

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

WILTON PLANNING & ZONING COMMISSION MINUTES SEPTEMBER 15, 2015 REGULAR MEETING

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

ABSENT: Bas Nabulsi (notified intended absence)

ALSO

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

PUBLIC HEARINGS

- 1. SP#404, Wilton Youth Football, Inc., Middlebrook School, 131 School Road, renovation of existing grass field to artificial turf**

Mr. Hulse called the Public Hearing to order at 7:15 P.M., seated members Bufano, Comiskey, 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 prior date. Ms. Knapp referred for the record to a letter dated July 10, 2015 from David K. Clune to Planning & Zoning Commission; a memorandum from Anthony F. LoFrisco to Chairman Hulse and Members of the Planning and Zoning Commission, received September 15, 2015; an article by Gillian Mohny titled "Coach Suspended for Two Games After Drill Left Football Players With Blisters and 'Burns'", dated September 10, 2015 and submitted by Frank Simone on September 15, 2015; a copy of an email sent September 15, 2015 from James A. Wright to J. Casey Healy at Gregory and Adams; a memorandum from Dan and Pam Sullivan To Whom it may concern, received July 16, 2015; a letter dated July 21, 2015 from Judith A. Grimm to the members of the Planning & Zoning Commission; two letters from James Andersen

P&Z Minutes – 09/15/15 – Page 2

received July 22, 2015, one dated July 20, 2015 to Members of the Planning and Zoning Commission, and one sent to and published in the Wilton Bulletin; email communications between Robert Nerney and Paul Sobel sent September 14, 2015 and September 15, 2015; and an email from Carol Smith to Bob Nerney, sent September 15, 2015.

Ms. Bufano stated that she was noticed as a neighbor within 500 feet of the subject property, but she did not feel that she had any conflict of interest on the matter.

Present were J. Casey Healy, attorney; Andrew Dyjak, Musco lighting representative; Barry Blades, landscape architect; on behalf of the applicant.

Attorney Paul Sobel, present in the audience on behalf of Will and Eliot Patty, voiced an objection to the introduction of any new information into the record this evening, referencing in particular any materials/testimony from lighting representative Andrew Dyjak, noting that opposing parties would not have adequate opportunity to review the new information submitted.

Anthony LoFrisco of 33 Cider Mill Place, present in the audience, reserved the right to cross-examine the applicant, although he was not officially recognized by the Chair before so doing.

Mr. Healy distributed response packages to the Planning and Zoning Commission dated September 15, 2015, with attached documentation on proposed Musco lighting, BaseZone field wall padding, financial data/cost comparisons, Board of Selectmen Meeting draft minutes from September 8, 2015; and emails of support, all dated September 15, 2015, from Jackie Shaw, JB Brokaw, James A. Wright, and Patrick & Kimberly Burke.

Mr. Dyjak reviewed proposed site lighting, noting that new (since the last time the applicant was before a Town Board) LED technology has enabled a proposed lighting plan that will be safe and effective for all of the Town's anticipated level of sports needs at this location, while also conforming to Town regulations, utilizing the maximum 30-foot pole heights permitted by regulation.

He explained that 8 poles are proposed with 6 LED fixtures for each pole, resulting in a total of 96 aimable light sources per fixture. He noted that reverse-aimed lighting will be installed on 4 of the poles, at a 16-foot mounting height, to provide adequate lighting at the center of the field and to illuminate balls in the air. He confirmed that the reverse-aimed lighting would have no effect on neighboring properties but could not respond to requests for potential impact on birds/migratory patterns. [He did note later, when questioned again about migrating birds, that the sky glare from existing lights would be a lot worse than what is being proposed.]

He also stated that technical maintenance is provided at no extra cost, if/when necessary, to maintain proper aiming of the light sources (which come with a 10-year warranty), and he confirmed that lighting can be controlled via cell phones/apps or via an 800 telephone number, with an additional “drop-dead” override feature if the designated gatekeeper forgets to extinguish the lighting by a certain pre-determined hour.

Mr. Dyjak referenced posted “Illumination Summary” boards (copies of which were included in Mr. Healy’s aforementioned response package), highlighting the technology improvements that have been made in glare/light spillage from 1977 to the present day. He also noted that existing candela/glare readings are equivalent to 5 times that of a high-beam headlight, whereas the proposed lighting would result in virtually no glare on surrounding properties except for a very small area as noted on the posted board.

He acknowledged, in response to Commissioner questions, that there could be a greater amount of spillage for a downhill property since all representations reflect properties at a flat grade, although he emphasized that all relative comparisons (existing vs. proposed) would still hold, and he noted that trees/landscape screening impacts were also not reflected in any of the representations.

In response to questions from the Town Planner, Mr. Dyjak stated that the proposed lighting plan accomplishes the goal of making everything compliant to zoning regulations, noting in particular that the average reading for the site is 1.5-1.7 foot-candles, where 2.5 foot-candles are permitted. He confirmed, in response to a question from Mr. Fiteni, that no other site lighting, e.g. parking lights, building lights, etc., was factored into the foot-candle average submitted by the applicant. He explained that there would be a 99% decrease in lighting intensity as compared to existing lighting, and he stated that there would be no need for any temporary lighting in the field as a result of the proposed lighting modifications.

Addressing further questioning on the issue of temporary lighting, Mr. Healy explained that there are temporary lights in the so-called upper field pointing towards the infield, which are used in the Fall.

Addressing a question from Mr. Wong as to whether the reverse-aimed lighting violates Section 29-9.E.2.i of zoning regulations pertaining to “deliberately induced sky-reflected glare”, Mr. Dyjak stated that the proposed reverse-aimed lights would not be illuminating anything except a ball that is in play.

Mr. Dyjak noted further that there would be an approximate 75% reduction in operating costs in connection with the proposed changes.

Mr. Hulse acknowledged Mr. LoFrisco to the floor.

Referencing a September, 2013 Town hearing involving lighting on the same property, Mr. LoFrisco addressed a number of questions to Mr. Dyjak. He cited statements made by Mr. Dyjak which appeared to be contradictory to his current testimony this evening, referring primarily to issues of safety in connection with 30-foot high poles. Mr. Dyjak stated that he was 100% truthful in his responses back in 2013 as well as in his comments this evening. He cited different technologies available today (which were not available in 2013); including the aimable LED light sources and the reverse-aiming feature that now enable safe and adequate lighting from a 30-foot high pole, both on the ground and in the air so that players are not blinded when gazing upwards.

Mr. LoFrisco also asked about average foot-candle readings on the ground. Mr. Dyjak responded that there would be a 20 foot-candle reading on the field, with the entire parcel average coming in at less than 2.5 foot-candles, as required by regulations.

Mr. Fiteni again objected to the fact that the 2.5 foot-candle average did not include all site lighting in its calculation and thus could not at this point be considered compliant with regulations.

Mr. LoFrisco raised an issue pertaining to the definition of a parcel. He opined that the subject parcel is actually a 109-acre parcel which includes not only the Middlebrook School property but also other Town school properties. It was his position that the entire 109 acres must be factored into the foot-candle calculation in order to comply with regulations, not just the Middlebrook School acreage.

Mr. Nerney confirmed that the Town's tax books show it as a 109-acre parcel encompassing other Town school properties. He stated that the question is how the Commission applies its regulation, i.e. to the entire 109-acre parcel or to just the Middlebrook School site plan as submitted.

Mr. Dyjak confirmed that the calculation was done based on the property lines of the Middlebrook School address for which the lighting is proposed, encompassing approximately 36 acres. Mr. Hulse noted for the record that the application lists the subject property address as 131 School Road, which is the Middlebrook School address.

Mr. Healy summarized the applicant's remaining responses, as per his letter dated September 15, 2015 which was previously entered into the record. He referenced an info/spec sheet for the proposed wall padding, and Barry Blades passed around an actual sample of the wall padding to Commissioners.

Mr. Healy referenced an updated cost comparison for natural grass versus artificial turf that was updated as of August 2015, evidencing an estimated 10-year savings of \$176,200 by utilizing artificial turf, and he stated that Parks and Grounds possesses all the

equipment necessary to maintain the turf fields.

Mr. Healy also noted that the applicant appeared before the Board of Selectmen on September 8, 2015 to confirm that its November, 2014 vote authorizing the submission of applications for approvals to renovate Middlebrook Field included all land use applications. He explained that a motion was made at that meeting to confirm that Youth Football was authorized on the Town's behalf to seek all required land use approvals for the renovation of Middlebrook Field.

Mr. Comiskey sought clarification regarding any anticipated disinfecting schedule, if one exists, for the turf field, noting that 2-4 times/ month seems to be the recommended cleaning frequency for such fields and surrounding areas, due to bodily fluids that can collect on its surface, e.g. vomit, blood, sweat, etc.. He also inquired as to who would be paying for this. Mr. Healy stated that Parks and Grounds would be responsible for maintaining the field. He speculated that it would likely be treated similar to (i.e. no more or less regulated than) the existing turf fields that are currently being maintained by Parks and Grounds.

Mr. Fiteni expressed concern that school children will be using this particular field as part of their daily classes and not by choice, as is the case with athletes. He felt that this is a distinction that needs to be recognized/considered by the Town, setting this field apart from the other turf fields in Town. Members of the audience objected to that assumption, noting that the High School field is used during the day by school children as part of their daily classes and is not used solely by athletes.

Financial concerns were raised concerning replacement costs of existing artificial turf fields. Mr. Nerney noted that such issues are not really within the purview of this Commission but are rather between the Board of Selectmen and the Parks and Recreation Commission.

