

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

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Staff, Daphne White, Assistant Town Planner
DATE: July 21, 2023, updated September 22, 2023
RE: SDP#6-23, 53 Sugarloaf Drive, for an application to allow for the filling and grading of land, under Section 29-9.C. and for the protection of slopes under Section 29-9.I. of the Zoning Regulations.

Applicant: Robert Lupinski

Owners: Robert and Anna Lupinski

Property Location: 53 Sugarloaf Drive, 1.002 acres, Single Family Residential "R-2A" District.

The grading, fill and retaining walls of the applicant's backyard was originally approved by way of a Site Development Plan application, SDP#0611-1Z, on June 20 2011. The applicant subsequently modified the slopes and retaining walls substantially from that which were approved by the Planning and Zoning Commission to such a degree that a Cease and Desist Order was issued by the Zoning Enforcement Officer on March 14, 2023. In addition, a recent survey revealed that some of the applicant's retaining walls also encroach upon adjacent properties.

PROPOSAL:

- The applicant's landscape architect proposes to bring the retaining walls and slope into conformance with the Zoning Regulations by reducing the height of the retaining walls to a maximum of 4' 11", and by modifying the slope so that it will not exceed a two-foot horizontal to one-foot vertical slope, known as a 2:1 slope, the maximum allowed in the Zoning Regulations.
- For the applicant to proceed with the proposed landscape plan and for the modification to the existing retaining walls and the slopes, the applicant must receive approvals from the adjacent neighboring property owners of three different properties. The applicant has not received approvals from all three property owners to access their properties to reconstruct the retaining wall.

UPDATE - SEPTEMBER 22, 2023:

- The applicant's landscape architect has modified the site plan, sheet #LP.1 to create a mid and lower "bench" in the slope to allow some piped runoff to be retained on the site. The Town's engineer has suggested in his memo dated Sept 20, 2023, that the applicant's engineer calculate the runoff from the drainpipe. This will help to determine what the amount of runoff will be and if the "benches" will be sufficient to capture the runoff.
- The applicant's landscape architect has submitted an additional plan, sheet #LP.2 to show how the existing slope will be reduced and the soil will be removed on the owner's property, without having to access the neighboring properties for soil removal and that the retaining wall will be 6" from the edge of the property.
- The applicant's revised landscape plan shows two white pines to replace the dead trees on the neighboring property on the western side, at 46 Saunders Drive.