

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

WILTON PLANNING & ZONING COMMISSION MINUTES JUNE 8, 2015 REGULAR MEETING

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

ABSENT: Lori Bufano and Peter Shiue (notified intended absences)

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**

Mr. Hulse called the Public Hearing to order at 7:15 P.M., seated members Comiskey, Fiteni, Hulse, Knapp, Nabulsi, and Poundstone, 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 referred for the record to a 2-page response letter dated June 4, 2015 from J. Casey Healy to Planning and Zoning Commission; email interchanges dated May 29, 2015 and June 4, 2015 between Casey Healy and Daphne White; an email dated June 5, 2015 from Wendy Fratino (The Wilton Volunteer Ambulance Corps, Inc.) to Daphne White; email interchanges dated June 8, 2015 between Casey Healy and Daphne White, with attached letter dated May 18, 2015 from Kevin T. Bennett, AIA (Bennett Sullivan Associates) To Whom It May Concern; a 3-page response letter dated June 8, 2015 from J. Casey Healy to Planning and Zoning Commission, with attachments; and email communications among Christopher McNamara (Bennett Sullivan Associates), Casey Healy, Daphne White, and Wendy Fratino (The Wilton Volunteer Ambulance

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Corps, Inc.) dated June 8, 2015 and June 5, 2015.

Present were J. Casey Healy, attorney; Joe Canas, engineer; Kate Throckmorton, landscape architect; and Patrick Downend, applicant.

Mr. Healy referenced his response letter of June 8, 2015, highlighting in particular 1) the square footage dedicated to back lawn area (2703 s.f.), side grassed recreation area (670 s.f.), and viewing deck (350 s.f.); 2) the rationale behind the proposed parking plan, which involved extensive discussions among the First Selectman, Director of Public Works and the applicant; 3) ongoing discussions between the applicant and Wilton School Bus Coordinator Mary Channing to locate the school bus pickup/drop-off at the intersection of Station Road and Old Danbury Road.

With regard to the bus stop location, Mr. Healy explained that an updated traffic study is being conducted to assess whether the number of trips on Station Road exceeds 60 trips per hour during school bus pickup hours, one of the requirements for locating the bus stop at the intersection of Station Road and Old Danbury Road.

With respect to the amount of recreation area proposed for the site, Mr. Nabulsi recalled the Avalon application of some years ago where the same issue arose and he questioned whether there is a regulatory basis upon which the Commission could make a judgment as to the question of recreation area adequacy.

Mr. Wong arrived and was seated at approximately 7:20 P.M.

Mr. Nerney explained that the subject application falls under Section 8-30g of the Connecticut General Statutes and, consequently, the Town's regulatory criteria are not applicable. He explained further that the only test the Commission is permitted to apply is whether public health and safety would be compromised, noting that such a concern would have to outweigh the Town's need for affordable housing.

Addressing the planned traffic study, Mr. Nabulsi expressed concern with the fluctuation of traffic volume on Fridays and during the summer months, during which an understated traffic volume is likely to be derived. He also questioned whether the 60-trip reference applies to both AM and PM school bus hours, noting that there are trains running (and thus more vehicle traffic would be likely) during the AM bus schedule but not during the PM schedule. Mr. Healy stated that he would find out. He also indicated that the applicant would conduct the traffic study this week while school is still in session.

A concern was also expressed regarding children walking along Old Danbury Road without a sidewalk if, in fact, the bus stop must remain at the currently proposed Danbury and Old Danbury Roads intersection.

Mr. Nerney noted Ms. Channing's belief that visibility is good in both directions along the Old Danbury Road to Danbury Road stretch where there is currently only one house, with school-age children who currently walk that stretch. He noted her opinion that it might be a safer option (if the 60 trips/hour is not achieved) than Station Road.

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

Mr. Healy explained that the applicant is hoping to wrap up the application at the next Inland Wetlands Commission (IWC) meeting scheduled for this Thursday, June 11, 2015. It was the consensus of the Commission to continue the subject application, with the understanding that P&Z staff could start preparing a draft resolution of approval after the IWC meeting this Thursday, assuming a favorable determination appears likely.

In response to a question from Mr. Nabulsi regarding an ongoing discussion with the Ambulance Corps concerning elevators, Mr. Healy explained that the elevator meets the Building Code for 84-inch stretchers, referencing in particular an email dated June 8, 2015 from Christopher McNamara (Bennett Sullivan Associates) attesting to same.

Ms. White stated that she checked elevator plans at Wilton Commons, noting that the elevator proposed in connection with the subject application seems to exceed the Wilton Commons dimensions.

There being no further comments from the Commission or the public, at 7:38 P.M. the Public Hearing was continued until June 22, 2015.

2. SP#401, Calitri Revocable Trust (John Burke, Tr.), 46 Danbury Road, Renovation of gasoline station/convenience store, reconstruction of parking lot, misc. site modifications

Mr. Hulse called the Public Hearing to order at 7:38 P.M., seated members Comiskey, Fiteni, Hulse, Knapp, Nabulsi, Poundstone, 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 referred for the record to a 4-page response letter dated June 3, 2015 from J. Casey Healy to Planning and Zoning Commission.

Present were J. Casey Healy, attorney; John Burke, applicant; and Ryan Scrittorale, engineer.

Mr. Healy referenced the aforementioned response letter, noting in particular that 1) "No Parking" pavement markings will be painted along the driveways on the north and south sides of the convenience store building; 2) "Store Parking in Rear" signs will be installed at the north and south sides of the convenience store building; 3) a 4-foot wide sidewalk

will be installed along Danbury Road as long as ConnDOT approves same; 4) north sight lines on both driveways far exceed the 500-foot required minimum, and if the existing forsythia bush (owned by the 40 Danbury Road property) is removed or relocated, the southerly sight lines will be greatly improved.

Addressing the sight line issue, the applicant indicated that he would contact David Fiore (the owner at 40 Danbury Road) to obtain permission to either remove or relocate the forsythia bush. The applicant was of the opinion that Mr. Fiore would not raise any objections although Mr. Nerney cautioned that any resolution of approval could not include a condition that is subject to any 3rd party's agreement.

In response to questions pertaining to signage, Mr. Scrittorale referenced Plan A-1, noting that the applicant would just be refacing the ground sign, while maintaining the same square footage, and removing its existing internal illumination. He noted that the building sign would be removed and the canopy signs would just be changing from Mobil to Citgo, although Mr. Burke stated that he had not yet contracted with Citgo so the rebranding was not yet definitive.

Mr. Nabulsi noted that signage is existing nonconforming and thus is not compliant with current zoning regulations which allow one wall sign and one ground sign. Mr. Nerney pointed out that an argument could be made that the applicant is reducing existing nonconformities by removing the building sign and the internal illumination of the ground sign. However, Mr. Nabulsi noted that the Commission required the Historical Society to fully meet current signage regulations and not simply reduce its then existing nonconformities.

Mr. Nabulsi pointed out the issue of determining how much canopy square footage should be counted towards signage measurements. The applicant noted that if the station stays with Mobil, the existing canopy signage would remain essentially the same except for some blue banding along three sides.

Addressing Mr. Nabulsi's concerns about when it is appropriate to force signage into full compliance in a pre-existing nonconforming situation such as this, it was Mr. Healy's opinion that if the canopy or the flagpole sign were themselves physically changed then it would be appropriate to require total compliance. He cited the recently renovated gas station off Station Road where everything was redone from scratch and full compliance was therefore required. However, in a case such as this, Mr. Healy stated that one generally tries to increase conformity as much as possible, noting that it would be almost impossible to bring the subject site into total conformity given its small size and its nonconforming use right now.

It was the consensus of the Commission, and the applicant agreed, to include a condition of approval requiring that the existing canopy square footage shall not be increased.

The applicant advised the Commission that the gasoline tanks had been relocated on the site plan about 5 feet further away from the canopy per contractors' recommendations.

Mr. Burke explained that they plan to start the work next spring and finish by the fall, noting that the business would have to be shut down during much of the work.

In response to a question from Ms. White regarding proposed light fixtures for the free-standing sign, Mr. Scrittorale stated that the fixtures would be gooseneck style, resulting in less light spillage, and would be more aesthetically pleasing. Mr. Healy stated that the applicant would provide staff with cut sheets.

In response to questions from Ms. White regarding shade trees near parking, Mr. Scrittorale stated that 2 more trees have been provided and plantings were modified to be more salt tolerant. He stated that the applicant is flexible with respect to placement, noting that the dogwood and zelkova locations could be switched if preferred. He acknowledged that some of the proposed shrubs (e.g. hydrangeas and azaleas) would require watering, but he felt that they would bring some aesthetic appeal to the property.

With respect to the lighting specifications that are still outstanding, it was the consensus of the Commission that the hearing could be closed and the outstanding lighting could be subject to staff review.

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 8:05 P.M. the Public Hearing was closed.

3. SP#402, Randall Luther, Tai Soo Kim Partners, Inc., Miller-Driscoll School, 217 Wolfpit Road, Building renovations and additions

Mr. Hulse called the Public Hearing to order at 8:05 P.M., seated members Comiskey, Fiteni, Hulse, Knapp, Nabulsi, Poundstone, 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 referred for the record to a 3-page response letter dated June 4, 2015 from J. Casey Healy to Planning and Zoning Commission, with attachments; an email dated June 1, 2015 from Rocco Grosso to Daphne White; and a memorandum dated June 8, 2015 from Conservation Commission to Planning & Zoning Commission.

Present was J. Casey Healy, attorney.

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Mr. Healy stated that the applicant had not received any comments as yet from the Inland Wetlands Commission (IWC) since its prior meeting was canceled due to lack of a quorum. He noted that the applicant is expecting to present before the IWC this Thursday, June 11th and will return to the Planning & Zoning Commission on June 22nd for whatever follow-up is necessary at that time.

Mr. Healy briefly reviewed responses set forth in the aforementioned response letter of June 4, 2015, noting in particular 1) dumpster details/locations; 2) the rationale behind the applicant's assumed maximum of 880 students (i.e. projections and capacity analysis in the Town Plan was changed subsequent to the 2007 and 2008 estimates); 3) parking methodology utilized (i.e. 189 spaces required versus 199 spaces proposed); 4) recreation area measurements for the K thru 2 paved area (14,350 s.f.), the K thru 2 playscape area (8,800 s.f.), and the pre-K play area (2,350 s.f.).

Mr. Healy also indicated that the applicant would respond to the aforementioned Conservation Commission comments before the next meeting.

A question was raised by Mr. Fiteni as to why the parking calculation was based on 800 pupils instead of the projected 880 enrollment. Mr. Healy noted that even if 880 were used to calculate required parking, the 199 spaces proposed would still be more than what would be required per zoning regulations.

Mr. Wong raised concerns about the inadequacy of parking at the school and inefficient/unsafe traffic loops based on his prior personal experience with the school. He questioned whether the proposed increase in parking and proposed modifications to traffic flow would adequately address what he felt were serious issues on the site.

Mr. Healy noted that parking has been increased substantially from the existing 156 spaces to a proposed 199 spaces, representing an approximate 28% increase. Ms. Poundstone and Mr. Nerney both felt that the proposed traffic flow modifications would provide a better, safer and more efficient flow of traffic.

Mr. Nabulsi questioned the applicant's projection of 109 FTE (Full Time Equivalent) employees on the site, which number was utilized in the calculation of required parking spaces on the site per Section 29-8.B.5.a.(5) of Zoning Regulations. He stated that it did not seem very thoughtful to ignore parking of other/additional cars that are known to also utilize the site, e.g. parents who are regularly on the site to help, etc. Mr. Healy stated that he would raise that issue with the Building Committee and architect.

Mr. Wong felt that the traffic flow modifications, as currently proposed, do not represent a significant improvement to the site. He also expressed concern with the movement/changeover of groups of children in/out of the building during 15-minute lunch/recess breaks, particularly during inclement weather.

Mr. Healy responded by noting that the applicant's full quota of consultants will be present at the next meeting, at which time some of these additional questions/concerns can be addressed.

In response to a request from Mr. Nabulsi, Mr. Healy agreed to provide an additional drawing for the next meeting demonstrating the on-site queuing capacity for 15 buses.

Mr. Fiteni requested additional information on directional signage for the site, especially for the bus queuing and traffic loops, as well as the shared entrances and exits.

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 8:25 P.M. the Public Hearing was continued until June 22, 2015.

REGULAR MEETING

- A.** Mr. Hulse called the Regular Meeting to order at 8:25 P.M., seated members Comiskey, Fiteni, Hulse, Knapp, Nabulsi, Poundstone, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. May 26, 2015 – Regular Meeting

MOTION was made by Ms. Knapp, seconded by Mr. Nabulsi, and carried (7-0) to approve the minutes of May 26, 2015 as drafted.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

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.

2. **SP#401, Calitri Revocable Trust (John Burke, Tr.), 46 Danbury Road, Renovation of gasoline station/convenience store, reconstruction of parking lot, misc. site modifications**

It was the consensus of the Commission that staff should prepare a draft Resolution of approval for vote at the next meeting, incorporating conditions as discussed.

3. **SP#402, Randall Luther, Tai Soo Kim Partners, Inc., Miller-Driscoll School, 217 Wolfpit Road, Building renovations and additions**

Tabled.

F. COMMUNICATIONS

G. REPORT FROM CHAIRMAN

Mr. Hulse referenced an ongoing issue of signage in Town, noting that he had reached out to the public some months ago, but received little or no feedback. He noted that he wrote a follow-up letter which will appear in the local newspapers this week, and which also appeared in Good Morning Wilton last week. He was hopeful that the Commission would receive some constructive feedback/guidance as to what, if anything, needs to be addressed with regard to signage regulations going forward.

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

1. **SP#403, Westport Day School, 372 Danbury Road, School for special needs students pursuant to Section 29-6.B.3.s of zoning regulations [P.H. June 22, 2015]**
2. **SP#404, Wilton Youth Football, Inc., Middlebrook School, 131 School Road, renovation of existing grass field to artificial turf [P.H. June 22, 2015]**
3. **REG#15348, J. Casey Healy, c/o Gregory and Adams, P.C., Amend Section 29-7.E.6 of zoning regulations regarding area/bulk requirements for industrial zones [P.H. July 27, 2015]**
4. **SP#405, Lindquist, 658 Danbury Road, To allow an automotive sales and service facility pursuant to Section 29-6.B.3.o of zoning regulations [P.H. July 27, 2015]**

J. ADJOURNMENT

MOTION was made by Ms. Knapp, seconded by Ms. Poundstone, and carried unanimously (7-0) to adjourn at approximately 8:30 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary