

PLANNING & ZONING
COMMISSION
Telephone (203) 563-0185
Fax (203) 563-0284



TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

WILTON PLANNING & ZONING COMMISSION MINUTES MAY 11, 2015 REGULAR MEETING

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

ABSENT: Christopher Hulse (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. SDP, Patrick Downend, 31 Old Danbury Road, Construction of 30-unit mixed income housing development pursuant to Section 8-30g of CT General Statutes**

Ms. Poundstone, acting as Chairwoman in the absence of Chairman Hulse, called the Public Hearing to order at 7:15 P.M., seated members Bufano, Comiskey, Fiteni, Knapp, Poundstone, and Shiue, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

Ms. Knapp read the legal notice dated April 28, 2015, and referenced the following documents: a 4-page Planning and Zoning Staff Report dated May 7, 2015; an email from Lt. Thomas Conlan to Daphne White and Robert Nerney dated May 5, 2015; an email stream between Rocco Grosso (Fire Inspector) and Daphne White dated May 1, 2015 and May 7, 2015; email communications among Daphne White, Rocco Grosso and Ronald Kanterman dated May 5, 2015 and May 7, 2015; a memorandum dated May 8, 2015 from Conservation Commission to Planning & Zoning Commission; email communications among Robert Nerney, Daphne White and President of Wilton Volunteer Ambulance Corps dated May 9, 2015 and May 11, 2015; an email from Patricia Hsiung to Robert

P&Z Minutes – 05/11/15 – Page 2

Nerney dated May 11, 2015; a 2-page memorandum with attachments from Manish Maheshwari (Perry Green Association) to Planning and Zoning Commission, received May 8, 2015; and an email interchange between Patricia C. Sullivan (Town Counsel) and Robert Nerney dated May 7, 2015 and May 11, 2015.

Commissioners Nabulsi and Wong arrived and were seated at 7:19 P.M.

Present were J. Casey Healy, attorney for the applicant; Joe Canas, engineer, Tighe & Bond; Kate Throckmorton, landscape architect; and Mike Galante, traffic engineer.

Mr. Healy briefly reviewed the site history, noting that his client, Patrick Downend, entered into a sales agreement with the Town of Wilton, agreeing to purchase the 1-acre parcel on the west side of Old Danbury Road to construct a 30-unit building, with 9 affordable housing units, per Section 8-30g of the Connecticut General Statutes. He referenced Chapter 5 of Wilton's Plan of Conservation and Development, noting that the subject application addresses all the action items cited in the Chapter, referring in particular to creating new affordable housing, identifying opportunities to utilize Town-owned land for such housing, and facilitating the ability for seniors to remain in Wilton. He noted that the subject site also adheres to location criteria referenced in Chapter 5, including proximity to Wilton Center and the train station.

Mr. Healy cited additional benefits to the Town, including increasing affordable housing units by 9; updating infrastructure (i.e. sewer and water) along Old Danbury Road, which will ultimately benefit areas north of the parcel; and increasing tax revenues.

Mr. Healy stated that the applicant would address some of the comments/issues raised by staff and would ask for a continuance of the application until the next meeting to have time to address all matters fully.

Mr. Canas reviewed details of the proposed plans, referencing a posted site plan. He explained that Old Danbury Road would be reconstructed, including new paving, curbing and sub-paving, with parking proposed along the roadway east of the building and within the site to the north of the building. He referenced a turnaround at the northeast end of Old Danbury Road, noting that the applicant would work out the details on that with the Department of Public Works.

Mr. Canas confirmed that only one elevator is proposed.

Several commissioners expressed concerns regarding parking spaces that are located across Old Danbury Road, requiring people to walk across the street to access parking. Mr. Wong also questioned the size of turnarounds required on a dead-end road and, specifically, whether the proposed turnaround area will be adequate for emergency vehicles. Mr. Canas stated that the applicant would review the turnaround area, utilizing

P&Z Minutes – 05/11/15 – Page 3

a turning template, to confirm that fire trucks will be able to make that turn. Mr. Nerney explained further that since Old Danbury Road is a pre-existing public street it is not subject to regulations established for roadways/turnarounds created by way of subdivision.

The question of a recreation area for young children was also raised, which Mr. Canas stated would be addressed later by Ms. Throckmorton.

Mr. Nerney referenced a culvert that was removed at the northern end of Old Danbury Road when Route 7 was widened, noting that Police and Fire have conflicting preferences regarding that intersection. He explained that while Police prefer it to remain as is (i.e. an open swale with barricades on each end of the road), the Fire Department prefers it to be either wider or a through-street. Mr. Nerney explained that one solution would be to put back the culvert and surround it with grass pavers and a couple of removable bollards that could accommodate emergency vehicles if/when necessary, yet would keep the roadway inaccessible to non-emergency traffic.

Mr. Comiskey expressed concern that all traffic would be entering/exiting from one road (Station Road). He questioned whether the existing one-way entrance roadway that runs under Route 33 could possibly be converted to two-way, thus alleviating some of the outward bound traffic from the development.

Mr. Nerney explained that the one-way entry by the convenience store is a difficult area to turn out of onto Route 7 and thus they would not want to encourage that. He felt that the proposed modifications of Old Danbury Road would address some of the emergency response issues and provide staging areas for emergency purposes. He also noted that a fire hydrant is planned for the west side of Old Danbury Road.

Mr. Wong referenced an easement on the eastern adjoining Town-owned property which allows for the creation of a large portion of the proposed parking for the development. He expressed concern that this area is on another property and is taking up a good chunk of that property's road frontage, which he felt could be problematic for future development of the parcel. He questioned whether some of that parking could be moved westward so as not to require said easement.

Mr. Healy noted that the proposed parking was reviewed by Town Counsel, Department of Public Works and the Board of Selectmen. Mr. Downend noted for the record that in similar developments he has completed to date, as much as 50% of the parking lots are empty. As a result, he felt that most parking will occur in the back of the building, in the garages, and near the entrances on the east side of the building, and thus the additional parking proposed along Old Danbury Road will likely just provide overflow and/or visitor parking.

P&Z Minutes – 05/11/15 – Page 4

Mr. Nerney noted that there are substantial wetlands to the north. He explained that the thought was to find an area to keep the parking compact for both aesthetic and practical purposes and to use the natural hillside as a way to screen the parking, although he acknowledged that it does involve walking across a Town road to access some of the proposed spaces.

Mr. Canas confirmed, in response to a question from Mr. Comiskey, that only 2 handicapped parking spaces are required per State Building requirements.

Mr. Nabulsi questioned the minimal setbacks (ranging from 13-14 feet) proposed on the western side of the building adjacent to Wilton Commons. Mr. Nerney explained that the proposed development is operating under Section 8-30g of Connecticut General Statutes whereby many of the Town's standard zoning requirements do not apply. Mr. Nabulsi asked how the applicant's engineer felt about the small setbacks to that property whose driveway is located almost on the property line. Mr. Canas stated that he was comfortable with it as proposed, noting that he has worked on many other similarly situated developments. He referenced the fact that there is a retaining wall on the Wilton Commons side. Mr. Nabulsi asked if there was a setback number that Mr. Canas would be uncomfortable with and Mr. Canas stated that he would have to give that a closer look.

Mr. Nerney noted that staff strongly advocated the idea of tall columnar-like trees to address the issue of visual separation and to provide a greater feeling of privacy on that side.

Mr. Nabulsi expressed some concern with the size of the proposed structure, noting that he would like to get a better feel of how it will look in proximity to the existing Wilton Commons development. He requested that the applicant provide elevations showing the proposed building relative to adjacent structures in the area.

Mr. Nabulsi also questioned whether removing the proposed garages might provide an opportunity to reduce the overall size of the structure, citing a possible trade-off between the inherent value of such garages versus reducing the overall girth of the building. Mr. Canas explained that the grade level in that area lent itself naturally to installing garages under the residential space. Mr. Downend noted further the inherent challenge of creating living space and windows on that lower level given its grade.

Mr. Fiteni raised some questions regarding emergency vehicle access on the west side of the building, as well as snow storage on the site. In response, Mr. Nerney confirmed that the Fire Department did consider the issue of fire-fighting access on the west side, given the small setback distances and the existing retaining wall. Mr. Canas explained that some snow storage area is provided on the site, although Mr. Downend noted that sometimes, depending on the severity of the winter, he employs front loaders to remove/dispose of the snow.

Commissioners also asked for clarification regarding school bus stop locations and where children would wait for school buses.

Ms. Poundstone asked that the applicant give further consideration to the aforementioned issues.

Mr. Canas reviewed storm water management for the site, noting that there will be no net increase in runoff from the site. He briefly explained the proposed treatment/recharge process to remove grit and oil, recharge ground water, and ultimately discharge into the wetlands, noting that excellent infiltration rates were recorded for the site. He also briefly reviewed sewer and underground utilities for the site.

In response to a question from Mr. Shiue, Mr. Canas stated that these systems do require maintenance, noting that there is a maintenance and inspection plan that includes sweeping of impervious surfaces twice per year and cleaning out sump pump basins. He noted further that sediment collection rates will be monitored and clean-outs scheduled accordingly.

In response to a question from Ms. Knapp regarding the accessibility of a grate on the western side of the building for purposes of clean-out, Mr. Canas noted that clean-out hoses can generally reach 70-80 foot distances, but he calculated maximum distances to the grate of approximately 85 feet. As a result, he stated that they would take another look at that grate location and adjust it if necessary.

In response to a question from Ms. White regarding piping adjacent to the grates and the depth of soil in the area with a view towards how the health of nearby trees might be impacted, Mr. Canas explained that the soil level to the bottom of the pipe is about 3.5 feet, with another 2 feet of soil below the pipe.

Ms. Throckmorton reviewed landscaping and lighting plans for the site. Addressing landscaping, she explained that the applicant has focused on the 1-acre parcel, with mid-sized flowering trees proposed along the foundation of the front of the building and a line of 20 junipers (i.e. mid-sized evergreens) along the western property line to provide screening and privacy. She noted a lawn recreation area that is proposed for immediately behind the building on the western side where it is relatively flat. She also stated that vines and invasives will be aggressively removed from the northern area of the site and replaced with shade-tolerant, mid-story shrubs.

Addressing lighting for the site, Ms. Throckmorton stated that the applicant prepared both a 2.5-footcandle and a 1.0-footcandle plan, noting that while 2.5-footcandles are permitted, the 1-footcandle plan is adequate and is the more standard choice for residential sites. She stated that LED lighting is proposed, which is extremely efficient

for down-lighting and no glare. She noted that the proposed fixtures will include a filament that is completely housed within the top portion of the lamp with a frosted lens to soften the effect. She stated that lighting poles, approximately 16 feet in height including the fixtures, are proposed on both sides of the road, with mounted lighting proposed on the north side of the building, all of which will be dark-sky compliant.

Addressing a question from Ms. Knapp regarding the proposed recreation area, Ms. Throckmorton stated that the grate located in that area should not represent a tripping hazard, but she indicated that she would review that specifically with the engineer to determine if it could be moved a little closer to the edge of the property which would also maximize recreational space.

Ms. Throckmorton confirmed that there would not be any doors directly accessing the recreational area, but she explained that the proposed recreational space is the only flat open lawn area available for this purpose.

Mr. Healy stated that he would follow up with the architect regarding roof top equipment and screening.

Ms. White referenced the grading plan proposed along the western side of Old Danbury Road. She questioned if it would be possible to preserve the existing stone wall near the sidewalk area, which she felt would help to preserve a large mature oak tree close to the center of that stone wall. Mr. Healy stated that he would look at that.

Mr. Nerney noted that it would be helpful to determine which trees might be able to be saved. He suggested that perhaps the landscape architect and engineer could get together to discuss the matter.

Mr. Wong referenced issues that were raised by Perry Green residents regarding difficulties with turning out of their site, particularly for left-hand turns. Given the anticipated increase in traffic due to the proposed development, he asked if there is any way to change the timing sequence of traffic signals along Danbury Road to provide a better gap situation for Perry Green residents.

Mr. Galante noted that the Perry Green driveway, located at the crest of the hill, is offset from the existing traffic signal that will be utilized for this development. He felt quite certain that the State would not put in another traffic signal there, noting further that the existing traffic light is a 3-phase operation.

Mr. Comiskey expressed concern that the school bus stop(s) will cause additional back-up/traffic in the area.

Mr. Galante stated that the applicant would consult with the School district about that.

Ms. Poundstone advised the applicant that additional attention needs to be paid to the school bus situation.

Mr. Galante noted for the record that two-thirds of any generated traffic would be traveling south in the morning rush period, with approximately one-third heading northward, resulting in the addition of approximately 5-7 vehicles during the peak hour.

Mr. Wong raised a concern regarding a condition of development at 44 Westport Road that he felt is directly tied to the development of the subject site going forward, referring in particular to a deed restriction preventing the 44 Westport Road parcel from ever being developed under Section 8-30g of Connecticut General Statutes.

Ms. Poundstone stated that the Commission is tasked this evening to deal specifically with the subject application at 31 Old Danbury Road, noting that it would not be appropriate to delve into the 44 Westport Road parcel at this time.

Mr. Nerney stated that the approval or denial of the subject application has no bearing on the 44 Westport Road property. He explained that if a land use commission (such as this Planning and Zoning Commission) were to impose a condition involving certain use restrictions, such an action would not be lawful. However, in this instance, he explained that it is not a condition of a Site Development Plan or of a change of zone but rather a requirement that the applicant has agreed to through negotiations with the Town. He emphasized that the condition referenced earlier has no bearing on the 31 Old Danbury Road parcel or upon the Commission's review of the application this evening.

Ms. Poundstone stated that it is not in the purview of this Commission at all.

Mr. Wong stated that he disagreed entirely, reaffirming his opinion that the condition is connected directly to the development of 44 Westport Road.

Mr. Nabulsi asked how the applicant arrived at a 50-space parking requirement for the site as opposed to a lesser number. Mr. Healy explained that it represented approximately 1.5 spaces per unit, rounded up. Mr. Nabulsi asked whether parallel parking spaces might be considered on the east side of Old Danbury Road rather than head-on, perhaps avoiding dedicated across-the-street parking with a cross walk. Alternatively, Mr. Fiteni suggested perhaps fitting in a few additional spaces on the west side of Old Danbury Road to satisfy the parking quota.

Mr. Nerney noted that parallel parking generally works well on a through street which Old Danbury Road is not. He cited a greater need for turning flexibility on non-through streets, i.e. backing out, k-turns, etc.

P&Z Minutes – 05/11/15 – Page 8

Mr. Nabulsi asked if the applicant could specifically speak to the need for 50 spaces so that the Commission could better understand why that is the correct number for the site. Mr. Nerney suggested that the applicant might also look at other similar-type developments as a reference/guideline for the analysis. Mr. Healy stated that they would look into that for the next meeting.

In response to questions from Ms. Knapp, Mr. Downend confirmed that the elevator is accessible from both parking levels and does provide direct access from handicapped spaces; and also that all places in the building are accessible from the elevator.

Ms. Poundstone asked if anyone in the audience wished to speak for or against the application.

Joel Jones, 1 Powder Horn Hill, asked if any consideration has been given to pedestrian and bicycle traffic along Old Danbury Road, perhaps in the form of a small bridge over the existing swale or an extension of the sidewalk. He felt that such access would be complimentary to the Norwalk River Valley Trail and provide a nice amenity for area residents and persons using Trackside.

Mr. Nerney thought perhaps a gravel walkway with grass on either side for either walking or riding a bicycle could work. Other suggestions included porous pavers or fine stone dust.

Ms. Poundstone asked the applicant to look into the suggestion.

There being no further comments from the Commission or the public, at approximately 8:41 P.M. the Public Hearing was continued until Tuesday, May 26, 2015.

REGULAR MEETING

A. Ms. Poundstone called the Regular Meeting to order at 8:41 P.M., seated members Bufano, Comiskey, Fiteni, Knapp, Nabulsi, Poundstone, Shiue, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. April 27, 2015 – Regular Meeting

MOTION was made by Ms. Knapp, seconded by Mr. Shiue, and carried (8-0) to approve the minutes of April 27, 2015 as drafted.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

- 1. SP#402, Randall Luther, Tai Soo Kim Partners, Inc., Miller-Driscoll School, 217 Wolfpit Road, Building renovations and additions**
- 2. SP#403, Westport Day School, 372 Danbury Road, School for special needs students pursuant to Section 29-6.B.3.s of zoning regulations**
- 3. SP#404, Wilton Youth Football, Inc., Middlebrook School, 131 School Road, renovation of existing grass field to artificial turf**

It was the consensus of the Commission to schedule a public hearing for SP#402 on Tuesday, May 26, 2015, and for SP#403 and SP#404 on Monday, June 22, 2015.

E. PENDING APPLICATIONS

- 1. SDP, Patrick Downend, 31 Old Danbury Road, Construction of 30-unit mixed income housing development pursuant to Section 8-30g of CT General Statutes**

Tabled.

F. COMMUNICATIONS

- 1. Glen River Condo Ass'n, Inc., River Road, Request for revision of Resolution #0415-3Z, General Condition #4**

Mr. Nerney referenced a letter dated April 30, 2015 from Steven Fradianni (M&S Paving and Sealing Inc.) to Planning and Zoning Department requesting a modification to condition #4 of previously approved Resolution #0415-3Z for the Glen River Condo site. Mr. Nerney explained that the contractor was objecting to a time limitation of 9 AM – 2 PM for deliveries and pick-up of earth materials and equipment, although it was noted that minimal trucking of equipment is anticipated since most equipment will be transported in one mobilization and left on the site. He stated that the contractor is requesting an extension of that time window to 7:30 AM-5PM, primarily for the delivery of asphalt during the paving segment of the job, with the understanding that the requested time extension will allow the contractor to complete the job within a 2-3 day time period.

It was the consensus of the Commission that the request was reasonable and in the community's best interest.

G. REPORT FROM CHAIRMAN

- 1. Reports from Committee Chairmen**

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

- 1. SP#401, Calitri Revocable Trust (John Burke, Tr.), 46 Danbury Road, Renovation of gasoline station/convenience store, reconstruction of parking lot, misc. site modifications [Public Hearing – May 26, 2015]**

J. ADJOURNMENT

MOTION was made by Ms. Knapp, seconded by Ms. Bufano, and carried unanimously (8-0) to adjourn at approximately 8:50 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary