

PLANNING & ZONING COMMISSION MINUTES

TUESDAY, February 24, 2009

REGULAR MEMBERS PRESENT:

Mr. Papp, Chairman
Mrs. Grzelecki, Secretary
Mr. Goodwin
Mr. Rothballer
Mr. Scannell
Mr. Turner
Mr. Ward
Mr. Wendell

REGULAR MEMBERS ABSENT:

Mr. Hunziker

ALTERNATE MEMBERS PRESENT:

Ms. Boyd
VACANCY

ALTERNATE MEMBERS ABSENT:

Mr. Redman

Also in Attendance:

Steve Kleppin, Town Planner/Senior Enforcement Officer

REGULAR MEETING 7: 00 p.m.

Ms. Boyd was seated for Mr. Hunziker.

1. Outback New Canaan Teen Center, Inc., 71 Main Street

Public Hearing regarding the Outback New Canaan Teen Center, Inc., Town of New Canaan, owners, for 71 Main Street, renewal of zoning permit for a two (2) year period. (Public Hearing closed January 27, 2009 and no decision made).

Chris Jarboe, Town Attorney, discussed his legal opinion letter which addressed the remaining question of a renewal of the Center's zoning permit. It was the opinion of Mr. Jarboe that the Commission could consider the Teen Center's request to renew permit regardless of passage of time. The Commission discussed the neighbors concerns regarding disruptive activity near the Teen Center. It was determined that although the Teen Center is not directly liable for the disruptive activity at issue, they should encourage members of the Center to respect the privacy of the neighbors when there is a planned event by adopting the conditions already established by the Commission.

Upon motion of Mr. Scannell and second of Mr. Ward, the Commission voted unanimously to approve with conditions the renewal of the Outback Teen Center, Inc.'s permit for two years.

Conditions, modifications or restrictions are as follows:

1. The permit extended for a 2-year period.
2. The Teen Center must take all reasonable steps to make environment not a nuisance to the neighbors.
3. Teen Center must enforce all previous conditions established by P&Z.

Public Hearing

Chairman Papp opened the Public Hearing at 7:12 p.m.

LEGAL ADVERTISEMENT

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, FEBRUARY 12, 2009 7A

TOWN OF NEW CANAAN PLANNING & ZONING COMMISSION

Notice is hereby given that the Planning and Zoning Commission will hold a Public Hearing on Tuesday, February 24, 2009 at 7:00 p.m. in the Auditorium of the Town Hall to hear and decide applications as follows:

1. Upon application of Edward Mellick, Mellick & Sexton, P.C., Authorized Agent, for Julie Burk Dent for a 2-lot subdivision for 14.81 acres of property in the Four Acre Residence Zone at 807 Smith Ridge Road (Map 40 Block 101 Lot 53.3).
2. Upon application of McChord Engineering Associates, Inc., Authorized Agent, for Slivermine 123

LLC, owner, for a Special Permit of Section 6.4.G to allow grading of more than 1,000 cubic yards of filling and soil disturbance of more than 10,000 square feet for property in the Two Acre Residence Zone at 10 Heather Drive (Map 48 Block 109 Lot 202).

3. Upon application of Janet Lindstrom, The New Canaan Historical Society, Authorized Agent, (Town of New Canaan, owner), for a Special Permit of Section 3.3.C.7 to change the use of the Gores Pavilion from a pool house to a center for the arts for property in the One Acre and Two Acre Residence Zones at 848 Weed Street (Map 32 Block 201 Lot 1).

4. Upon application of Michael Sweeney, Sandak

Hennessey & Greco LLP, Authorized Agent for 721 North Wilton Road, LLC, owners, for a Special Permit of Section 6.5.C.3.a to allow a 6' 6" entrance gate and stone piers in the front yard and between a front property line and a front setback line, for property in the Four Acre Residence Zone at 721 North Wilton Road (Map 47 Block 120 Lot 32).

HANDICAP ACCESS

DURING MEETING:

Please notify the Planning & Zoning office in advance if wheelchair accessibility is required.

Dated: February 6, 2009
New Canaan, Connecticut
Jean N. Grzelecki

Secretary
2-12
2-19

2. Anne H. Walker, Kenneth H. Hannan, Jr., et al, owners, 621 Canoe Hill Road

Upon application of Hiram Peck, Plan Three, LLC, Authorized Agent, for Anne H. Walker, Kenneth H. Hannan, Jr., et al, owners, for a Special Permit of Sections 3.4.C.1, 3.4.C.5, 6.5.C.3 and 7.7 for renovations to the existing barn/garage and construction of a windmill and a 6-foot high fence in the front yard along Smith Ridge Road, for property in the Four Acre Residence Zone at 621 Canoe Hill Road (Map 39 Block 101 Lot N4). (Legal Notice and application revised and application continued from December 16, 2008 and January 27, 2009 meetings).

Hiram Peck, Plan Three, LLC, presented the application and discussed the reasons for requesting a six-foot fence. Magee Patterson, Austin Patterson Associates, discussed the reasons for installing the six-foot fence and the plantings that would be added. Mr. Papp referred to previous testimony and suggested setting the fence back twenty feet instead of adding an additional two-feet in height to the fence for the purposes of reducing noise. Ms. Patterson explained that setting the fence back would not allow enough room to walk the property. Mr. Peck explained that the fence would not be seen from Smith Ridge due to the elevation of the property. There was further discussion of the property's two front yards on Canoe Hill and Smith Ridge Roads. Mr. Wendell requested that usage-data be provided on the windmill and requested confirmation that the windmill was not visible. Mr. Peck stated that the windmill would be heavily screened with landscaping and confirmed that it could not be seen from Canoe Hill. Also, usage data would be provided from CL&P.

The public hearing on this matter was closed.

3. The New Canaan Historical Society, 848 Weed Street

Upon application of Janet Lindstrom, The New Canaan Historical Society, Authorized Agent, (Town of New Canaan, owner), for a Special Permit of Section 3.3.C.7 to change the use of the Gores Pavilion from a pool house to a center for the arts for property in the One Acre and Two Acre Residence Zones at 848 Weed Street (Map 32 Block 201 Lot 1).

Janet Lindstrom, The New Canaan Historical Society, discussed repairs, maintenance, updates and renovations to the building. Ms. Lindstrom stated that the existing footprint would remain the same and that there would be no change to its historical appearance. She explained that the funds would be raised privately and then matched in a grant by the Connecticut Commission on Culture and Tourism. Ms. Lindstrom discussed parking and if there was an overflow of visitors to the center, then the Historical Society would consider a reservation system for public viewing. Mimi Findlay, 10 Father Peter's Lane, stated that the New Canaan Preservation Alliance supports the application. Tom Nissley, 30 Oenoke Lane, also supported the application. Mrs. Grzelecki questioned the need for a CGS 8-24 referral for this project.

The public hearing on this matter was closed.

4. Amend the Zoning Map dated June 18, 2005 to add the proposed Business D Zone

Discussion and consideration of Planning and Zoning Commission to amend the Zoning Map dated June 18, 2005 to add the proposed Business D zone. (Complete copy of the proposed map change is on file in the office of the Town Clerk and also the Planning and Zoning Department). (No action taken at December 16, 2008 and January 27, 2009 meetings).

The public hearing on this matter was continued to the March 10, 2009 special meeting.

5. Amend the Zoning Regulations to Add the Proposed Business D Zone and Modify Section 4.7 (Area and Dimensional Requirements)

Discussion and consideration of Planning and Zoning Commission to amend the Zoning Regulations dated June 17, 2007, to add the proposed Business D zone and modify Section 4.7 (Area and Dimensional Requirements) as indicated. (Complete copy of the proposed text amendment is on file in the office of the Town Clerk and also the Planning and Zoning Department). (No action taken at December 16, 2008 and January 27, 2009 meetings).

The public hearing on this matter was continued to the March 10, 2009 special meeting.

6. Amend the Zoning Regulations to allow changes to Section 6.2.E.4 – Fee-in-lieu of Parking and Section 8.3.A.2.d – Zoning Board of Appeals Procedures – Powers and Duties

Discussion and consideration of Planning and Zoning Commission to amend the Zoning Regulations dated June 17, 2007, to allow changes to Section 6.2.E.4 – Fee-in-lieu of Parking and Section 8.3.A.2.d – Zoning Board of Appeals Procedures – Powers and Duties. (Complete copy of the proposed amendments on file in the office of the Town Clerk and also the Planning and Zoning Department). (Continued from September 30, 2008 and October 28, 2008 meetings. No action taken at December 16, 2008 and January 27, 2009 meetings).

The public hearing on this matter was continued to the March 10, 2009 special meeting.

7. Anita F. and I. Hayne Houston, c/o Arthur Potts Esq., owners, for a two-lot subdivision, 107 Lambert Road

Upon application of Troy Bailey, Rucci, Burnham, Carta, et al, Authorized Agent, for Anita F. and I. Hayne Houston, c/o Arthur Potts Esq., for a two-lot subdivision for 5.683 acres in the Two Acre Residence Zone at 107 Lambert Road (Map 33 Block 41 Lot 27). (Not opened at the January 27, 2009 meeting).

Troy Bailey, Rucci, Burnham, Carta, et al, presented the application. There will be no demolition of the existing structure unless potential buyers have plans to demolish and rebuild. There was discussion of wetlands conservation as well as access to a potential greenway. It was determined that the property is surrounded by residential property and a greenway would be difficult to achieve. John and Susan Tremaine, 127 Lambert Road, opposed application and requested more time to thoroughly investigate the proposed plans. Mr. Tremaine also discussed concerns regarding the survey and the installation of a new septic system which would affect their property.

The public hearing on this matter was continued to the March 24, 2009 public hearing.

8. Alessandro and Milena Sulpizi, owners, 59 Fawn Lane

Upon application of Alessandro and Milena Sulpizi, owners, for a Special Permit of Section 6.4 to allow grading and filling in excess of 1000 yards, for property in the Two

Acre Residence Zone at 59 Fawn Lane (Map 45 Block 117 Lot 11). (Continued from January 27, 2009 meeting).

Alessandro Sulpizi, applicant, discussed the previous concerns of the Commission and stated that the additional planting plan was designed to prevent erosion and stabilize the top slope.

The public hearing on this matter was closed.

9. Julie Burk Dent, 807 Smith Ridge Road

Upon application of Edward Mellick, Mellick & Sexton, P.C., Authorized Agent, for Julie Burk Dent for a 2-lot subdivision for 14.81 acres of property in the Four Acre Residence Zone at 807 Smith Ridge Road (Map 40 Block 101 Lot 53.3).

Edward Mellick, Mellick & Sexton, P.C., presented the application. The existing lot would be split into one ten-acre and one five-acre lot with an additional twenty five foot access way. A variance of the property was approved by the Zoning Board of Appeals. There was discussion of parcel B's conservation easement and wetlands.

The public hearing on this matter was continued to the March 24, 2009 public hearing.

10. Silvermine 123 LLC, owner, 10 Heather Drive

Upon application of McChord Engineering Associates, Inc., Authorized Agent, for Silvermine 123 LLC, owner, for a Special Permit of Section 6.4.G to allow grading of more than 1,000 cubic yards of filling and soil disturbance of more than 10,000 square feet for property in the Two Acre Residence Zone at 10 Heather Drive (Map 48 Block 109 Lot 202).

The public hearing on this matter was not opened and will be heard at the March 24, 2009 public hearing.

11. 721 North Wilton Road, LLC, 721 North Wilton Road

Upon application of Michael Sweeney, Sandak Hennessey & Greco LLP, Authorized Agent for 721 North Wilton Road, LLC, owners, for a Special Permit of Section 6.5.C.3.a to allow a 6' 6" entrance gate and stone piers in the front yard and between a front property line and a front setback line, for property in the Four Acre Residence Zone at 721 North Wilton Road (Map 47 Block 120 Lot 32).

Michael Sweeney, Sandak Hennessey & Greco LLP, on behalf of Tina and Michael Kramer, presented a new application for a six-foot gated fence, citing that the applicants plans comply with the regulations and standards required for a special permit. Mr. Sweeney described the gate plans, and discussed the change which includes setting back the proposed six-foot gate approximately twenty-five feet. The applicant was of the opinion that the gate design was similar to other gates in the neighborhood. A four-foot high field stone wall will connect to the gate piers. There was discussion of proposed crown height on the gate. Rob Marx, Architect, Roger Ferris Partners LLC discussed the field stone wall which will encompasses the perimeter of the property and the buffer of plantings that would connect the field stone wall to the gate. John Jex, 749 North Wilton Road, supported the application.

The public hearing on this matter was closed.

REGULAR MEETING

12. Deliberation and any possible action on a closed public hearing item.

Discussion on Item #2 - Anne H. Walker, Kenneth H. Hannan, 621 Canoe Hill Road

Upon motion of Mr. Scannell and second of Mr. Turner, the Commission voted 8-1 to approve the application with conditions. Mr. Wendell voted in opposition.

Conditions, modifications or restrictions are as follows:

1. The fence cannot be visible from the street during any season.
2. The fence cannot exceed 4' in height along the front yard on Canoe Hill Road, depicted as the break-point, as indicated on the Landscape Master Plan L-1, prepared by Devore Associates, LLC dated 11/12/08, on-file with the Planning and Zoning Department.
3. Maintenance of stormwater metering manhole MMH#1 must be done in accordance with the memorandum prepared by Teodoro Milone of Redniss & Mead, dated January 27, 2009, on-file with the Planning and Zoning Department.
4. Per Site Grading Plan SE-1, Site Utility Plan SE-2, Sediment and Erosion Control Plan SE-3, Notes & Soils Data Plan SE-4 and Details SE-5, Depicting 621 Canoe Hill Road, prepared by Redniss & Mead, dated November 12, 2009, on-file with the Planning and Zoning Department.
5. Per Farm Cottage: Site Plan S-102, Cellar A-100FC, First Floor A-101FC, Second Floor A-102FC, Attic A-103FC, Roof A-104FC, Elevations A-200FC, Elevations A-201FC, First and Second Floors A-101FB, Upper Landing & Deck Plans A-102FB, North & West Elevations A-200FB, South & East Elevations A-201FB, Section A-300FB, Plans A-101GH, Elevations A-201GH, Plans A-101FG, Elevations A-200FG, Plans A-101FTS and Elevations A-200FTS prepared by Austin Patterson Disston Architects, LLC, dated November 12, 2009, on-file with the Planning and Zoning Department.

Discussion on Item #3 - New Canaan Historical Society, 848 Weed Street

Upon motion of Mr. Goodwin and second of Mr. Turner, the Commission voted unanimously to approve the application.

Discussion on Item #8 - Alessandro and Milena Sulpizi, 59 Fawn Lane

Upon motion of Mrs. Grzelecki and second of Mr. Goodwin, the Commission voted unanimously to approve the application with conditions.

Conditions, modifications or restrictions are as follows:

1. A landscape plan must be prepared by a Landscape Architect and submitted to the Town Planner within four (4) weeks from the date of publication.
2. The plan must include the earthen berm as recommended by the Town Engineer.
3. Once the plantings have been approved and planted, the work shall be certified by a licensed Landscape Architect.

Discussion on Item #11 - 721 North Wilton Road

Upon motion of Mr. Ward and second of Mr. Scannell, the Commission voted 5-4 to approve the application. Mrs. Grzelecki, Mr. Rothballer, Mr. Wendell and Ms. Boyd voted against the motion, citing opposition to the height of the gate.

13. Rita W. Barada Trustee, Lot 212 Hoyt Farm Road

Upon application of Troy Bailey, Rucci Burnham Carta et al, Authorized Agent, for Rita W. Barada Trustee, Joseph J. Rucci Trustee, c/o Rucci Burnham Carta et al, owners, for a Special Permit of Section 6.4.G.2 to allow soil disturbance in excess of 10,000 square feet (removal of vegetation and trees), no excavation, filling or soil removal, for property in the Two Acre Residence Zone at Lot 212 Hoyt Farm Road (Map 37 Block 619 Lot 212). (Continued from December 16, 2008 and January 27, 2009 meetings).

Upon motion of Mrs. Grzelecki and second of Mr. Goodwin, the Commission voted unanimously to approve the application with conditions.

Conditions, modifications or restrictions are as follows:

1. A landscape plan must be prepared by a Landscape Architect and submitted to the Town Planner.
2. Such plan should be based on the recommendations of the Town Planner from his February 24, 2009 meeting memo.

3. The silt fence must be removed once the site is stable.

14. Plum Tree Japanese Restaurant (Paglialunga Inc., owner), 70 Main Street

Upon application of 70 Main Street Management, LLC (Property Managers), Authorized Agent for Plum Tree Japanese Restaurant (Paglialunga Inc., owner), for a Site Plan permit of Section 6.3.C.3 for the awning sign lettering that exceeds the maximum size regulations, for property in the Retail A Zone at 70 Main Street (Map T Block 67 Lot 74).

Upon motion of Mr. Wendell and second of Mr. Rothballer, the Commission voted unanimously to deny the application due to not conforming to the regulations.

15. Discussion of Legal Decision with Town Attorney Chris Jarboe: 73 Grove St.

This matter was not opened for discussion.

16. Sign Task Force Report.

- a. 36 Pine Street, Rocco's Italian Restaurant – six awnings, request to approve administratively.
- b. 121 Cherry Street, Aetheria Spa – one wall sign, above second floor windows.
- c. 2282 Elm Street, Best Cellars – one wall sign.
- d. 113 Main Street (1 Elm Street), Crew Cuts – two wall signs and one awning.

Upon motion of Mrs. Grzelecki and second of Mr. Rothballer, the Commission approved items a-d.

17. Administrative Actions or other matters as may properly come before the Commission (Town Planner).

- a. St. Luke's School, rental of Performing Arts Center Facilities – Spring 2009.
- b. New Canaan Society for the Arts Carriage Barn Arts Center at Waveny Display of Art Work – May 11-26, 2009.
- c. 71 Main, Outback New Canaan Teen Center, Inc. – Request to extend hours for March 7, 2009.
- d. Reminder of Public Hearing on March 10, 2008 regarding Business B, Business D and fee-in-lieu-of parking.
- e. Clarification on Definition of dance studio.
- f. Annual May Fair and Strawberry Festival, St. Mark's Church – May 9, 2009.

Upon motion of Mr. Rothballer and second of Mrs. Grzelecki, the Commission approved items "a-c". Item "c" approved with the condition of noise control. The Commission discussed Item "e" and determined that they will need further information regarding parking before approval is considered. Upon motion of Mr. Rothballer and second of Ms. Grzelecki, the Commission amended the agenda to add Item "f". Item "f" was approved.

18. Approve minutes of January 27, 2009 Regular Meeting minutes.

Upon motion of Mrs. Grzelecki and second of Mr. Goodwin, the Commission unanimously voted to approve the January 27, 2009 Regular Meeting minutes.

19. Adjournment.

Meeting was adjourned at 10:03 p.m.

Jean Grzelecki, Secretary

LEGAL ADVERTISEMENT

NEW CANAAN ADVERTISER, NEW CANAAN, CONN., THURSDAY, MARCH 5, 2009 17C

LEGAL ADVERTISEMENT

TOWN OF NEW CANAAN PLANNING & ZONING COMMISSION

Notice is hereby given that the Planning and Zoning Commission at a regular meeting held on February 24, 2009 duly adopted the following resolutions. Approved Special Permits Applications become effective upon the filing of a copy thereof in the office of the Town Clerk.

RESOLVED, that the Public Hearing regarding the Outback New Canaan Teen Center, Inc., Town of New Canaan, owners, for 71 Main Street, renewal of zoning permit for a two (2) year period is approved with conditions.

RESOLVED, that the application of Hiram Peck, Plan Three, LLC Authorized Agent, for Anne H. Walker, Kenneth H. Hannan, Jr., et al, owners, for a Special Permit of Sections 3.4.C.1, 3.4.C.5, 6.5.C.3 and 7.7 for renovations to the existing barn/garage and construction of a windmill and a 6-foot high fence in the front yard along Smith Ridge Road, for property in the Four Acre Residence Zone at 621 Canoe Hill Road (Map 39 Block 101 Lot N4) is approved with conditions.

RESOLVED, that the application of Janet Lindstrom, The New Canaan Historical Society, Authorized Agent, (Town of New Canaan, owner), for a Special Permit of Section 3.3.C.7 to change the use of the Gores Pavilion from a pool house to a center for the arts for property in the One Acre and Two Acre Residence Zones at 848 Weed Street (Map 32 Block 201 Lot 1) is approved.

RESOLVED, that the application of Alessandro and Milena Sulpizi, owners, for a Special Permit of Section 6.4 to allow grading and filling in excess of 1000 yards, for property in the Two Acre Residence Zone at 59 Fawn Lane (Map 45 Block 117 Lot 11) is approved with conditions.

RESOLVED, that the application of Michael Sweeney, Sandak Hennessey & Greco LLP, Authorized Agent for 721 North Wilton Road, LLC, owners, for a Special Permit of Section 6.5.C.3.a to allow a 6' 6" entrance gate and stone piers in the front yard and between a front property line and a front setback line, for property in the Four Acre Residence Zone at 721 North Wilton Road (Map 47 Block

120 Lot 32) is approved.

RESOLVED, that the application of Troy Bailey, Rucci Burnham Carta et al, Authorized Agent, for Rita W. Barada Trustee, Joseph J. Rucci Trustee, c/o Rucci Burnham Carta et al, owners, for a Special Permit of Section 6.4.G.2 to allow soil disturbance in excess of 10,000 square feet (removal of vegetation and trees), no excavation, filling or soil removal, for property in the Two Acre Residence Zone at Lot 212 Hoyt Farm Road (Map 37 Block 619 Lot 212) is approved with conditions.

RESOLVED, that the application of 70 Main Street Management, LLC (Property Managers), Authorized Agent for Plum Tree Japanese Restaurant (Paglialunga Inc., owner), for a Site Plan permit of Section 6.3.C.3 for the awning sign lettering that exceeds the maximum size regulations, for property in the Retail A Zone at 70 Main Street (Map T Block 67 Lot 74) is denied.

Jean N. Grzelecki,
Secretary
Dated February 27, 2009
3-5