the maximum number of residents has been established at twelve. In this way, he felt that it would give the applicant an opportunity to amend its proposed special permit if issues arose with any other Department (e.g. Fire, Health, Building, etc.) The applicant agreed to reach out to other Departments as suggested, and therefore indicated a desire to continue the hearing as opposed to closing it this evening.

Addressing the issue of house rules, Mr. Catanzaro assured the Commission that the Club does not hesitate to send someone back if/when an issue arises, noting that two individuals were sent back some years ago in connection with noise problems at the rented Duck Pond residence. He emphasized the Club's desire to remain a good neighbor.

Mr. Rudolph noted for the record that there did not appear to be anyone in the audience to speak for or against the application this evening.

Addressing a question raised by Mr. Weiss regarding parking impacts from the proposed employee residence, Mr. Goven indicated that parking is adequate, noting that there are 218 spaces available on the site.

Mr. Rudolph raised the possibility of imposing a condition that all externs housed in the residence should be pursuing a career in hospitality/hotel management, thus giving the respective students something tangible to lose in the case of improper behavior. Mr. Healy stated that he understood the Commission's concerns, noting that the applicant would look into the matter further.

Mr. Rudolph felt that another condition might also be advisable, whereby the applicant agrees to come before the Commission in the future if there is any need to expand the residence further. Mr. Healy felt that the regulations already require such a process.

Ms. White indicated for the record that current regulations for private membership Clubs require setbacks for all outdoor recreational facilities of 1.5 times the regular building setback distances for the zoning district, and she noted that the existing structure does not meet that standard right now. Mr. Nerney noted that this gives even greater assurance that the applicant would need to come back before the Commission for any proposed changes in the future.

There being no further comments from the Commission or the public, at 8:05 P.M. the Public Hearing was continued until June 25, 2012.

REGULAR MEETING

Mr. Wilson returned to the meeting room. He noted for the record that he had listened to the audio recording of the previous meeting. In that regard, Mr. Wilson noted the difficulties inherent in listening to such recordings, in particular when speakers refer to locations on maps. He questioned whether maps could perhaps be easily delineated in the future via stamped grid patterns, with letters/numbers along tops/bottoms, to more easily and accurately clarify map locations during hearing presentations. Mr. Nerney and Ms. White both suggested that speakers try to be more descriptive when referencing maps during taped hearings.

- A. Mr. Wilson called the Regular Meeting to order at 8:06 P.M., seated members Bufano, Gardiner, Gould, Rudolph, Shiue, Weiss, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. May 29, 2012 – Special Meeting

MOTION was made by Ms. Gould, seconded by Mr. Gardiner, and carried (5-0-2) to approve the minutes of the Special Meeting of May 29, 2012 as amended. Messrs. Shiue and Wilson abstained.

2. May 29, 2012 – Regular Meeting

MOTION was made by Mr. Gardiner, seconded by Ms. Bufano, and carried (5-0-2) to approve the minutes of the Regular Meeting of May 29, 2012 as amended. Messrs. Shiue and Wilson abstained.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

E. PENDING APPLICATIONS

1. **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**

The Commission reviewed Draft Resolution #0612-4P. Modifications were made to condition #3, pertaining to a waiver for establishment of more than one principal building on a lot, and procedures for dealing with any proposed change of use in that regard in the future.

MOTION was made by Ms. Gould, seconded by Mr. Weiss, and carried (6-0-1) to adopt as amended Resolution #0612-4P for SP#375, effective June 14, 2012.

WHEREAS, the Wilton Planning and Zoning Commission has received Special Permit application (SP #375) from 190 Danbury Road Associates, LLC for Chevrolet of Wilton and Buick of Wilton to allow the construction of a new automotive showroom and service establishment and for an on-site vehicle storage and display area for property at 190 Danbury Road, in a Design Retail Business (DRB) District; Assessor's Map #56, Lot #15, 3.76± acres; owned by 190 Danbury Road Associates, LLC and shown on the plans entitled:

Proposed Site Development Plans (cover sheet), Prepared for Wilton GM, prepared by Codespoti & Associates, project planning and design, dated July 27, 2011, last revised May 31, 2012, scale 1"=800', no sheet #.

Existing Conditions/Survey, Prepared for Wilton GM/Marc Blitzer, prepared by Joseph M. Codespoti, land surveyor, dated July 27, 2011, revised November 30, 2011, scale 1"=30', sheet #SP1.

Site Plan, Prepared for Wilton GM/Marc Blitzer, prepared by Jeffrey N. Gordon, landscape architect, dated July 27, 2011, last revised May 31, 2012, scale 1"=30', sheet #SP2.

Site Grading/Soil Erosion and Sediment Control Plan, prepared for Wilton GM/Marc Blitzer, Prepared by Robert J. Wheway, engineer, dated July 27, 2011, last revised May 31, 2012, scale 1"=30', sheet #SP3.

Site Landscape & Lighting Plan, Prepared for Wilton GM/Marc Blitzer, prepared by Jeffrey N. Gordon, landscape architect, dated July 27, 2011, last revised May 31, 2012, scale 1"=30', sheet #SP4.

Wetland Restoration Map, Prepared for Wilton GM/Marc Blitzer, prepared by Jeffrey N. Gordon, landscape architect, dated July 27, 2011, last revised May 16, 2012, scale 1"=30', sheet #SP4R.

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Site Details, Prepared for Wilton GM/Marc Blitzer, prepared by Codespoti & Associates, project planning and design, dated July 27, 2011, scale as noted, sheet #SP5.

Site Details, Prepared for Wilton GM/Marc Blitzer, prepared by Codespoti & Associates, project planning and design, dated July 27, 2011, scale as noted, sheet #SP6.

Chevrolet of Wilton and Buick of Wilton (cover sheet), Prepared for Chevrolet of Wilton and Buick of Wilton, prepared by Gary D. deWolf, architect, dated January 4, 2012, not to scale, no sheet #.

Proposed Ground Floor Plan, Prepared for Chevrolet of Wilton and Buick of Wilton, prepared by Gary deWolf, architect, dated January 4, 2012, scale 3/32"=1'-0", sheet #P.1.

Proposed Mezzanine Floor Plan, Prepared for Chevrolet of Wilton and Buick of Wilton, prepared by Gary deWolf, architect, dated January 4, 2012, scale 3/32"=1'-0", sheet #P.2.

Exterior Elevations, Prepared for Chevrolet of Wilton and Buick of Wilton, prepared by Gary deWolf, architect, dated January 4, 2012, scale 3/32"=1'-0", sheet #P.3.

Site Lighting-Photometric Diagram, Prepared for Chevrolet of Wilton and Buick of Wilton, prepared by Gary deWolf architects, architects, dated December 12, 2011, revised May 22, 2012, scale 1"=30'-0", sheet #SL.1.

WHEREAS, the Planning and Zoning Commission has conducted a public hearing on March 26, 2012, May 14, 2012 and May 29, 2012 to receive comment from the public and has fully considered all evidence submitted at said hearing; and

WHEREAS, the Inland Wetland Agent has reviewed the application, as amended, and finds the submitted plan are substantially consistent with an earlier Inland Wetlands Commission approval of January 12, 2012 (known as Inland Wetland Permit #2053); and

WHEREAS, certain plans have been amended at the Commission's request and have been reviewed by staff and have been found to be satisfactory in terms of addressing the Commission's concerns; and

WHEREAS, the 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** the Special Permit #375 to allow the construction of a new automotive showroom and service establishment and for an on-site vehicle storage and display area for the property located at 190 Danbury Road, effective June 14, 2012 and is subject to the following conditions:

GENERAL 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 United States Government. 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 Special Permit site plan shall be completed within five years of the effective date of this resolution. This five-year period shall expire on June 14, 2017.
3. In approving this application, the Commission hereby grants the following waiver: Waiver to allow for the establishment of more than one principal building on a lot when located in a commercial zone (Design Retail Business “DRB” district). Such waiver is based on the proposed use of both buildings for automotive sales and service purposes. If there is a proposed change of use, then the request shall be referred to the Town Planner for review and if it is determined to be a significant change, then it shall be referred to the Planning and Zoning Commission for review. In considering such a change of use proposal, the Town Planner shall determine that reasonable provisions have been provided to insure safe and proper internal traffic circulation, adequate separation distance between buildings, sufficient landscaping and appropriate site lighting. The Town Planner shall also make a finding that the proposed uses are compatible in nature and will not create undue congestion nor result in unsafe traffic conditions, either on or off the subject premises. In the event that the Town Planner is unable to make the determinations or findings described above, then the Town Planner shall require that the property owner submit a letter describing the proposed changes in detail to the Commission for its review and determination at a Public Meeting.
4. The applicant shall provide copies of approval from Aquarion Water Company and the Wilton Water Pollution Control Authority granting approval for the provision of water and sewer. Said authorization shall be submitted to the Wilton Planning and Zoning Department staff prior to the issuance of the initial zoning permit.
5. The applicant shall file the special permit approval with the Wilton Land Records and shall provide evidence of such recording to the Planning and Zoning Department prior to the issuance of a zoning permit.
6. The applicant’s engineer shall coordinate the final connection point to the public sanitary sewer with Wilton’s Department of Public Works, and shall submit any additional plans or details requested by the Town’s engineers. Said information shall be provided prior to the issuance of any zoning permit and shall be subject to the satisfaction of the Town’s engineers and the WPCA. The owner is authorized to conduct exploratory excavation prior to the issuance of a zoning permit.
7. A revised easement map and deed shall be submitted to the Commission’s Staff and to the Town Attorney for review, approval and recording before the issuance of a Zoning Permit.

8. A note shall be added to the Site Grading/Soil Erosion and Sediment Control Plan, prepared for Wilton GM/Marc Blitzer, Prepared by Robert J. Wheway, engineer, dated July 27, 2011, last revised May 31, 2012, scale 1"=30', sheet #SP3, in the vicinity of the silt fence around the stockpile as follows: "Proposed silt fence. Fill material to be stored in a manner so as not to obstruct vehicle sight distance or interfere with pedestrian access along sidewalk. The adjoining public Right of Way shall be kept clean of silt".
9. A note shall be added to the plan entitled Exterior Elevations, Prepared for Chevrolet of Wilton and Buick of Wilton, prepared by Gary deWolf, architect, dated January 4, 2012, scale 3/32"=1'-0", sheet #P.3., stating that "Rooftop mechanical equipment shall not be visible from elevation 164' or lower."
10. Applicant shall deed a sidewalk easement to the D.O.T as required by D.O.T.
11. The internal landscape plantings shown on SP4 and SP4R shall be the same. The plantings on SP4 shall be specified for the developed portions of the site, and the invasive species removal and new replacement plantings in the Wetlands Buffer area shall be as shown on SP4R. The applicant shall submit revised plans for review and approval by the Town Planner within 30 days of this resolution.
12. The proposed revised driveway easement serving the residence to the rear of the property shall be shown, without showing the prior location of the easement. The applicant shall submit the easement deed and accompanying Mylar in recordable form for the Town Planner and Town attorney for review and approval within 45 days following the date of this resolution.
13. The planting and plant list plan identified as follows: Site Landscape & Lighting Plan, Prepared for Wilton GM/Marc Blitzer, prepared by Jeffrey N. Gordon, landscape architect, dated July 27, 2011, last revised May 31, 2012, scale 1"=30', sheet #SP4, shall be modified in such a way that the 15"-18" tall *Buxus microphylla* 'Green Gem' shall be increased to 20-24" in height. In addition, to increase the screening required for automotive sales and service businesses, the front landscape buffer island located west of the existing building, a minimum of five (5), *Buxus microphylla* 'Green Gem', measuring at least 20" in height, shall be added to the proposed planting island, (specifically, the planting bed located closest to the sidewalk).
14. Any plant substitutions or changes from the approved landscape plan shall be subject to review and approval by the Commission's staff.
15. The applicant's display and/or storage vehicles shall not be located on any planting beds or landscaped buffers.
16. The existing proposed parking, along the northerly property line, as approved in 1969 shall be shown, without any other proposed iteration, as shown on the following plan: Site Plan, Prepared for Wilton GM/Marc Blitzer, prepared by Jeffrey N. Gordon, landscape architect, dated July 27, 2011, last revised May 31, 2012, scale 1"=30', sheet #SP2. The applicant shall submit revised plans for review and approval by the Town Planner within 30 days of this resolution.
17. A bond estimate for all site work (excluding buildings) shall be provided by the applicant to the Town Planner, which shall include, but not be limited to sedimentation and erosion controls, grading, drainage, paving, landscaping, seeding, lighting, and sidewalks and

shall include a 10% contingency. The applicant shall furnish to the Town a bond with proper surety, in form and amount satisfactory to the Commission's land use counsel and Wilton's Town Planner, prior to the issuance of any zoning permit.

18. Any additional light fixtures, other than those shown on the following plan: Site Lighting-Photometric Diagram, Prepared for Chevrolet of Wilton and Buick of Wilton, prepared by Gary deWolf architects, architects, dated December 12, 2011, revised May 22, 2012, scale 1"=30'-0", sheet #SL.1., shall be reviewed and approved by either the Planning and Zoning staff or by the Planning and Zoning Commission prior to the issuance of a zoning permit. The light fixtures shall comply with specifications and requirements outlined in Section 29-9.E of the Zoning Regulations.
19. All electric, telephone and other cable supplied services shall be installed underground.
20. Erosion control plans shall be strictly enforced. Public roads shall be swept clean of all dirt and debris at the end of each day.
21. There shall be no construction activities on the site on Sundays or major holidays. All construction related activities shall only be performed between 7:30 A.M. and 6:00 P.M. Monday through Friday and between 8:00 A.M. and 6:00 P.M. on Saturdays. This condition does not apply to interior finish work performed within a fully-enclosed building.
22. A copy of this resolution shall be given to the construction manager and shall be available on site during construction.
23. All signage shall comply with Section 29-8.A. of the Zoning Regulations.
24. Mechanical equipment and refuse containers shall be screened from view on all sides.

SUBMITTAL OF REVISED PLANS AND APPLICATION:

25. 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 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 site plan shall be completed within five years after the approval of the plan. Said five-year period shall expire on June 14, 2017."
 - b. "For conditions of approval for Special Permit #375, see Resolution #0612-4P."

PRIOR TO THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE:

26. The applicant shall submit an as-built survey prior to the issuance of a zoning compliance certificate.
27. The applicant shall submit an as-built plan of the subsurface drainage prior to receiving a zoning compliance certificate.

- 2. SP#377, Rolling Hills Country Club, Inc., 333 Hurlbutt Street, Amend Special Permit to allow employee housing in existing residence on Club's property**

Tabled.

F. COMMUNICATIONS

G. REPORT FROM CHAIRMAN

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

- 1. SP#378, Wilton Shopping Center LP, 5 River Road, Outdoor seating for Bon Appetit [P.H. June 25, 2012]**

J. ADJOURNMENT

MOTION was made by Mr. Weiss, seconded by Ms. Bufano, and carried unanimously (7-0) to adjourn at 8:25 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary