

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

WILTON PLANNING & ZONING COMMISSION MINUTES MARCH 23, 2015 REGULAR MEETING

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

ABSENT: John Comiskey (notified intended absence)

ALSO

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

PUBLIC HEARINGS

1. SP#399, Randall Luther (Tai Soo Kim Partners, Inc.), 217 Wolfpit Road, To add temporary portable classrooms to Miller Driscoll School

Mr. Hulse called the Public Hearing to order at 7:15 P.M., seated members Bufano, Fiteni, Hulse, Knapp, Poundstone, Shiue, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. He noted that the hearing was continued from a previous date. Ms. Knapp referenced a memorandum dated March 18, 2015 from Michael Ahern to Daphne White; and a letter of transmittal dated March 18, 2015, with attached plans.

Present were Randall Luther, Tai Soo Kim Partners; and Barry Blades, landscape architect.

Mr. Luther referenced drainage issues raised at the last meeting, noting that Mr. Blades would next address the issues in detail.

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Mr. Blades referenced posted, revised plans, noting the following site modifications in particular: 1) the classrooms were shifted about 12 feet further out from the main school building, and elevated slightly, so as not to encroach on the storm drainage pipe; 2) a swale on the west side was graded to carry surface runoff away and not under the building; 3) curbing was introduced along the drop-off area to intercept runoff and improve safety for waiting children; 4) an 8-inch pipe was replaced, for better drainage, with a yard drain which could remain after the classrooms are removed.

Mr. Nabulsi arrived and was seated at approximately 7:21 P.M.

In response to Ms. Poundstone, Mr. Blades indicated that the aforementioned site modifications would not significantly impact the project budget. He also confirmed that the temporary classrooms would be wheelchair/handicapped accessible.

Mr. Nerney noted for the record that the applicant met last week, at the applicant's request, with many Town departments, including building, police, fire, planning, public works, etc., to address the various issues that fall under the purview of each department. He stated that it was a good, productive meeting.

Addressing a question of traffic controls to be implemented on the site, Mr. Nerney explained that during construction, activities would be segregated and fencing would be utilized. He noted that many of the issues discussed at the multi-departmental meeting would be looked at again in greater detail at the time of the larger construction application for the site.

Mr. Wong read from Section 29-4.C.9 of zoning regulations pertaining to "Trailers, Mobile Structures and Manufactured (Mobile) Homes", questioning whether the proposed classrooms would be considered mobile structures. Mr. Hulse felt that what the applicants are proposing fits in with the requirements of the Town's regulations. Mr. Nerney explained further that the proposed classrooms will be housed in a 7500 square-foot building, which is not what one would typically consider to be a mobile home. He felt that the structure would more correctly be considered a modular building, noting that modular homes are permitted in Town. He cited precedent in Town with temporary classrooms at Our Lady of Fatima School and Friends School on Route 106.

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 closed.

2. CHZ #15347, Town of Wilton, Old Danbury Road (a/k/a Assessor's Map #74, Lot #25 and portion of Lot #27), Change of zone from Design Enterprise (DE-5) to Residential (R-1A)

Mr. Hulse called the Public Hearing to order at 7:35 P.M., seated members Bufano, 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 March 10, 2015.

Town Planner Nerney presented on behalf of the applicant (the Board of Selectmen). He noted that Town Counsel deemed such representation appropriate provided Assistant Town Planner White acted in the capacity of Town Planner during Mr. Nerney's presentation.

Mr. Nerney reviewed details of the application, noting that a zone change from Design Enterprise (DE-5) to Residential (R-1A) is proposed for the subject site in order to create a 1-acre lot for eventual sale to Patrick Downend. He explained that Mr. Downend would be the contract purchaser who plans to develop 30 units of affordable housing on the subject site in lieu of the originally proposed 44 Westport Road site.

Mr. Nerney distributed copies of an aerial photograph and a Compilation Plan Depicting Lot Line Revision. Referencing the plans, he explained that the site would be serviced by public water and public sewer, noting further that Mr. Downend has agreed to extend the sewer line and install it at a depth of 22 feet, per the Town's request, which would allow for sewerage of the Town property to the north as well as some properties along Route 7. From a planning perspective, he noted that the subject property is contiguous to a 1-acre residential zone, and thus the proposed zone change would not function as an isolated stand-alone zone.

He further noted that the property is within walking distance of the railroad station and would be able to enjoy the benefits of a planned new bridge and walkway into Wilton Center. He explained that the concept of building in the vicinity of train stations and in/around Town Centers is currently very popular and such construction will likely provide economic advantages to the Center as well.

Mr. Nerney confirmed again that the application would not represent "spot zoning", since the subject parcel is contiguous to a residential area, and the proposed zone change is supported by the Plan of Conservation and Development, which supports the concept of trying to build up around the train station.

He also confirmed that Old Danbury Road is a public road, although not a through-street

any longer.

In response to questions from Mr. Nabulsi, Mr. Nerney stated that the Town decided it would probably be best to leave the remainder of the DE-5 parcel zoned as is for now, since it could not be ascertained for sure at this time whether some better, alternative use for that area might arise in the future. He also stated that the Commission could approve vegetative screening as a substitute for the spatial 20-foot buffer required from the existing Wilton Commons parking area (to which the developer has indicated he is amenable); and he confirmed that any future parking in connection with the planned Wilton Commons expansion would not be in the area abutting the subject property but rather toward the west, beyond a bend in the driveway and away from the subject property.

In response to a concern expressed by Mr. Wong regarding the amount of land that would be available on the remaining portion after setbacks to Route 7 and the abutting residential zone are factored in, Mr. Nerney acknowledged the concern but noted again the Town's hesitation to change the zone of the remaining portion of land too hastily.

Addressing a question from Mr. Nabulsi as to why the other portion of the site wasn't considered for the eventual housing development, Mr. Nerney cited the topography of the site, referring in particular to a steep drop-off in one area that would require substantial excavation, and the fact that the Town also preferred to keep the anticipated housing units back from Route 7.

Ms. Knapp referred for the record to a memorandum dated March 19, 2015 from Bob Nerney to Planning and Zoning Commission, with attached zoning map; and a letter to the Planning and Zoning Commission, with attached diagram, from Manish Maheshwari.

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

Manish Maheshwari, Perry Green resident, referenced multiple accidents that have occurred on Route 7 in the area of Perry Green, expressing concern that increased traffic in the area will pose a further safety threat to Perry Green residents. He explained that the diagram attached to his letter (referenced above) depicts existing traffic signals (the cross-shaped icons) and highlights an area where numerous accidents have occurred over the years.

Mr. Nerney noted that the intersection in the vicinity of the subject property is signalized and does provide an opportunity to make protected turns. He explained that at the average rate of 8 trips per day per unit, the planned 30-unit housing development would generate approximately 240-250 vehicle trips per day. He noted that Design Enterprise uses (e.g. an office building, as currently permitted on the site) would generate even more traffic in the area and would be concentrated during rush hour periods.

W. A. Hogan, Perry Green resident, asked whether a fatality must occur in the area before better traffic control is implemented. He stated that Perry Green residents regularly take their lives in their hands when trying to exit the site, especially when crossing traffic and heading south on Route 7. He explained that northbound traffic on Route 7 is also problematic due to poor timing between traffic signals along the roadway. He emphasized how dangerous the area is and asked for help from the Commission.

Mr. Nerney speculated that there could be an issue with the Perry Green driveway itself and suggested that concerned residents might write a letter to the Chief of Police and request that their comments be passed along to the Department of Transportation. He thought that perhaps something could be done to adjust the timing of signal lights to provide extended gap time.

There being no further comments from the Commission or the public, at 8:20 P.M. the Public Hearing was closed.

REGULAR MEETING

- A.** Mr. Hulse called the Regular Meeting to order at 8:20 P.M., seated members Bufano, 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. March 9, 2015 – Regular Meeting

MOTION was made by Ms. Knapp, seconded by Mr. Shiue, and carried (8-0) to approve the minutes of March 9, 2015 as drafted.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

E. PENDING APPLICATIONS

1. SP#399, Randall Luther (Tai Soo Kim Partners, Inc.), 217 Wolfpit Road, To add temporary portable classrooms to Miller Driscoll school

The Commission reviewed Draft Resolution #0315-3P.

The resolution was modified to require monitoring of air quality within the temporary building prior to issuance of a zoning certificate of compliance and every three months thereafter.

MOTION was made by Mr. Nabulsi, seconded by Ms. Poundstone, and carried (7-1) to adopt as amended Resolution **#0315-3P** for **SP#399**, effective March 26, 2015. Mr. Wong opposed, citing use of mobile structures is prohibited under Section 29-4.C.9 of zoning regulations.

WHEREAS, the Wilton Planning and Zoning Commission has received a Special Permit application (**SP#399**) from Tai Soo Kim Partners, Inc. for the Town of Wilton to allow the installation of a 7,493 square foot temporary classroom building for Miller-Driscoll School, property located at 217 Wolfpit Road, in a Single Family “R-2A” Residential District, Assessor’s Map #99, Lot #6, consisting of 33.70 acres owned by the Town of Wilton and shown on the plans entitled:

Site Layout Plan - Prepared for Miller-Driscoll School, Prepared by Barry Michael Blades for Blades & Goven, landscape architect, dated January 15, 2015, revised March 17, 2015, scale 1”=20’, sheet #CP1.0.

Site Drainage and Soil Erosion Control Plan Portable Classrooms- Prepared for Miller-Driscoll School, Prepared by Holt W. McChord for McChord Engineering Associates, engineer, dated January 13, 2015, revised March 17, 2015, scale 1”=20’, sheet #CP2.0.

Code Plan- Prepared for Miller-Driscoll School, Prepared by Randall Luther for Tai Soo Kim Partners, Inc., architects, dated April 7, 2014, scale 1/6”=1’, sheet #APO.2.

Floor Plan- Prepared for Miller-Driscoll School, Prepared by Randall Luther for Tai Soo Kim Partners, Inc., architects, dated April 7, 2014, scale 1/6”=1’, sheet #AP1.0.

Property & Topographic Survey - Prepared for Miller-Driscoll School, Prepared by Richard A. Bunnell for CCA, LLC, land surveyor, dated November 21, 2014, scale 1”=80’, sheet #1 of 1.

WHEREAS, the Wilton Planning and Zoning Commission has conducted a public hearing on March 9, 2015 and March 23, 2015 to receive comment from the applicant and the public and

has fully considered all evidence submitted at the hearing; and

WHEREAS, the Planning and Zoning Commission has determined that the planned improvement does not deviate from the established character of the school property nor adversely impact the adjoining neighborhood; 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** Special Permit #399 to allow the installation of a 7,493 square foot temporary classroom building for Miller-Driscoll School, property located at 217 Wolfpit Road, effective March 26, 2015 subject to the following conditions:

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.

The applicant shall file a Land Record Information Form for this Special Permit approval with the Town Clerk (form to be provided by the Planning and Zoning Department) prior to the issuance of a zoning permit.

All proposed light fixtures shall be reviewed and approved by the Planning and Zoning staff prior to the issuance of a zoning permit. The light fixtures shall comply with specifications and requirements outlined in Section 29-9.E of the Zoning Regulations.

The lateral connection to the Town of Wilton's sewer system shall be subject to the review and approval of the Wilton Water Pollution Control Authority.

Hours of installation/construction shall be permitted Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturday between the hours of 8:00 a.m. and 5:00 p.m. No installation/construction shall be permitted on Sunday or legal holidays. Said condition shall not apply to any construction activity occurring within the fully-enclosed interior of the building.

Unless such time period is extended by the Commission, the modular building shall remain on the property on a temporary basis only and shall be removed from the site no later than August 15, 2016.

Submittal of revised plans and application:

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. 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. "For conditions of approval for Special Permit #399, see Resolution #0315-3P

Prior to the issuance of a certificate of zoning compliance:

Prior to the issuance of a Zoning Certificate of Compliance, the applicant shall install the temporary classroom building and the associated site work according to the revised final site and engineering plans dated March 17, 2015, approved by the Planning and Zoning Commission.

The applicant shall monitor the air quality within the temporary building prior to the issuance of the certificate of zoning compliance and every three months thereafter.

-END RESOLUTION-

- 2. CHZ#15347, Town of Wilton, Old Danbury Road (a/k/a Assessor's Map #74, Lot #25 and portion of Lot #27), Change of zone from Design Enterprise (DE-5) to Residential (R-1A)**

The Commission reviewed Draft Resolution #0315-1MAP.

MOTION was made by Ms. Poundstone, seconded by Mr. Fiteni, and carried unanimously (8-0) to adopt as drafted Resolution #0315-1MAP for CHZ#15347, effective March 26, 2015.

WHEREAS, the Wilton Planning and Zoning Commission accepted application CHZ#15347 from the Town of Wilton Board of Selectman for a change of zone from Design Enterprise "DE-5" to Residential "R-1A", for property located at 31 Old Danbury Road, a/k/a Assessor's Map #74, Lot #25, and a portion of Map # 74, Lot #27; encompassing a total area of 1.00 acres; owned by the Town of Wilton; and more precisely shown on plans entitled:

Zone Map (showing proposed change of zone location and surrounding zones) - Prepared for the Town of Wilton, scale not identified.

Old Danbury Road- Prepared for Town of Wilton, scale: 1"=200'.

Proposed Zone Change Area - Prepared for the Town of Wilton (reduced - not to scale).

Compilation Plan Depicting Lot Line Revision - Prepared for the Town of Wilton, Prepared by Brautigam Land Surveyors, P.C., land surveyors, dated February 24, 2015, scale 1"=40'.

WHEREAS, the Planning and Zoning Commission conducted a public hearing on March 23,

2015 to receive comment from the public and has fully considered all evidence submitted at said hearing;

WHEREAS, the Planning and Zoning Commission has determined the change of zone to be consistent with the 2010 Plan of Conservation and Development which supports policies designed to increase workforce and affordable housing opportunities in appropriate locations throughout the community;

WHEREAS, the proposed change of zone will encourage development similar to and compatible with residential and institutional uses north of Station Road; namely the Wilton Commons senior housing development and “Trackside”, a facility which serves as a community teen center.

WHEREAS, the proposal is consistent with current-day planning concepts of encouraging residential development in locations near and around town centers and centers of public transportation as well as in locations served by pedestrian travel routes;

WHEREAS, the proposed change of zone is generally viewed as having a positive economic impact on the town center by increasing the demand for certain retail goods and services;

WHEREAS, the location is served by public water, public sewer and signalized access to/from Route 7; thereby rendering the property suitable for housing.

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission APPROVES application CHZ #15347 effective March 26, 2015 based on the following findings:

1. The proposed change of zone is consistent with the 2010 Plan of Conservation and Development.
2. The change of zone is consistent with an emerging residential development pattern in this neighborhood.
3. Adequate infrastructure, including public utilities, nearby recreation facilities, retail areas and various modes of transportation (i.e., road, rail and pedestrian) are in place to justify the requested change of zone.
4. The change of zone is viewed as having a positive economic impact on the town center.

- END RESOLUTION -

F. COMMUNICATIONS

1. Presentation/Discussion with the Wilton Economic Development Commission

Mr. Hulse asked that the item be removed from the agenda for the next meeting, and

suggested that perhaps Mr. Nerney could reach out to Wilton Economic Development Commission member John Wilson again regarding the matter.

2. Communication from Senator Boucher

Senator Boucher thanked Commissioners for the opportunity to address the Commission. She stated that she was very proud of the leadership, and hard work/diligence consistently exhibited by the Commission. She then distributed copies of a letter with proposed regulation amendments pertaining to Medical Marijuana (previously emailed to the Chairman, Vice-Chairman, and Town Planner) dated March 23, 2015 from Al Alper, Toni Boucher, Gail Lavielle, Eric Cameron, Peter Wrampe, Miriam Sayegh, Phil Lauria, Elaine Tai-Lauria, William Lalor, and Ann Duffy. Mr. Hulse thanked Ms. Boucher and recommended that Commissioners review the submission, noting that it might provide some things to think about now and going forward.

G. REPORT FROM CHAIRMAN

Mr. Hulse addressed the issue of signage that has been on the table for quite some time, noting that Mr. Nerney had reviewed surrounding Towns' regulations and feedback was also solicited from the Town (both its citizenry as well as its businesses), yet he noted that only one piece of communication has been received to date on the matter.

Mr. Nerney noted further that he has had conversations with both the Executive Director and the Chairman of the Chamber of Commerce to ascertain whether there is any interest from the public. He stated that the answer from both individuals was, essentially, no, and that there seemed to be a general recognition that Wilton's standards are fairly middle-of-the-road, i.e. not overly stringent or excessively lenient.

Mr. Hulse suggested keeping the issue open for the next meeting to receive input, if any, and after that to take the matter off the table for now.

Mr. Wong felt that the Commission might still want to review the issue of signage even if no further input is received from the public. Mr. Nabulsi agreed, suggesting that the Commission give some thought to opening up a conversation some night on the matter. He also referenced the great deal of time that was spent by the Commission reviewing/rewriting the Plan of Conservation and Development. He referred in particular to page 126 of the document, highlighting high priority items including a commercial build-out analysis for the Route 7 corridor, as well as specific planning goals pertaining to the Cannondale area of Town. He felt it would be fruitful to look through this portion of the document to determine if there are issues the Commission would like to initiate/address itself.

Mr. Nerney felt that it is generally better to focus on one or just a few issues at a time and do them right, noting that some are more controversial than others.

After further discussion, Mr. Hulse agreed that the Commission might wish to consider other areas in the Plan of Conservation and Development that could be addressed in a meaningful way, or perhaps an item that the Economic Development Commission might consider valuable.

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

- 1. SDP, Fairfield County Engineering LLC, Glen River Condominium Association, Inc., River Road, Paving and Drainage project [Discussion – April 13, 2015]**
- 2. SP#400, Café Ruche LLC, 101 Old Ridgefield Road, Seasonal outdoor café seating [Public Hearing – April 13, 2015]**

J. ADJOURNMENT

MOTION was made by Ms. Knapp, seconded by Ms. Poundstone, and carried unanimously (8-0) to adjourn at approximately 8:55 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary