

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

DRAFT
RESOLUTION #0324-SDP#9-23
March 25, 2024

WHEREAS, the Wilton Planning and Zoning Commission (“the Commission”) has received application SDP#9-23, a Site Development Plan, from Robert Lupinski, the owner of 53 Sugarloaf Drive; to bring the existing retaining walls and fill areas on the property into conformance with Sections 29-9.C Filling of Land and Section 29-9.I, Slope Protection of the Zoning Regulations, by removing existing walls and fill from the property and additional site work; located in a Residential “R-2A” District, Assessor’s Map #35, Lot #3, consisting of 1.0 acres; and

WHEREAS the Commission has received expert testimony/submitted plans from the applicant’s civil engineer and landscape architect; and

WHEREAS, the Commission conducted public hearings electronically on January 8, February 26, March 11 and March 25 of 2024 to receive comment from the applicant and the public, and the Commission fully discussed and considered all evidence at meeting of March 25, 2024;

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission **APPROVES** application SDP#9-23 SDP, Robert Lupinski, 53 Sugarloaf Drive, subject to the following conditions:

General Conditions:

1. This Resolution does not replace requirements for the owner 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, 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 owner. All required Town agency signoffs shall be provided as required; and
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 April 6, 2029.

3. Any additional site work and changes beyond the approved plans shall be submitted for Commission review and approval prior to any changes;
4. Written permission be received in writing and submitted to the Commission's staff for any encroachment on any adjacent property on which work is needed in order to complete the project, prior to any work being done on the project.
5. The site shall be monitored by a licensed Professional Engineer or Landscape Architect to ensure proper site / slope stabilization and a written report (email) shall be submitted to staff weekly.
6. The owner shall be required to maintain all landscaping and trees ("Trees") planted in connection with the application for the duration of the Site Development Plan. Should any Trees planted in connection with this application not survive for any reason, the same shall be replaced by the owner in kind. P & Z staff shall be permitted to enter the property, upon appropriate notice to the owner, to inspect and confirm the survival of the Trees.
7. A construction management plan shall be submitted, showing how the site will be safely excavated and filled and how construction will be managed without creating safety issues on the surrounding properties.
8. The applicant shall hire a qualified independent 3rd party soil testing consultant to verify the soil conditions post excavation, to determine the suitability of the soils for the retaining wall being proposed.
9. Hours of construction shall be limited to Monday through Friday, between the hours of 7:30 AM and 6:00 PM and Saturday between the hours of 8:00AM and 5:30PM. No construction shall be permitted on Sunday or legal holidays; said conditions shall not apply to any construction occurring within a fully-enclosed interior space of the building.
10. As offered by the applicant, the project shall be completed within 17.5 weeks of the start of construction.
11. A building permit shall be obtained by the property owner prior to any work on the site.
12. 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 the issuance of 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. "Pursuant 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 April 6, 2029."

- b. "For conditions of approval for Site Development Plan, see **Resolution #0324-SDP #9-23**"

- 13. At the time the project is completed, a property as-built survey shall be submitted prior to the issuance of any zoning compliance, to include the location of the walls, landscaping, infiltration trench, gravel sumps, and to confirm the grades of the new slopes.
- 14. A Professional Structural Engineer shall monitor and inspect the construction of the wall and provide an engineer's letter of certification at the end of the project that the wall is structurally sound and stable. This certification shall be submitted prior to the issuance of any zoning compliance.

-END RESOLUTION-