

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

WILTON PLANNING & ZONING COMMISSION MINUTES OCTOBER 14, 2014 REGULAR MEETING

PRESENT: Chairman Christopher Hulse, Vice Chair Sally Poundstone, Secretary Doris Knapp, Commissioners John Comiskey, Joe Fiteni, Bas Nabulsi, Peter Shiue, and Franklin Wong

ABSENT: Lori Bufano (notified intended absence)

ALSO

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

PUBLIC HEARINGS

1. **SP#393, Walter Cromwell, 462 Danbury Road, Request to Modify Site Previously Approved for Adaptive Use**

Mr. Hulse called the Public Hearing to order at 7:15 P.M., seated members Comiskey, Fiteni, Hulse, Knapp, Nabulsi, Poundstone, Shiue, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Ms. Knapp read the legal notice dated September 25, 2014. She also referred for the record to a 3-page Planning and Zoning Staff Report dated October 2, 2014; a 2-page memorandum dated October 10, 2014 from Jay E. Hanseman to Planning and Zoning Commission, with attached Revised Form B; and a memorandum dated October 14, 2014 from the Tree Committee to Planning and Zoning Commission.

Present was Michael Smith, Faesy Smith Architects.

Mr. Smith referenced a proposed site plan for the property, noting that a two-story expansion and additional on-site parking is proposed. He explained that site coverage would be reduced by replacing an existing paved driveway area with crushed stone.

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Referencing a significant white oak tree on the eastern side of the property, he confirmed the owner's intention to preserve it.

Mr. Nabulsi questioned whether the Commission is obligated to look at all issues that would typically be considered as part of a Special Permit application (i.e. to essentially start from scratch), or if it is only necessary to consider the incremental activities/site modifications that are being proposed as part of the current application.

It was the general consensus of the Commission that it is only necessary to consider the current proposed site modifications as everything prior was already approved.

In response to a concern raised by Ms. Poundstone, Ms. White confirmed that staff, in its analysis/review of the application, did not discover anything that was not in conformance with existing regulations.

Mr. Nabulsi questioned whether a fire truck would be able to navigate to the back parking lot during an emergency. Mr. Smith felt that the radius of the roadway turn was adequate to accommodate such a vehicle, noting in particular that the area is flanked by grass and does not have a curb that could be obstructive in any way.

Ms. White noted for the record that a formal response was not received from the Fire Marshal, although she explained that a non-response is generally indicative of no concern on the part of the Fire Department.

Mr. Smith briefly reviewed materials to be used for proposed site modifications, confirming that all such materials would be compatible with existing construction. He also confirmed that the addition would be utilized for office use, not residential, and that no drainage changes are proposed as part of this application.

Ms. White noted that the Building Department was still awaiting some additional input from the applicant.

Although Mr. Smith indicated no intention to install a basement in the addition, he confirmed that if plans change in that regard then a revised Form B with updated gross floor area numbers would need to be submitted.

Mr. Hulse requested confirmation from the Fire Department that emergency access for the site would be satisfactory.

Ms. White also reminded the applicant that a landscaping plan for the parking lot had not yet been submitted to confirm conformance with regulations.

Mr. Smith stated that Jay Hanseman would submit such a plan as requested, and he

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confirmed that the applicant would have no problem with installing a temporary chain link fence around the aforementioned oak tree (per the Tree Committee's recommendation) to insure its preservation. He also confirmed, in response to Ms. Knapp, that the property would not be sprinklered.

In connection with materials proposed for the site, Mr. Smith agreed to submit a copy of his presentation materials into the record per Ms. White's request.

Mr. Nabulsi noted that if the subject property is located within the Cannon Crossing Overlay District, then any resolution of approval would need to reference/address the requirements of said District.

It was the general consensus of the Commission that staff should prepare a draft resolution of approval for vote at the next meeting, assuming all outstanding issues are addressed by the applicant.

Mr. Hulse asked if anyone in the audience wished to speak for or against the application.

There being no further comments from the Commission or the public, at 7:35 P.M. the Public Hearing was continued until October 27, 2014.

REGULAR MEETING

A. Mr. Hulse called the Regular Meeting to order at 7:35 P.M., seated members Comiskey, Fiteni, Hulse, Knapp, Nabulsi, Poundstone, Shiue, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. September 22, 2014 – Regular Meeting

MOTION was made by Ms. Knapp, seconded by Ms. Poundstone, and carried (7-0-1) to approve the minutes of September 22, 2014 as drafted. Commissioner Nabulsi abstained.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

- 1. SP#394, The Lake Club, Inc., 175-195 Thayer Pond Road, Replacement of lighting on tennis courts 2 and 3**

The Commission determined that the public hearing should be held on November 10, 2014.

E. PENDING APPLICATIONS

- 1. SP#393, Walter Cromwell, 462 Danbury Road, Request to Modify Site Previously Approved for Adaptive Use**

Tabled.

F. COMMUNICATIONS

- 1. Order from the Connecticut Superior Court to modify Resolution #0713-8P pertaining to approval associated with the Grumman Hill Montessori Association, Inc. property (SP#191E)**

Mr. Nabulsi recused himself from the matter.

Ms. White briefly explained the Connecticut Superior Court's decision to overturn condition #7 from the Commission's previously approved Resolution #0713-8P for SP#191E (Remand).

The Commission briefly reviewed draft Resolution #1014-10P, which reflected the removal of condition #7 from previously approved Resolution #0713-8P, as instructed by the Superior Court. A modification was also made to address a minor typographical error.

MOTION was made by Ms. Poundstone, seconded by Ms. Knapp, and carried (6-0-1) to adopt as amended Resolution **#1014-10P** for **SP#191E** (Remand). Commissioner Wong abstained.

WHEREAS, pursuant to remand from the Connecticut Superior Court (Court), the Wilton Planning and Zoning Commission (Commission) has been ordered to approved Special Permit application **SP#191E**, to allow an increase of enrollment from 230 students to 270 students and to construct a new parking lot providing thirty-seven (37) additional parking spaces, for property located at 34 Whipple Road; in a Residential One Acre (R-1A) District, Assessor's Map #67, Lot

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#15, 7.585+/- acres, owned by The Grumman Hill Montessori Association, Inc.

WHEREAS, the Court found that the Commission “may impose additional reasonable conditions and modifications it deems appropriate including but not limited to signage and pavement markers, blockage of the thirteen parking spaces sited on Whipple Road, waiver and/or reduction of the three landscape buffer requirements, relocation of the new parking lot and modification and/or relocation of the new parking lot curb cut”.

WHEREAS, The Commission has reviewed plans and relied on representations provided by the applicant, residents and the Commission’s staff, including but not limited to development plans entitled:

Vicinity Map- Prepared for The Grumman Hill Montessori Association, Inc.
Prepared by Douglas R. Faulds, land surveyor, dated September 15, 2009, scale: 1”=100’, no sheet#.

Zoning Location Survey- Prepared for The Grumman Hill Montessori Association, Inc.
Prepared by Douglas R. Faulds, land surveyor, dated September 15, 2009, scale: 1”=50’, no sheet#.

Planting Plan- Prepared for The Montessori School (The Grumman Hill Montessori Association, Inc.).

Prepared by Katherine E. Throckmorton, landscape architect, dated September 28, 2009, revised November 17, 2009, scale: 1”=20’, sheet#PP1.

Landscape Section- Prepared for The Montessori School (The Grumman Hill Montessori Association, Inc.), prepared by Katherine E. Throckmorton, landscape architect, dated February 12, 2009, scale: 1”=10’, sheet#PP2.

Overall Site Development Plan- Prepared for The Montessori School (The Grumman Hill Montessori Association, Inc.), prepared by Holt W. McChord, engineer, dated September 28, 2009, revised November 20, 2009, scale: 1”=40’, sheet#OV1.

Parking Travel Distance Plan- Prepared for The Montessori School (The Grumman Hill Montessori Association, Inc.), prepared by Holt W. McChord, engineer, dated January 7, 2010, scale: 1”=40’, sheet#OV1A.

Site Layout and Utility Plan- Prepared for The Montessori School (The Grumman Hill Montessori Association, Inc.), prepared by Holt W. McChord, engineer, dated September 28, 2009, revised November 20, 2009, scale: 1”=30’, sheet#SE1.

Site Grading and Soil Erosion Control Plan- Prepared for The Montessori School

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(The Grumman Hill Montessori Association, Inc.), prepared by Holt W. McChord, engineer, dated September 28, 2009, revised November 20, 2009, scale: 1"=30', sheet#SE2.

100% Code Compliant Septic System Plan- Prepared for The Montessori School (The Grumman Hill Montessori Association, Inc.), prepared by Holt W. McChord, engineer, dated September 28, 2009, revised November 20, 2009, scale: 1"=30', sheet#SE3.

Construction Notes & Details- Prepared for The Montessori School (The Grumman Hill Montessori Association, Inc.), prepared by Holt W. McChord, engineer, dated September 28, 2009, revised November 20, 2009, scale: as shown, sheet#DT1.

Septic System Notes & Details- Prepared for The Montessori School (The Grumman Hill Montessori Association, Inc.), prepared by Holt W. McChord, engineer, dated September 28, 2009, revised November 20, 2009, scale: as shown, sheet#DT2.

Plan Provides 1 Average Footcandle- Prepared for Montessori School (The Grumman Hill Montessori Association, Inc.), prepared by Collin Thomas, lighting expert, dated January 5, 2009, revised December 9, 2009, scale: 1"=20', no sheet#.

Plan Provides 2.5 Average Footcandle- Prepared for Montessori School (The Grumman Hill Montessori Association, Inc.), prepared by Thomas Golden/Collin Thomas, lighting experts, dated December 18, 2008, scale: 1"=20', no sheet#.

WHEREAS, the Planning and Zoning Commission conducted a public hearing on May 13, 2013 and continued said hearing to June 10, 2013 and June 24, 2013, for purpose of receiving comment from the applicant, the Commission's staff and the public and has fully considered all evidence submitted at said hearings;

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission **APPROVES** Special Permit #191E to allow an increase of enrollment from 230 to 270 students and to permit the construction of a new 37 space parking lot, subject to the following modifications and 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 (5) years of the effective date of this resolution. This five-year period shall expire on July 8, 2018.
3. The applicant shall remove fourteen (14) head-in parking spaces contiguous to the

Whipple Road right-of-way. Pavement shall be removed from the subject area, finish-graded with topsoil and seeded so as to establish a lawn area. The paved apron providing access to an existing fire lane shall be removed and replaced with grass pavers and landscaped to the satisfaction of the Planning and Zoning Department. For purposes of discouraging unauthorized parking on lawn areas along Whipple Road, a row of shrubs, such as Viburnum, shall be strategically planted in areas where head-in parking has been removed. Prior to commencement of removing the head-in parking spaces, the applicant shall obtain a “Road Opening” permit from the Town of Wilton Department of Public Works. The applicant shall meet all requirements for a road opening permit; including but not limited to the posting of a road opening performance bond and liability insurance.

4. The driveway serving the proposed parking lot, excluding the radii at the Whipple Road intersection, shall be limited to a width of not more than twenty feet (20’).
5. To the greatest extent possible, the applicant shall protect all existing landscaping which is intended to remain following construction. The applicant shall replace any such landscaping damaged as a result of construction.
6. In order reduce unnecessary light spillage, three (3) overhead cobra light fixtures owned and maintained by the Montessori Association, Inc. (including one along Whipple Road), shall be removed.
7. All new parking lot light fixtures associated with this application, shall comply with specifications and requirements outlined in Section 29-9.E of the Zoning Regulations; including but not limited to location from property lines. The height of the light poles shall not exceed ten (10) feet and light bulbs shall be recessed into an opaque hooded light casing. The applicant shall employ use of light emitting diode (LED) lights so as to minimize light spillage and glare. The intensity of light associated with the illumination of the planned parking lot, shall not exceed one (1) foot candle. Lighting within both the existing and planned parking lots, shall be extinguished no later than 11:00 p.m.
8. Two (2) stop signs, one oriented in an easterly direction and the other from a westerly direction, shall be placed at the intersection of the proposed crosswalk and existing access drive.
9. For reasons of enhancing public safety and facilitating efficient traffic movement, the school shall continue to engage use of an on-site traffic monitor during periods of student pick-up and drop-off.
10. The Commission acknowledges the applicant’s offer to establish off-site landscaping on property located at 19 Whipple Road. Though such proposal cannot be regulated by the Planning and Zoning Commission, the Commission nonetheless encourages such dialogue; recognizing that increased and strategically placed vegetation will serve to further minimize impacts associated with lighting within the planned parking lot.
11. Approval of this special permit application is limited to option “D” as shown on Site Grading and Soil Erosion Control Plan (SE2D), dated June 24, 2013 (no revision date).
12. The Commission reduces the minimum 50 foot side yard parking lot landscape buffer to a width of 18 feet, subject to installing a vegetated buffer per Planting Plan PP1. Site Grading and Soil Erosion Control Plan (SE2D) shall be modified to include and specify landscaping along the northerly boundary of the planned parking lot. Landscaping shall

be consistent with planned buffer improvements shown on Planting Plan PP1, dated September 28, 2009, last revised June 24, 2013.

13. Prior to receiving zoning compliance, the applicant shall submit a post-construction as-built survey, stamped and signed by a Connecticut-licensed surveyor, verifying that site coverage, the location of the new parking lot and visible storm water drainage infrastructure is consistent with approved plans. In addition, a Connecticut-licensed professional engineer shall provide a signed and sealed letter, certifying that the drainage system was constructed in accordance with approved plans and specifications.
14. A bond estimate for all site work shall be provided by the applicant to the Planning and Zoning Department, which shall include, but not be limited to sedimentation and erosion controls, grading, drainage, paving, curbing, retaining walls, landscaping, seeding, lighting, and sidewalk and shall include a 10% contingency. The applicant shall furnish to the Town a bond with proper surety, in form and amount satisfactory to the Commission's land use counsel and Wilton's Town Planner, prior to the issuance of any zoning permit.
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 Special Permit amendment shall be completed within five years after the approval of the plan. Said five-year period shall expire on July 8, 2018."
 - b. "For conditions of approval for Special Permit SP#191E, see **Resolution #1014-10P**."

- END RESOLUTION -

MOTION was made by Ms. Poundstone, seconded by Ms. Knapp, and carried (8-0) to adopt the 2015 Planning and Zoning Commission Meeting Schedule as proposed.

G. REPORT FROM CHAIRMAN

1. Reports from Committee Chairmen

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

**1. REG#14346, Medical Marijuana, Amendments to Zoning Regulations
Section 29-2.B, 29-6.B.3.x and 29-7.B.2.s [Public Hearing – Oct. 27, 2014]**

J. ADJOURNMENT

MOTION was made by Ms. Knapp, seconded by Ms. Poundstone, and carried unanimously (8-0) to adjourn at approximately 7:45 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary