

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

WILTON PLANNING & ZONING COMMISSION MINUTES SEPTEMBER 10, 2012 REGULAR MEETING

PRESENT: Chairman John Wilson, Vice Chairman Mike Rudolph, Secretary John Gardiner, Commissioners Lori Bufano, Bill McCalpin, Marilyn Gould and Peter Shiue

ABSENT: Chris Hulse, John Weiss (notified intended absences)

ALSO

PRESENT: Robert Nerney, Town Planner; Daphne White, Assistant Town Planner; Liz Larkin, Recording Secretary; and member(s) of the press.

PUBLIC HEARINGS

1. SP#379, Rolling Hills Country Club, Inc., 33 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, McCalpin, Rudolph, Shiue, and Mr. Wilson and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

Mr. Wilson recused himself from the hearing and left the meeting room. Vice-Chairman Rudolph acted as Chairman in Mr. Wilson's absence. Ms. Bufano stated for the record that she had received legal notice of the hearing, but felt that she did not need to recuse herself given the remote proximity of the development.

Present were J. Casey Healy, attorney; David Schiff, professional planner; Earl Goven, landscape architect.

Mr. Healy reminded the Commission that this application was previously before them. The new application calls the establishment of employee housing for eight people, instead of twelve as originally proposed.

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Mr. Healy confirmed that the club consists of 157 acres, 18 holes of golf, tennis courts, pool, the club house and the existing residence which was approved in 1978 for the club's superintendent and his family.

Ms. Gould arrived and was seated.

Mr. Healy stated that there are many other similar clubs in the surrounding areas that have allowed this type of housing, some with 30 – 50 employees. He confirmed that the operational rules have been submitted to the Commission for review, including the house monitor duties and responsibilities. Mr. Rudolph confirmed that there will be seven employees plus the monitor for a total of eight residents.

Mr. Healy noted that the Building Department and the Fire Marshall have reviewed the initial plans and have no comments. He added that the wall separations and alarms will be reviewed once those plans are in place. There are no proposed additions or modifications to the structure or the driveway which will become gated, and no new drives or paths. The resident employees will be able park in the existing 218 spaces on the property.

Mr. Healy responded to the Staff Report dated August 14, 2012. The first question was relating to the Building Department review which was already addressed. The second question was confirmation that the existing driveway would remain. The third question related to emergency response and access. Mr. Healy confirmed that they spoke with the Fire Marshall and they proposed a gate similar to Wilton Meadows where there are two posts with a chain, noting the access is for "emergency vehicles only". The fourth question asked if additional lighting would be installed, especially with the path that leads to the residence in the back. Mr. Healy responded that they do not have any additional lighting proposed, but would be happy to add some if the Commission deems it appropriate.

Mr. Healy responded to the fifth question from the staff report by confirming there is an error on the plan as the stone wall shown across the driveway is inaccurate. The sixth question related to the possible addition of another floor above the existing structure. Mr. Healy confirmed that this is not being requested. Mr. Healy skipped staff question number seven as Earl Goven will address this piece once the other questions are answered. Question number eight relates to trees being removed on the property. Mr. Healy confirmed that no existing trees are to be removed. The eighth question was the request of a formal management plan. Mr. Healy confirmed that the letter was submitted as part of the record, including rules and regulations, duties, house rules, and safety considerations.

Mr. Goven responded to the landscape plan as including five or six new spruce trees. He stated that the town had some concerns with these trees surviving and he could use Pieris "Mountain Fire" instead. He confirmed there are bare spaces at the entrance so he can install trees, and some understory in between the seven existing spruce trees. He noted

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the only changes from the previous application include Andromeda and Spruce in the front.

Mr. Shiue asked questions about the hiring of the house monitor. He wanted to make sure that the monitor is selected initially before the remainder of the residents. Mr. Healy confirmed that the monitor will be hired first, will be at least 21 years of age, has an additional stipend for this position, and can be terminated if the rules are not followed. Mr. Rudolph suggested putting something on the line for the monitor when he or she is not there. Mr. Schiff stated that the monitor will not be able to be at the residence at all times. Mr. Catanzaro has submitted a letter to the Commission that states he, as the club manager, will manage the housing monitor.

Mr. Healy stated that he researched the previous testimony from Commissioner Hulse where he had stated someone drowned in a pool at a club in Aspetuck. He has found no record of this event and stated that this did not take place.

Mr. McCalpin asked if the house rules include specific details such as quiet hours and volume maximums. Mr. Nerney added that some structures that contain equipment or machinery, such as woodworking shop, have requirements to attenuate the sound; for example, double pane windows and the like. He stressed that the Commission should try to steer away from regulating people, and should concentrate on regulating buildings and uses of land. Mr. Healy concurred that they will consider 55 decibels as the maximum outside the dwelling. He also stated that there are no overnight guests allowed.

Ms. Gould commented that the noise regulations originated when Perkin Elmer had loud air conditioning units installed. She stated that she is glad to see that they have returned with 8 residents instead of the original 12. She asked Mr. Healy the age range of these tenants and he responded they would be at least 18 years of age. Ms. Gould noted that there is a big difference in 20 and 30 year olds. She also confirmed that there are other clubs that have this arrangement, but this home is directly adjacent to residential homes. She also stated that the need for the employees is mostly in the summer and wanted to confirm that they will not return in the spring to request the additional 4 residents.

Mr. Gardiner read the submitted documents into the record.

Mr. Healy responded to Ms. Ferguson's email relating to deliveries occurring during early morning hours. He stated that all delivery companies and contractors have been notified that deliveries cannot take place between 9pm through 7am.

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

Ms. Ferguson, of 328 Hurlbutt Street, noted that she lives directly across the street from the Country Club. She was concerned on the lack of response from Mr. Catanzaro when issues such as noise occur. She added that the home is not maintained and is in disrepair. There is standing water in the front yard and when features, such as shutters and windows

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are break, they are not fixed in a timely manner. She expressed concern about the transient residents and property value impacts of the neighborhood. As the club has not abided by previous permits put into place, Ms. Ferguson does not believe they should be permitted to have this type of residence.

Mr. Mazzucco, of 12 Branchbrook Road stated that he was concerned about the further work the club is doing on the property. He confirmed that they recently rebuilt a large facility and asked when the next construction would take place. He commented that the club brings no value to the area or to the taxpayers. He raised concern over sight lines when driving in the area and is concerned someone will have an accident. He also noted that the club has built a large garage on Skunk Lane and there are water problems that they are not being addressed.

There being no further comments from the Commission or the public, at approximately 8:00 P.M. the Public Hearing was continued until the next meeting being held on September 24, 2012.

REGULAR MEETING

- A. Mr. Wilson was reseated and called the Regular Meeting to order at approximately 8:01 P.M., seated members Bufano, Gardiner, McCalpin, Rudolph, Shiue, Gould and Wilson referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. July 23, 2012 – Regular Meeting

MOTION was made by Ms. Bufano, seconded by Mr. Wilson, and carried (4-0-3) to approve the minutes of July 23, 2012 as drafted. Gould, Hulse, and Rudolph abstained as they were absent from the meeting.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

1. SDP, Coltman, 14 Stewart Lane, To permit importation of 1,000 yards of earth material for site grading purposes.
2. SUB#908, Kennedy, 66 Warncke Road, 2-lot subdivision.

3. SDP, Wilton Hardware, LLC, 21 River Road (part of 15 River Road), to allow an outdoor storage area and to allow an alternative signage program.

The commissioners accepted and scheduled the above hearings. Coltman and Wilton Hardware were scheduled for the next meeting on September 24th. The Kennedy application was scheduled for the October 9, 2012 meeting.

E. PENDING APPLICATIONS

F. COMMUNICATIONS

1. Jurisdictional determination involving a proposed subdivision of property located partly in New Canaan and Wilton, known as 160 Mill Road, New Canaan

Mr. Nerney stated that he and Attorney Fuller were present this evening to discuss a proposal by New Canaan resident John Black Lee. Mr. Black Lee has filed an application with the Town of New Canaan calling for the subdivision property from one lot into two lots. Mr. Nerney noted the subject property is situated in both New Canaan to Wilton. He further stated that an existing residence would remain while a second residence would be constructed; both on the New Canaan side.

Mr. Nerney provided details concerning the site features and the proposed activity. The property is divided lengthwise by the Silvermine River. The requirements for subdivisions are different in New Canaan in that they require 1 acre of land instead of the 2 acres required in Wilton. He noted that land in Wilton was required in order to fulfill New Canaan zoning requirements. Mr. Nerney expressed concern that the plan called for restricting that portion of property in Wilton as “conservation land”; yet using the same land to fulfill a New Canaan zoning requirement. Mr. Nerney further opined that the purpose of Section 8-18 of the Connecticut General Statutes exempting land from the subdivision definition was not intended to allow land to be attached to and included as part of approved building lots; regardless of whether they are encumbered by easement restrictions. Mr. Nerney also stated that, to the best of his knowledge, the Town of Wilton has not accepted an easement from Mr. Black Lee.

Atty. Fuller confirmed that the owner would like to restrict the Wilton land as conservation land so that it cannot be developed. Mr. Rudolph asked Mr. Nerney if the town attorney was contacted for their opinion on this matter. Mr. Nerney confirmed that Atty. Pat Sullivan had been contacted and agreed with his position. Atty. Fuller noted that the Commission members are not legally required to agree with Mr. Nerney’s position and reaffirmed his belief that the proposed easement satisfied subdivision exemption requirements.

After a brief discussion, it was the consensus of the Commission to defer the matter to their next meeting before rendering a decision. The Commissioners asked if Town Council could be present at the next meeting.

G. REPORT FROM CHAIRMAN

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

J. ADJOURNMENT

MOTION was made by Ms. Gould, seconded by Mr. McCalpin, and carried unanimously (7-0) to adjourn at 9:06 P.M.

Respectfully submitted,

Liz Larkin
Recording Secretary