

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

WILTON PLANNING & ZONING COMMISSION MINUTES JANUARY 11, 2010 REGULAR MEETING

PRESENT: Chairwoman Sally Poundstone, Secretary Bas Nabulsi, Commissioners Alice Ayers, Doug Bayer, Marilyn Gould, Eric Osterberg, and Michael Rudolph

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

ALSO

PRESENT: Robert Nerney, Town Planner; Daphne White, Assistant Town Planner; Recording Secretary; members of the press; and interested residents.

PUBLIC HEARINGS

- 1. CHZ#09317, Trygve Hansen and Muriel T. Hansen, 19 Cannon Road, Zone change from R-2A to DRB and the Cannon Crossing Overlay District**

Withdrawn at the request of the applicant.

- 2. SP#191E, Montessori Assn, Inc., 34 Whipple Road, To increase enrollment and construct additional parking**

Mr. Bayer referred for the record to a 6-page response letter dated January 7, 2010 from J. Casey Healy to Planning and Zoning Commission, with attachments; and a letter dated January 11, 2010 from J. Casey Healy requesting that the public hearing be continued to January 25, 2010.

Continued until January 25, 2010.

3. SUB#903, Keene, 388 Sturges Ridge Road, 4-lot subdivision

Ms. Poundstone called the Public Hearing to order at 7:18 P.M., seated members Ayers, Bayer, Gould, Nabulsi, Osterberg, Poundstone, and Rudolph, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Ms. Poundstone noted that the hearing was continued from the previous meeting.

Present was Clarissa Cannavino, attorney representing the applicant.

Ms. Cannavino briefly reviewed general site details, noting that the 12.977+/- acre site would be divided into four lots per the proposed subdivision plan, where the three new lots would be served by a common drive off Sturges Ridge Road.

She explained that the applicant's engineer, Steve Trinkaus, would be submitting another response prior to the next hearing. She stated that the Inland Wetlands hearing, in connection with the subject application, was continued until this Thursday evening, January 14, 2010, at which time she was hopeful the hearing would close.

Mr. Bayer referred for the record to a letter dated January 7, 2010 from J. Casey Healy to Planning and Zoning Commission; a letter dated December 23, 2009 from J. Casey Healy to Planning and Zoning Commission, with attached Landscape Maintenance Agreement and Declaration of Open Space Restrictions; a letter dated January 8, 2010 from Conservation Commission to Planning & Zoning Commission; and a memorandum dated January 11, 2010 from Michael Ahern to Daphne White.

Ms. Cannavino noted that the open space parcel was widened from 40 feet to 50 feet and was increased in size to 24% of the site. She also noted that the proposed house on lot #4 was relocated, at the request of the Inland Wetlands Commission, to 90 feet from wetland soils where it was previously located at only 73 feet from wetlands.

Ms. Cannavino requested that the hearing be continued until the next meeting since the applicant needs to obtain approval from the Inland Wetlands Commission. She indicated that a letter would be provided to the Commission granting it an extension of the timeframe necessary to close the hearing.

Mr. Nabulsi referred to the draft Landscape Maintenance Agreement submitted to the Commission on December 23, 2009. He questioned the fact that the agreement was between the applicant and the Commission, expressing concern that the Commission could thereby be placed in a position where it would be enforcing provisions to which it is a party. He felt that the agreement should be in the same format as the Declaration of Open Space restrictions where the obligations undertaken would be attached to the properties in the same way.

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Ms. Cannavino acknowledged that the applicant was working off a Landscape Maintenance agreement that is used in the town of Ridgefield, but she stated that the applicant would consult with Assistant Town Counsel Pat Sullivan on the matter.

In response to a question from Mr. Bayer, Ms. Cannavino indicated that revised drainage calculations were submitted to the Town Engineer. Mr. Nerney noted that there are still some outstanding questions/issues that the applicant needs to address with the Field Engineer. Mr. Bayer requested that copies of drainage plans be provided to all Commissioners as well as to the Department of Public Works. Ms. Cannavino indicated that copies would also be submitted to the Planning and Zoning Commission.

Ms. White noted the following additional concerns: coverage numbers still need to be submitted for lots 2, 3 and 4; limits of disturbance for all trees need to be submitted; and a more inclusive/comprehensive delineation of trees to be protected on the entire site needs to be provided. Ms. Cannavino indicated that the applicant would comply with all of the foregoing requests.

Ms. Poundstone asked if anyone in the audience wished to speak for or against the application.

Brian Lasher, 28 Heritage Court, stated that he is a part-owner of the conservation land abutting the subject parcel. He expressed concern for the wetlands, noting in particular that drainage considerations are important to the surrounding neighbors. He expressed an interest in viewing the draft maintenance agreement recently submitted.

Richard Berghaus, 20 Langner Lane, expressed concern with the number of houses being proposed for the site. He cited real estate statistics for the Town, noting that the proposed subdivision plan seems rather aggressive in light of current economic conditions.

There being no further comments from the Commission or the public, at 7:33 P.M. the Public Hearing was continued until January 25, 2010.

REGULAR MEETING

- A. Ms. Poundstone called the Regular Meeting to order at 7:34 P.M., seated members Ayers, Bayer, Gould, Nabulsi, Osterberg, Poundstone, and Rudolph, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. December 11, 2009 – Regular Meeting

MOTION was made by Mr. Nabulsi, seconded by Ms. Ayers, and carried (7-0) to approve the minutes of December 11, 2009 as drafted.

C. SITE DEVELOPMENT PLAN REVIEW

1. SDP, Rutkowski, 14 Spruce Drive, To bring in 494 cu. yds of fill to level portion of back yard measuring approximately 140 x 40 feet

Present was Arek Rutkowski, applicant.

Mr. Rutkowski explained that his original plan proposed bringing in 494 cubic yards of fill to level his back yard so that his children might have an area to play. After working with staff, he stated that proposed fill was reduced to 264 cubic yards. He noted further that he would agree to limit hours of delivery so that school bus schedules and neighbors would not be negatively impacted.

Mr. Nerney stated that staff had prepared a resolution of approval should the Commission be amenable to taking action on the application this evening. He explained that conditions were incorporated into the draft resolution including permitted truck delivery hours, sedimentation/erosion controls, and restrictions for keeping public roads free of dirt/debris.

It was further determined that any septic considerations in connection with the proposed site modifications would be entirely under the jurisdiction of the Department of Health. It was also noted that staff did not observe any evidence of drainage problems or water ponding on the roadway below the subject site during a recent site inspection.

The Commission reviewed draft resolution #0110-1Z.

MOTION was made by Ms. Gould, seconded by Mr. Osterberg, and carried unanimously (7-0) to adopt as drafted Resolution #-0110-1Z for **SDP, 14 Spruce Drive**, effective January 14, 2010.

WHEREAS, the Wilton Planning and Zoning Commission has received an application for a Site Development Plan from Arek Rutkowski to allow the filling of 264 cubic yards of soil, for

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property located at 14 Spruce Drive; in an R-2A, Single Family Residential District, Assessors Map #19, Lot #37, and 2.0017 +/- acres; owned by Arek Rutkowski and Ela Rutkowski Benisz and shown on the plans entitled:

Existing Building Location Survey prepared for 14 Spruce Drive

Prepared by Peter Rutkowski, Land Surveyor, dated March 14, 2007, Revised October 21, 2009, at a scale of 1"=30', No sheet #.

Grading Plan prepared for Arek Rutkowski

Prepared by Wayne J. D'Avanzo, Engineer, dated October 12, 2009, last revised January 6, 2010, at a scale of 1"=30', No sheet #.

WHEREAS, the Wilton Planning and Zoning Commission reviewed the Site Development Plan on December 14, 2009 and January 11, 2010; 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 January 14, 2010 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 January 11, 2015.

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.
6. An itemized bond estimate and bond for all site work shall be submitted to the Commission's staff, which shall include, but not be limited to sedimentation and erosion controls, re-grading and final stabilization. The applicant shall furnish to the Town a bond with proper surety, in the form and amount satisfactory to the Commission's staff prior to the issuance of a zoning permit. The bond shall remain in place until all site restoration work has been completed to the satisfaction of the Town.

SUBMITTAL OF REVISED PLANS AND APPLICATION:

7. 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. 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 January 11, 2015."

b. "For conditions of approval for Site Development Plan Amendment, see **Resolution #0110-1Z.**"

- End Resolution -

2. SDP, Town of Wilton, NW intersection of Old Ridgefield Rd & Center St (Town Right-of-Way), Establishment of veteran's memorial and flagpole

Mr. Nerney explained that the Village District Consultant Committee, in a recent meeting, indicated that it would like additional attention paid to developing a landscaping plan in connection with the proposed memorial/flagpole. He noted that First Selectman Bill Brennan is in the process of speaking with some professional landscapers in that regard and, as a result, has asked that the matter be tabled.

The application was therefore tabled.

D. ACCEPTANCE OF NEW APPLICATIONS

1. **SDP, Kim & Song Properties, LLC, 151 Old Ridgefield Road, Signage**
2. **SP#220A, Lugossy, Wilson Properties, III, LLC, 142 Old Ridgefield Road, Operation of package store**

MOTION was made by Mr. Nabulsi, seconded by Ms. Ayers, and carried unanimously (7-0) to accept the above applications and set discussion/hearing dates for the above applications for February 8, 2010.

E. PENDING APPLICATIONS

1. **CHZ#09317, Trygve Hansen and Muriel T. Hansen, 19 Cannon Road, Zone change from R-2A to DRB and the Cannon Crossing Overlay District**
Withdrawn.

2. **SP#191E, Montessori Assn, Inc., 34 Whipple Road, To increase enrollment and construct additional parking**
Tabled.

3. **SUB#903, Keene, 388 Sturges Ridge Road, 4-lot subdivision**
Tabled.

F. COMMUNICATIONS

G. REPORT FROM CHAIRMAN

1. **Reports from Committee Chairmen**

H. REPORT FROM PLANNER

Mr. Nerney referred to his letter to the Commission dated January 4, 2010 regarding a Wilton Floodplain Review. He explained that the Federal Emergency Management Agency (FEMA) recently completed a floodplain study for Fairfield County and, in partnership with the Department of Environmental Protection, conducted a review of community floodplain regulations for municipalities throughout Fairfield County. In the

course of that review, he noted that a number of deficiencies were identified in Wilton's current floodplain regulations, most of which require mandatory amendments to zoning regulations, while other comments were advisory in nature.

It was agreed that the Regulations Committee would schedule a meeting to address the aforementioned issues which need to be completed by June 18, 2010.

I. FUTURE AGENDA ITEMS

- 1. SP#142L, DMA Enterprises, 5 River Road, operation of package store in Wilton Center [P.H. January 25, 2010]**
- 2. SP#348, 203 Danbury Road, LLC, 203 Danbury Road, Operation of package store [P.H. January 25, 2010]**

J. ADJOURNMENT

MOTION was made by Mr. Bayer, seconded by Ms. Ayers, and carried unanimously (7-0) to adjourn at 7:58 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary