

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

WILTON PLANNING & ZONING COMMISSION MINUTES OCTOBER 9, 2012 REGULAR MEETING

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

ABSENT: Commissioners John Weiss & Bill McCalpin

ALSO

PRESENT: Robert Nerney, Town Planner; Daphne White, Assistant Town Planner; Doug Divesta, P.E.; Mark Andre, Architect; Atty. William McMorris; Thomas Sato

CALL TO ORDER

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

PUBLIC HEARING

1. Sub#908, Kennedy, 66 Warncke Road, 2-lot subdivision

Secretary Gardiner read the Legal Notice into the record.

Present was Doug DiVesta, P.E. and Mark Andre, Architect on behalf of the applicant.

Mr. DiVesta began by addressing the comments from staff dated October 3, 2012 noting that the property is 5.38 acres in a R2A zone which is bordered by residential property to the south and north, Warncke Road to the west and Town of Wilton property to the east which is part of Wilton High School. There is currently a single family residence on the property located on the north central part of the property. The property slopes mildly to steep in the center section and steeper on the easterly side and very steep on the west side towards the High School and slopes from north to south. They are looking to split the property into 2 parcels, maintaining a 3 acres +/- parcel for the existing house and a little over 2 acres for the proposed lot which will be south of the existing residence. Test holes

were dug on both lots for septic feasibility for the existing house and a primary and reserve area for the proposed 6 bedroom house. Mr. DiVesta noted that they have not yet received final Health Department approval for the septic systems, but hope to receive that next week.

Mr. DiVesta explained that the existing house is served by a well and the proposed house will be also be served by its own well. They analyzed the site for pre and post development using a computer model and 25 year storm design for flood requirements. He also described the proposed system for the runoff and noted that they have reduced the runoff from the site post-development to equal pre-development conditions. He also noted that they will be presenting to the Wetlands Commission on Thursday and indicated the location of the wetlands on the plans.

Mr. DiVesta then described the erosion controls as silt fence and hay bales on the downhill sides of the cut areas and surrounding the property and a tracking pad at the construction entrance. He then went on to address the staff reports item by item noting that he will also submit a written response.

1. Agree.
2. They have indicated the regulated area on the plans and will be presenting to the Wetlands Commission on Thursday, October 11, 2012.
3. Per Section 29-4.B7.b, they have 3,000 sq. ft. of wetlands on over 2 acre parcel and meet that requirement and they will provide calculations.
4. Have contacted Fire Marshal to see if he is looking for cistern or fire suppression tank for subdivision and will provide that information when received.
5. An electronic copy of the subdivision plan will be provided.
6. They hope to receive Health Department approvals soon.
7. Open space is not necessary for 4.5.2. as open space is available on the Town property adjacent to the site.
8. They are looking at the pipes for storage capacity and will provide details.
9. Information on site coverage calculations for both lots will be provided.
10. They will put a note on the plan showing the underground utilities.
11. The narrowest point of the property is 76 feet wide and does meet the requirements of Section 29-4.B.7a.
12. The limit of disturbance will be the silt fences and will be identified on the plan.
13. Mr. DiVesta indicated the trees to be removed and the other drawing shows specified tree protection.
14. He will need to discuss this with Daphne White.
15. The existing pool is to remain.

Mr. Rudolph posed a question regarding the anti-tracking pad driveway and also about the old shed on the property. Mr. Divesta explained that the anti-tracking pad is temporary during construction and the shed will be relocated and permitted or removed.

Mr. Wilson questioned whether the wetlands is it real wetlands or just marshy and Mr. DiVesta explained that wetlands are based on soil type and the area of pooling usually has water and could be an intermittent watercourse going through in the spring time. Ms. Gould questioned whether the proposed house was in the 100 year regulated area and Mr. DiVesta explained that it is and this siting was based on septic and well setback requirements.

Mr. Neary commented that when he and Ms. White walked the site and saw the limit of disturbance line, everything in front of that is a flat plateau which slopes and then dramatically drops off. He noted that the black line on the plan is the demarcation of the non-disturbance line.

Mr. Wilson then questioned the simultaneous wetlands and P&Z applications and Mr. Neary explained that they run concurrent and suggested that they keep the public hearing open until they have a better idea of where the wetlands commission stands.

Ms. Gould stated that the open space requirement should be waived based upon the fact it is not necessary, it is only a two lot subdivision and there seems to be no reason for a little patch of open space to be there.

Matthew Foley, neighbor, 40 Warncke Road, came forward and stated that he is “in the dark” on how this development will affect him. He is concerned that there will be a monster house built next to him at a time when they are starting a family and would like to know what to expect as far as length of construction time and noise.

Mr. Neary stated that they can place prohibitions on early morning work and no work on weekends. Mr. Andre explained that they are mindful of neighbors and happy to work with them on those types of issues. Mr. Wilson suggested that they get together after the meeting to discuss.

Hearing no additional discussion, the Public Hearing was continued to the next meeting.

REGULAR MEETING

- A. Mr. Wilson called the Regular Meeting to order at 7:44 P.M., seated members Bufano, Shiue, Hulse, Rudolph, Chairman Wilson, Gardiner and Gould. He then referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

- 1. September 24, 2012 – Regular Meeting

MOTION was made by Ms. Gould, seconded by Ms. Bufano, and carried (7-0) to approve the minutes of September 24, 2012 as amended.

2. Approval of Proposed P&Z Meeting Schedule 2013

MOTION was made by Mr. Gardiner, seconded by Mr. Hulse, and carried (7-0) to approve the proposed P&Z Meeting Schedule for 2013.

C. SITE DEVELOPMENT PLAN REVIEW

1. SDP, Coltman, 14 Stewart Lane, To permit importation of 1,000 yards of earth material for site grading purposes.

Ms. Gould stated that this would have been easier if they had come in beforehand. Mr. Rudolph concurred and expressed concern about applications seeking approval for work that has already been undertaken. Discussion ensued.

MOTION was made by Mr. Hulse, seconded by Mr. Shiue, and carried unanimously (7-0) to approve the application for Coltman, 14 Stewart Lane.

WHEREAS, the Wilton Planning and Zoning Commission has received an application for a Site Development Plan from Claudia Coltman to allow the filling of 1,000 cubic yards of soil, for property located at 14 Stewart Lane; in an R-2A, Single Family Residential District, Assessor's Map #103, Lot #47, and 2.263 +/- acres; owned by Claudia and Brett Coltman and shown on the plans entitled:

Survey Map of Property, prepared for Abel Fullin

Prepared by Clinton C. Hubbell, land surveyor, dated March 31, 1954, at a scale of 1"=50', No sheet #.

Part of a Survey Map of Property, prepared for Henry and Carol Hill

Prepared by using original survey by Clinton C. Hubbell, land surveyor, originally dated March 31, 1954, updated June 11, 1977 but surveyor unnamed, No sheet #.

Grading, Sedimentation and Erosion Control Plan, prepared for 14 Stewart Lane

Prepared by Katherine E. Throckmorton, landscape architect, dated April 25, 2012, at a scale of 1"=20', Sheet #SP.1.

WHEREAS, the Wilton Planning and Zoning Commission reviewed the Site Development Plan on September 24, 2012; 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** the Site Development Plan effective October 11, 2012 and 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 Site Plan shall be completed within five years of the effective date of this resolution. This five-year period shall expire on October 11, 2017.

GENERAL CONDITIONS

3. There shall be no filling or earthmoving activities on the site on Sundays or holidays. All on-site work shall be limited between the hours of 8:00 AM and 5:00 PM on allowed working days. Truck deliveries shall be limited to the hours of 9:00 AM and 3 PM on allowed working days.
4. Public roads shall be swept and kept clean of any earth material resulting from truck spillage or earth material tracked onto public roadways from the site.

SITE WORK

5. The soil stockpiles and slopes shall not exceed a slope of 2:1 or two feet horizontal to one foot vertical, as defined in Section 29-9.I.3. of the Zoning Regulations.
6. A bond for all site work has been waived by the Planning and Zoning Commission due to the bond which has already been required by the Inland Wetland Commission.
7. The applicant shall submit a letter, stamped and signed by the applicant's landscape architect, verifying that the proposed plantings have been installed as per the approved site plan prior to the issuance of a zoning certificate of compliance.
8. If requested by the Zoning Enforcement Officer, prior to the issuance of a zoning certificate of compliance, the applicant shall submit a letter, stamped and signed by a Connecticut licensed surveyor, verifying that the grade of the modified slopes do not exceed the maximum allowable grade of 2:1.

SUBMITTAL OF REVISED PLANS AND APPLICATION:

9. Two (2) 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. "According to Section 8-3.(i) of the Connecticut General Statutes, all work in connection with this Site Development Plan shall be completed within five years after the approval of the plan. Said five-year period shall expire on October 11, 2017."

b. "For conditions of approval for Site Development Plan, see **Resolution #1012-5Z.**"

- END RESOLUTION -

2. 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.

Attorney McMorris, and Mr. Sato, owner, came forward to present the application. Attorney McMorris noted the new drawing with the shaded area indicating the full area and stated that it is 38 feet from the front of the building to the beginning of the shaded area. Mr. Sato explained that they would like a larger space so they can swing the forklift and get pallets around but as a compromise they put the side gates on and they think it will allow enough space.

Mr. Rudolph questioned why the trailer was in the parking lot and Mr. Sato explained that it will be there for another two weeks. They are bringing truckloads of stock in every day but they can't unload fast enough, so they are using the trailer as temporary storage.

Mr. Wilson then asked Mr. Neary if he saw a possible site coverage issue and Mr. Neary explained that they looked into that. Attorney McMorris noted that there is already a second floor overhang so there is no additional site coverage because that area is already calculated in. He then submitted additional photos that Mr. Sato had taken of the area.

Mr. Gardiner then posed a question regarding the signage and Attorney McMorris explained that the initial plan was for a 20 sq. ft. sign in front and a 10 sq. ft. sign in the back with the TruValue color scheme of the red background with white letters. They have changed that to a white background with red lettering which they feel will be less intrusive. They produced a picture of the proposed sign. Mr. Wilson explained that the P&Z has been charged by the Selectman to regulate signs and Ms. Gould noted that they do not have requirements for signs in that area and they should have made signs a consideration at the time that was approved.

Mr. Rudolph stated that he has observed that the area gets very little car action on that particular part of the center and it is great to put a use to that property.

Hearing further discussion, the application was closed at 8:11 P.M.

D. ACCEPTANCE OF NEW APPLICATIONS

There were no new applications to accept.

E. PENDING APPLICATIONS

1. SP#379, Rolling Hills Country Club, Inc., 333 Hurlbutt Street, Amended Special Permit to allow employee housing in existing residence on Club's property.

MOTION was made by Mr. Gardiner, seconded by Mr. Hulse, and carried unanimously (7-0) to adopt Resolution #1012-9P.

WHEREAS, the Wilton Planning and Zoning Commission has received Special Permit application (**SP#379**) from the Rolling Hills Country Club, Inc. to amend a previously approved special permit for purposes of allowing employee housing in a residence located on the premises of a private membership club, 333 Hurlbutt Street (a/k/a Assessor's Map 33, Lot 2), consisting of 157.25 acres and located in a Residential "R-2A" District owned by the Elizabeth Raymond Ambler Trust; as shown on the plans entitled:

Vicinity Sketch - Prepared for Rolling Hills Country Club, 333 Hurlbutt Street, Prepared by J Edwards & Associates, LLC, land surveyor, dated July 7, 2012 and drawn at a scale of 1"=200'.

Improvement Location Survey - Prepared for Rolling Hills Country Club, 333 Hurlbutt Street, Prepared by Larry Edwards, land surveyor, dated July 3, 2012, scale as noted.

Cottage Use Modification Site Plan (Sheet #L1) - Prepared for Rolling Hills Country Club, 333 Hurlbutt Street, Prepared by Earl J. Goven Jr., landscape architect, dated March 23, 2012 last revised September 5, 2012, scale 1"=30'.

Cottage Use Modification Site Planting Plan (Sheet #L2) - Prepared for Rolling Hills Country Club, 333 Hurlbutt Street, Prepared by Earl J. Goven Jr., landscape architect, dated September 5, 2012, scale 1"=10'.

Cottage Use Modification Floor Plan (Sheet #A-1) - Prepared for Rolling Hills Country Club, Prepared by Blades and Govern, Landscape Architects, dated March 23, 2012, scale 1/8"=1'.

WHEREAS, the Planning and Zoning Commission has conducted a public hearing on September 10, 2012 and September 24, 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 received and considered evidence from the applicant and the general public concerning a request to utilize a former residence for the purpose of housing personnel employed with the Rolling Hills Country Club;

NOW THEREFORE BE IT RESOLVED effective October 11, 2012 that the Wilton Planning and Zoning Commission **APPROVES** Special Permit #379 to amend a special permit for the purpose of housing employees of the Rolling Hills Country Club 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 United States Government. Obtaining such permits or licenses is the responsibility of the applicant.
2. A bond estimate for all site work shall be provided by the applicant to the Commission's staff, which shall include, but not be limited to tree protection, new trees, shrubbery and mulching 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 the issuance of a zoning permit.
3. The Commission has determined that employee housing for eight (8) or fewer individuals, constitutes an activity that is ancillary to the principal country club use.
4. No more than eight (8) individuals shall reside in the subject building at anytime and said individuals shall be employees of Rolling Hills Country Club.
5. The applicant shall implement house rules proffered to the Commission which shall clearly set forth standards of conduct and maximum noise criterion as testified. Noise emanating from the house and grounds shall not exceed the decibel levels regulated under the zoning regulations stated in Section 29-9.H.7. The applicant shall provide the Planning and Zoning Department with a final executed copy of this agreement
6. One (1) individual shall be designated as a paid house monitor and shall perform duties consistent with testimony provided at the hearing. The house monitor shall be a minimum of 21 years of age, as stated by the applicant's attorney.
7. The applicant shall file this special permit approval in the Wilton Land Records and the applicant shall provide evidence of such recording to the Planning and Zoning Department prior to the issuance of a zoning permit.
8. The existing residence shall not be enlarged without the review and approval of the Planning and Zoning Commission.
9. The planting plan shall be modified to reduce the number of proposed trees in the front yard of the residence so as to insure that any proposed trees will not negatively impact the existing trees on the property. Such modified plan shall be subject to the review and approval of the Planning and Zoning staff prior to the issuance of a zoning permit.
10. All conditions of prior special permit resolutions for the Rolling Hills Country Club shall remain in effect, especially condition # 6 of Resolution #0208-4P, from Special Permit #29I, which states that no commercial deliveries to the property shall be allowed between the hours of 9:00 p.m. and 7:30 a.m.
11. No additional lighting shall be installed without the permission of the Planning and Zoning Commission or its staff.
12. The parking of any vehicles by residents shall be restricted to the established parking area located adjacent to the tennis courts or in established parking areas previously approved by the Planning and Zoning Commission to the south.
13. The driveway providing direct access to the residence shall be gated so as to encourage use of parking behind the building and the driveway shall be reserved for emergency vehicles only, as agreed by the applicant.

14. 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 complete within five years of the effective date of this resolution. This five-year period shall expire on October 11, 2017.

Submittal of revised plans and application:

15. Two (2) 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 receiving 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 October 11, 2017."
- b. "For conditions of approval for Special Permit #379, see Resolution #1012-9P."

- END RESOLUTION -

F. COMMUNICATIONS

- 1. Referral from Town of New Canaan regarding proposed subdivision at 160 Mill Road

Mr. Neary noted that at the last meeting Attorney Fuller came before the Commission seeking direction on how to proceed. At the time, town counsel gave the P&Z several options, one of which was to take no action. Mr. Neary then explained the background on the matter. He recommended that they send comments to New Canaan and noted that Town Attorney Pat Sullivan explained that she is of the opinion that each town has its own authority in the matter. Mr. Neary stated that he can prepare a letter to New Canaan. Discussion on the contents of the letter ensued.

- 2. Lifrieri, 68 Cheese Spring Road, determination regarding ancillary residential use

Mr. Neary explained that a letter came in on Friday which was based on conversations the Zoning Enforcement Officer had with the owner. Mr. Lifrieri has a son who plays baseball and they are looking to install a batting cage on the property. It does require a permit and all structures need to adhere to setback requirements. He noted that this was proposed too close to the wetlands so they have shifted it out of the setbacks. The broader question the Zoning Officer had is whether this is a common ancillary use of residential property. Mr. Neary commented that Mr. Lifrieri outlined his rationale by stating that this area would have several support posts draped with netting, a 67 foot distance from the mound and agreed that there would be no lighting.

Ms. Gould commented that she doesn't think of this as a structure at all and it is not comparable to a tennis court or swimming pool.

Mr. Wilson commented that it is not a substantial structure in his opinion.

Mr. Neary recommended that if this is deemed permissible, the Commission consider taking the owner up on the offer that it not be illuminated.

The Commissioners were in agreement that this was not a substantial structure and also that the illumination was the key issue.

G. REPORT FROM CHAIRMAN AND COM MISSION MEMBERS

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

1. SUB#909, Warren and Smith, 1030 and 1042 Ridgefield Road, 3-lot subdivision
[P.H. October 22, 2012]

J. ADJOURNMENT

MOTION was made by Mr. Hulse, seconded by Mr. Gardiner, and carried unanimously (7-0) to adjourn at 8:31 P.M.

Respectfully submitted,

Delana Lustberg
Recording Secretary