Mr. Blades addressed a question previously raised by the Commission regarding availability of safer forms of infill rather than the crumb rubber that is being proposed. He explained that crumb rubber offers the best performance, resiliency, durability and longevity, and requires very little maintenance as compared to some of the organic materials, and is one of the lowest-cost products available because it is made from recyclable materials. He noted further that it is felt to be safe and non-toxic.

Mr. Fiteni stated that the applicant did not provide the information/answers to questions on alternative infill products that was requested, but rather provided a justification for utilizing crumb rubber. He noted in particular that the toxicity question is still outstanding.

Mr. Wong stated that he read the submitted study very carefully, noting that the study

analyzed air samples at set heights above the field, but never fully considered/discussed contact or potential ingestion of the material or any other possible hazards that might be present for those playing on such a field. He again expressed concern about individuals who are not on sports teams who will be using the field, and the potential liability that such use might entail for the Town.

Mr. Hulse noted that the material has been approved by the federal government as well as the Connecticut Department of Environmental Protection, noting further that it is being used across the United States.

Mr. Comiskey referenced an article submitted into the record prior to the meeting about a recent Stratford High School incident involving 12 football players who suffered serious burns to their hands from the heat build-up in the artificial turf material. He expressed concern, not just for athletes playing on the field, but also for families with young children who may not be aware of these risks and the potential resulting liability on the Town.

Mr. Healy stated that there have been no issues to date with the Town's 2 existing turf fields, noting that practice generally does not occur during the hottest part of the day. He noted further that the Stratford coach involved in the aforementioned incident was disciplined as a result of the particular drill exercise he imposed on his team, which precipitated said injuries.

Mr. Hulse asked if anyone in the audience wished to speak for or against the application. He advised all who would be speaking that a 2-minute maximum would be imposed.

Jeff Farrar, 90 Scarlet Oak Drive, stated that the Commission was over-thinking the subject application, noting that 12,000 turf fields are currently in existence, including in Arizona's hot/dry climate. He felt that most of the parties opposing the application were motivated by self-interest and he noted that lighting impacts would be reduced by 99% with the new proposal.

Christina Duncan, 121 Middlebrook Farm Road, stated that birds/migratory patterns will probably be okay as long as the lights are shut off periodically, but she stated that she is aware of incidents of burned feet in connection with play on the High School turf field, which have not been brought to anyone's attention due to issues with intimidation. She noted that sanitation is not necessary, and thus is not an issue of concern, in connection with grass fields, and she expressed concern about carbon fiber acting similarly to asbestos, implying that its harmful health effects would likely not show up until years later.

Chris Silva, 58 McFadden Road, stated that he is a coach and he listed injuries that some of his players have suffered on the existing grass fields, including cuts and bruises that

P&Z Minutes – 09/15/15 – Page 7

required treatment with antibiotics, as well as bronchial spasms due to dust/dirt. He noted that the Town currently has 2 turf fields with this same infill material and he urged the Commission to approve the subject application.

Paul Sobel, attorney representing Will and Eliot Patty, objected to the 2-minute time limitation imposed upon him, noting that he should have the right to speak at more length on behalf of his clients. He referenced comment #2 on page 2 of Casey Healy's September 15, 2015 letter to the Commission; he stated that the existing temporary lights on the Little League baseball field are not part of the subject application and therefore it would not be right for the Commission to attempt to legitimize those lights by somehow approving Mr. Healy's request in the aforementioned letter.

Mr. Sobel noted for the record that Mr. Dyjak already made the case during his presentation that the existing lighting violates zoning regulations. As regards the newly proposed lighting, Mr. Sobel objected to allowing Mr. Dyjak's testimony and that additional material/documentation to be entered into the record, noting that this is the first time anyone has had a chance to see it besides the applicant and he/his clients should have a chance to review it and address the Commission on it.

Mr. Sobel stated that the newly proposed lighting violates zoning regulations Section 29-9.E.2 for the following reasons: 1) the average foot-candles calculation doesn't take into account other lighting on the site; 2) the lighting is directed up, not down as required, and induces sky-reflected glare; 3) there is glare extending beyond the property line onto the Patty's property; 4) the testimony provided by the applicant acknowledges their presumption of flat ground, whereas the Patty's property is located at a lower elevation.

Mr. Sobel objected again to the 2-minute time limit when advised by Mr. Hulse that his time was up. Mr. Hulse again explained that this is the open comment portion of the hearing and the time limitation was clearly established earlier for all who wished to speak during this period.

Joyce Andersen, 5 Forge Road, read her husband's letter into the record, citing his frustration with an extremely vocal minority that is against development and who have a "not in my backyard" (NIMBY) attitude, and who would likely prefer that the fields fall into such disrepair that they cannot be used at all. He felt that the objectors are not truly worried about health issues since they are not calling for the removal of the other turf fields in Town. Mrs. Andersen entered into the record a bag of rocks which her husband harvested from the field in only 10 seconds, noting that "kids playing football on rocks simply isn't acceptable".

Woodson Duncan, 121 Middlebrook Farm Road, entered into the record a document entitled "Response to the literature reviews of synthetic turf that conclude 'the fields are safe' ", which included a series of questions to ask of those using reviews as their basis

for concluding that the fields are safe. He noted that his submission also included a list of 12 carcinogens (including carbon fiber that doesn't show up for 30-40 years) that were found in synthetic turf fields per a chemical analysis conducted by Yale University. Mr. Duncan noted for the record that he personally contributed \$50,000 towards an earlier turf field in Town but has since learned about these safety/health concerns associated with the material. He noted that the documentation presented by the applicant relies on a 5-year old study indicating that a tentative conclusion was reached which could benefit from testing of additional fields, and that since then the EPA and the government has distanced itself from this issue. He noted that some high-level class action attorneys are currently working on this issue with a specific focus on health impacts.

Ryan Masterson, 280 Chestnut Hill Road, stated that he played college football for 4 years on a turf field and unless you're on your hands and knees for a long time, there should be no safety issues. He noted that he is a coach and his athletes' injuries have included cuts and twisted ankles due to the current rocky, uneven field conditions, in addition to the fact that they are currently practicing at 7:15 PM in the dark since they have no lighting. He felt that all the money being spent on lawyers and research could better be spent on cleaning the turf fields going forward. He noted that being a passenger and/or driving in a car is riskier than playing on a turf field.

Frank Simone, 69 Charter Oak Drive, felt that the financial costs/impacts of replacing the field is an important consideration and if the Commission could condition an approval on requiring some form of escrow payment or bond for replacement purposes, it would be advisable to protect the Town going forward.

Matt Zeyher, Catalpa Road, questioned all the health issues cited previously, noting for the record that John Hopkins University, a #1 bio-engineering school, just installed another artificial turf field on its campus.

Anthony LoFrisco, 33 Cider Mill Place, read Sections 29-9.E.2.(d) and (e) of zoning regulations, noting that section (e) (pertaining to the 2.5 foot-candle average at ground level) follows directly after section (d) (which limits maximum height of lamp posts to 30 feet). His deduction was that the average foot-candle number should therefore be measured from the lamp post; otherwise the required 2.5 foot-candle average number could easily be backed into by selecting a large enough property area over which an artificial average could be derived. He stated that the interpretation of that particular regulation, as given earlier in the evening, was absurd.

Mr. LoFrisco also addressed a Middlebrook Field use issue. He cited comment #5 of Casey Healy's letter dated June 22, 2015 wherein the applicant requested that any resolution of approval should allow the field to be used for any athletic activity and by Middlebrook School physical education classes. He objected that Wilton Youth Football would ultimately control who uses the field and could, for example, prohibit use by

cheerleaders if it so desired.

David Cook, 60 Stonebridge Road, stated that he represents over 850 children and over 500 families as President of Wilton Lacrosse. He felt that this application represents progress for the Town and would reduce ongoing issues in the Spring, noting that it is important for the Town to move forward. He stated that the Commission's sole job is to decide whether or not the subject application meets its zoning rules/regulations.

Mr. Nerney noted that further discussion among the Commissioners should be conducted later in the evening during the deliberations portion of the meeting. He explained that the Commission has an additional 65 days to render a decision.

MOTION was made by Ms. Poundstone, seconded by Ms. Knapp, and carried (7-1) to close the hearing. Mr. Wong objected.

There being no further comments from the Commission or the public, at approximately 9:05 P.M. the Public Hearing was closed.

The Commission took a short recess and returned at approximately 9:10 P.M.

2. **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**
- and**
3. **REG#15349, 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**

Mr. Healy requested that the two applications be consolidated and heard together.

Mr. Hulse called the Public Hearing to order at approximately 9:10 P.M., seated members Bufano, Comiskey, Fiteni, Hulse, Knapp, Poundstone, Shiue, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

Present was J. Casey Healy, attorney for the applicant.

Mr. Healy briefly reviewed details of the two applications, noting that REG#15348 proposes a maximum of 23.5% building coverage for the DE-5 and DE-10 industrial zones, subject to four conditions as noted in the application. He explained that after submitting that application, he and Town Planner Nerney reviewed regulations in other municipalities for similar zones and discovered that Wilton's current maximum building

coverage of 20% was the lowest as compared to most other municipalities, which led to the applicant's submission of REG#15349, which would allow an increase in building coverage to 25%, with no accompanying conditions, thus allowing property owners to personally manage their own building coverage.

He stated that the applicant would be willing to withdraw one of the applications once the Commission indicates its preference for one over the other.

Ms. Knapp referred for the record to a memorandum dated July 28, 2015 from Jonathan Chew to Robert Nerney; and she read the legal notice dated September 1, 2015 for application REG#15349.

Mr. Healy explained that building owners are finding that the one parking space/300 square feet is not sufficient for contemporary needs and, as a result, tenants are being lost.

Mr. Nerney explained further that the idea is to recognize that greater parking can be accommodated through structured parking and while the first regulation (#15348) was very specific with its associated conditions, the second application (#15349) removes said conditions and increases coverage a bit more (up to 25%), thus allowing the private sector to manage/plan use of its property more wisely. He felt that this would allow Wilton to be more compatible/competitive with other municipalities and also represents an opportunity for the Town to encourage economic development.

It was the general consensus of the Commission that REG#15349 would be the preferred regulation change. The applicant confirmed that no other changes were being proposed in the affected zones.

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 approximately 9:21 P.M. the Public Hearing was closed.

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

Mr. Hulse called the Public Hearing to order at approximately 9:21 P.M., seated members Bufano, Comiskey, 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 referred for the record to a letter dated August 4, 2015 from J. Casey Healy to Planning and Zoning Commission; a letter dated July 30, 2015 from J. Casey Healy to Planning and Zoning Commission with attached "Truck Turning Movement Plan"; a letter dated September 11, 2015 from J. Casey Healy

P&Z Minutes – 09/15/15 – Page 11

to Planning and Zoning Commission, with attachments; and a letter dated September 15, 2015 from Paul F. Hannah, Jr. to Planning & Zoning Commission.

Mr. Shiue noted for the record that his firm is handling the disposition of these CL&P (now Eversource) properties out of its Stamford office, but he has nothing to do with the matter and had therefore not mentioned it previously. He felt that he did not have any conflict of interest in connection with the subject application.

Present were J. Casey Healy, attorney; and Holt McChord, engineer; on behalf of the applicant.

Mr. Healy briefly reviewed his response letter of September 11, 2015, noting in particular that 1) the provisions of Section 29-8.C.4.c.(2) of zoning regulations do not apply since it speaks of 18 contiguous parking spaces whereas the subject site plan proposes only 15 contiguous spaces; 2) approximately 10 vehicles will be held in Mr. Lindquist's used car inventory, some of which will be displayed in the front parking spaces, with the balance stored in the vehicle storage area south of the building; 3) ConnDOT has approved plans for the 2 driveways, subject to certain revisions which McChord Engineering has confirmed will be made, and 4) the Health Department has approved the reserve septic system.

Mr. Healy stated that a signage plan has not yet been prepared, but he confirmed that any signage will comply with the Town's signage regulations.

Mr. McChord reviewed both internal and external drainage for the site, noting in particular that an internal drain, which will flow into an exterior 2000-gallon tank, will be totally separate from any exterior drainage systems, and will be pumped as needed.

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

Paul Hannah, 11 Shagbark Place, spoke on behalf of the application, noting that Mr. Lindquist has serviced his autos very well in the existing service facility over the years. He endorsed the application, noting that it was in accordance with the Plan of Conservation and Development.

There being no further comments from the Commission or the public, at approximately 9:35 P.M. the Public Hearing was closed.

5. SP#406, Westport Day School, 372 Danbury Road, To allow a school to operate in a portion of the 1st floor of existing building pursuant to Section 29-6.B.3.s of zoning regulations

Mr. Hulse called the Public Hearing to order at approximately 9:35 P.M., seated members Bufano, Comiskey, Fiteni, Hulse, Knapp, Poundstone, Shiue, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Ms. Knapp read the legal notice dated September 1, 2015 and she referred into the record a memorandum dated September 15, 2015 from Barry Bogle to Bob Nerney and Daphne White; a 3-page response letter dated September 14, 2015 from J. Casey Healy to Planning and Zoning Commission, with attached 2-page letter from Joseph Canas (Tighe & Bond); a 2-page Planning and Zoning Staff Report dated September 10, 2015, with attached Planning and Zoning Staff Report for earlier application SP#403, dated June 18, 2015; an email sent September 10, 2015 from Thomas Conlan (Wilton Police Department) to Daphne White; and a 4-page response letter dated July 22, 2015 from J. Casey Healy to Planning and Zoning Commission.

Present were J. Casey Healy, attorney; Joe Canas, engineer; and Craig Yannes, traffic engineer; on behalf of the applicant. Also present was Dr. Mark Beitel, clinical psychologist and Co-Director of the Day School.

Ms. Bufano stated that she was noticed as a neighbor within 500 feet of the property, but she did not feel that she has any conflict of interest in connection with the application.

Mr. Healy addressed some outstanding questions/comments, noting in particular that the school will be staffed with a maximum of 20 staff members for 50 students; there will be a small outdoor play area; and there will be some minor modifications to parking.

He noted that Inland Wetlands Commission has issued a minor regulated activity permit for the work that will be within their 100-foot regulated area from the Norwalk River.

Joe Canas reviewed the posted site plan. Addressing the artificial surface for the proposed play area, he stated that the applicant is leaning towards a rubber pad with a grass carpet and sand infill. He highlighted an existing tree and some junipers that will be transplanted, and noted that an existing stockade fence would remain on the northern boundary, and a cedar panel fence would be installed on the western side facing Route 7. He confirmed that dumpster operation on the site will not change.

Mr. Comiskey expressed concern as to whether a barrier of some sort should be required between the cedar fence and Route 7 for safety purposes. Mr. Canas determined that the distance from the fence to Route 7 was approximately 32 feet, and he noted that there are existing trees in that area.

Mr. Wong raised concerns that the Day School will be dismissing approximately 50 students around 2:15-2:30 PM, adding to the already heavy level of congestion/traffic that currently exists at that time in the area of that intersection, and he expressed hope that something can be done to address that situation. Mr. Healy responded that the driveway is controlled by a traffic signal at that intersection, in addition to the fact that some students will likely stay beyond dismissal time.

Mr. Yannes reviewed the traffic study submitted with the application, noting that the traffic splits about evenly between the northerly and southerly directions. Addressing the aforementioned concern about congestion in that area of Route 7, he stated that the projected increase of approximately 50+/- vehicles is not considered significant given the overall volume of traffic on Route 7.

Mr. Healy reviewed his responses to comments/questions, as per his response package dated September 14, 2015 previously entered into the record. He also addressed a Police Department email dated September 10, 2015 indicating that the applicant would be happy to meet with the P.D. School Resources Officer (SRO) to review safety planning and to discuss the services that the SRO offers.

The issue of a possible barrier, e.g. bollard, guard rail, etc. between the cedar fencing and Route 7 was raised again. Mr. Yannes felt that the 30+ foot distance to Route 7, previously measured, would be more than adequate for purposes of safety. However, Mr. Healy asked that if the Commission were to determine that such a barrier is required, the applicant would satisfy whatever the Commission requires but would appreciate being able to work directly with staff so that the hearing could be closed this evening and an approval could be expedited.

Staff observed that site coverage calculations may be slightly understated since the proposed playground will not be entirely pervious, as assumed in the application. It was determined that the subject site is so significantly under its permitted site coverage that the small increase in this instance would not put the parcel over its site coverage maximum as permitted by regulations. Staff asked that the applicant correct its calculations for the record.

Mr. Beitel responded to several questions from the Commission. He stated that the School anticipates starting with approximately 20 students, and expects to grow slowly over a few years up to a maximum of 50 students.

A question was raised about such a school sharing a facility with an office building and whether any problems might arise from such a pairing. Mr. Healy referenced his July 22, 2015 letter in which examples of similar such usage combinations were given. Mr. Beitel explained that when the idea for the School was being developed, research was done on

similar schools in the country and it was found that many such schools were housed in office buildings, and all seemed to be operating/functioning very well.

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 approximately 10:05 P.M. the Public Hearing was closed.

REGULAR MEETING

- A.** Mr. Hulse called the Regular Meeting to order at 10:05 P.M., seated members Bufano, Comiskey, Fiteni, Hulse, Knapp, Poundstone, Shiue, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. July 27, 2015 – Regular Meeting

MOTION was made by Ms. Knapp, seconded by Mr. Poundstone, and carried (7-0-1) to approve the minutes of July 27, 2015 as drafted. Mr. Comiskey abstained.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

1. SP#407, Seshan, 6 Pine Ridge Road, Expansion/renovation of existing garage to accommodate an accessory apartment

It was the consensus of the Commission to accept the application and set a public hearing date for Tuesday, October 13, 2015.

E. PENDING APPLICATIONS

1. SP#404, Wilton Youth Football, Inc., Middlebrook School, 131 School Road, renovation of existing grass field to artificial turf

The Commission began deliberations on the subject application.

It was the consensus of the Commission that a number of issues need to be addressed/discussed further, including:

- The issue of lighting compliance pursuant to Section 29-9.E.2 of zoning regulations, particularly with respect to up-lighting and the proper methodology for calculation of average foot-candles on a site;
- The definition of parcel, specifically whether the subject site should be reviewed from the perspective of a 109-acre parcel or as a 36-acre parcel for purposes of lighting calculations;
- The numerous safety issues that were raised, including but not limited to cleaning/disinfecting the field and monitoring heat levels;
- The issue of potential Town liability since the field will be used as a public facility, i.e. it will be open to the general public, including general school classes, as opposed to just being used by sports associations that might be able to sign waivers of liability;
- Financial considerations raised during the public hearing.

Addressing some of the foregoing concerns, Mr. Nerney noted that the intent of the lighting regulations, particularly as they pertain to up-lighting, is to limit gratuitous lighting, e.g. spotlights/beams at car dealerships, etc. He felt that the nature/purpose of the proposed lighting is to properly illuminate the playing field, primarily from a safety perspective, although he noted that the Town's regulations are ultimately subject to the interpretation of the Commission.

With respect to the parcel size, he observed that the site plan submitted with the application does not include the entire 109-acre parcel; he felt that a sense of practicality must come into play in this type of situation. Commissioners seemed inclined to utilize the 36-acre parcel size for purposes of reviewing the subject application, particularly with respect to lighting calculations.

As regards the foregoing issues, the following points were raised by various Commissioners:

- The overall level of knowledge appears to be greater now than when the other two artificial turf fields were approved, which makes the current approval process different
- Town liability should be considered and addressed, given the anticipated public use of the field

- Lighting measurements need to demonstrate compliance with calculation methodologies as noted in the regulations and if there are any questions in that regard, perhaps some statement of explanation could be included within any resolution of approval addressing the Commission's interpretation
- Conditions of approval could perhaps be utilized to address some of the maintenance/disinfecting concerns, including the possible use of a temperature sensor.

Mr. Nerney advised the Commission that it has 65 days to render a decision. It was the consensus of the Commission to continue deliberations until September 28, 2015 so that it might have more time to review/consider the many issues raised during the hearing process.

2. 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

and

3. REG#15349, 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

The Commission briefly discussed the applications. It was the consensus of the Commission that staff should draft a resolution of approval for **REG#15349**, with the understanding that, upon its passage, the applicant will withdraw **REG#15348**, as promised during the public hearing.

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

The Commission briefly discussed the application. A concern was raised by Mr. Wong regarding a potential conflict within the regulations pertaining to prohibition of display of materials for sale and whether the display of cars on the subject site would fall under that prohibition. It was determined that, by definition, an automotive sales and service facility would involve some display of vehicles. It was also noted that the submitted site plan clearly designates parking areas for storage/display of such vehicles and that any violation of said site plan would become an enforcement issue for the Zoning Enforcement Officer.

It was the consensus of the Commission that staff should draft a resolution of approval for vote at the next meeting, with specific reference made within the resolution to vehicle display limitations as per the submitted site plan.

5. SUB#913, Wheeler, 19 Valeview Road, 2-lot subdivision

The Commission reviewed Draft resolution #0915-1S.

MOTION was made by Ms. Poundstone, seconded by Mr. Hulse, and carried unanimously (8-0) to adopt as amended Resolution #0915-1S for SP#913, effective September 17, 2015.

WHEREAS, the Wilton Planning and Zoning Commission has received a **Subdivision** application **SUB#913** from Carolyn C. Wheeler, for a two-lot re-subdivision located at 19 Valeview Road, in a Single Family Residential “R-2A” District, Assessor’s Map #98, Lot #22, comprising 7.149 acres of land, owned by Gregory W. Wheeler and Carolyn C. Wheeler, as Trustees and shown on the plans entitled:

Topographic & Property Map, prepared for Gregory W. & Carolyn C. Wheeler, prepared by Francis J. Walsh Jr., land surveyor, dated January 5, 2015, revised July 24, 2015, at a scale of 1"=40', no sheet #.

2 Lot Subdivision Feasibility Plan, prepared for Gregory W. & Carolyn C. Wheeler Tr., prepared by Thomas S. Quinn, engineer, dated May 26, 2015, last revised July 26, 2015, at a scale of 1"=40', sheet #SP-1.

2 Lot Subdivision Tree Preservation and Stonewall Protection Plan, prepared for Gregory W. & Carolyn C. Wheeler Tr., prepared by Thomas S. Quinn, engineer, dated May 26, 2015, last revised July 26, 2015, at a scale of 1"=40', sheet #SP-2.

Site Development Plan 2 Lot Subdivision, prepared for Gregory W. & Carolyn C. Wheeler, prepared by Thomas S. Quinn, engineer, dated May 26, 2015, at a scale of 1"=40', sheet #SP-3.

New Construction/Site Development Plan with Erosion Controls, prepared for Gregory W. & Carolyn C. Wheeler, prepared by Thomas S. Quinn, engineer, dated May 26, 2015, last revised July 26, 2015, at a scale of 1"=30', sheet #SP-4A.

New Construction/Site Development Plan with Erosion Controls, prepared for Gregory W. & Carolyn C. Wheeler, prepared by Thomas S. Quinn, engineer, dated May 26, 2015, last revised July 26, 2015, no scale noted, sheet #SP-4B.

New Construction/Slope Plan, prepared for Gregory W. & Carolyn C. Wheeler, prepared by Thomas S. Quinn, engineer, dated July 26, 2015, at a scale of 1"=30', sheet #SP-4C.

WHEREAS, the Planning and Zoning Commission has conducted a public hearing on July 27, 2015 and on September 15, 2015 to receive comment from the public and has fully considered all

evidence submitted at said hearing; and

WHEREAS, the Planning and Zoning Commission has agreed to waive the requirement for the dedication of open space, given the lack of connectivity to adjacent open space;

WHEREAS, the Planning and Zoning Commission has determined that the application is in substantial compliance with the Wilton Subdivision Regulations;

NOW THEREFORE BE IT RESOLVED effective September 17, 2015 the Wilton Planning and Zoning Commission **APPROVES** the two-lot re-subdivision subject to the endorsement and filing of the record Subdivision Map, and subject to the following conditions:

A. GENERAL CONSIDERATIONS

1. It is the responsibility of the applicant to obtain any other permits or licenses required by law or regulation. Governing bodies which may have jurisdiction include the Town of Wilton; the State of Connecticut or the United States Government.
2. No equipment or material shall be deposited, placed or stored in any wetland or water course, on or off site unless specifically authorized by an Inland Wetlands Permit.
3. Housing numbers shall be as follows:

Lot 1 shall remain 19 Valeview Road, (Map#98, Lot#22)

Lot 2 shall become 118 Valeview Road, (Map#98, Lot#22-3)

B. PERTAINING TO (Lot #2, undeveloped lot)

4. Development shall not alter the existing natural site grading and drainage patterns of adjoining properties. Runoff caused by new development, during and after construction, shall be minimized and diverted to natural drainage patterns.
5. Driveways shall be clearly marked to facilitate rapid identification by emergency vehicles.
6. Fuel oil tanks shall only be located above ground or within a basement.
7. The parking of equipment during construction shall be limited to on-site parking only.
8. Any significant change in the build-out of each lot or location and design of infrastructure improvements associated with this application shall be subject to Planning and Zoning Department staff review and approval and may be referred to the Commission if deemed warranted by staff.
9. There shall be no construction activities on the site on Sundays or holidays. The hours of construction shall be between the hours of 7:00 a.m. and 5:00 p.m. Monday through Friday and 8:00 a.m. and 5:00 p.m. on Saturdays, except for interior work within the individual houses.
10. A copy of this resolution shall be given to the project manager of each lot and shall be available on site during construction.

C. PRIOR TO FILING OF FINAL SUBDIVISION MAP

11. The Final Subdivision Plan shall be revised to include the following:
 - a. The address designation within each approved lot as specified herein.
 - b. The note: “Subdivision #913 for conditions of approval see Resolution #0915-1S.
 - c. The existing pool equipment shall be relocated or removed to be in conformance with the required 40’ side-yard setback for Lot #1.
 - d. The subdivision map shall be filed within 90 days following expiration of the appeal period, unless the applicant obtains an extension from the Planning and Zoning Commission.
 - e. The applicant shall provide the Planning and Zoning Department with an electronic copy of the subdivision plan prior to the recording of said plan with the Town Clerk.

D. SUBSEQUENT TO FILING OF THE FINAL SUBDIVISION MAP

12. The applicant shall, within thirty (30) day of the filing of the Final Subdivision Plan, submit the following:
 - a. Eight (8) paper prints of the filed subdivision plan with the Town Clerk’s notations. Said prints shall be signed and embossed by all the appropriate consultants/engineers.
 - b. The record subdivision map shall indicate all watercourses and wetlands on the two lots and shall delineate the limit of disturbance on each lot.
 - c. A Mylar reduction of the approved Subdivision Plan at a scale of 1"=800'.
 - d. Four (4) copies of all other plans and documents as specified herein. Said plans and documents shall bear the seal, signature and license number of the registered professional(s) responsible for preparing appropriate sections of the plans and documents.

**E. PRIOR TO THE ISSUANCE OF A ZONING PERMIT
(For Lot #2)**

13. Prior to obtaining a zoning permit for the re-development of Lot #2, the applicant

- shall submit a site plan for review by the Commission's staff. The site plan shall include a tree and stone wall preservation plan. Such plan shall locate trees with a diameter (caliper) over 16" within the buildable area and 10" diameter (caliper) within the setback areas and the location of stone walls. The plan shall explain why any such tree or stone wall is not being preserved, and shall explain alternate plans that have been considered. All trees and stone walls included in the tree and stone wall preservation plan must be protected during the construction phase and thereafter.
14. The proposed storm drainage for Lot #2 shall be in accordance with the applicant's approved site development plans referenced in the condition above, the storm water analysis and the site plan entitled: New Construction/Site Development Plan with Erosion Controls, prepared for Gregory W. & Carolyn C. Wheeler, prepared by Thomas S. Quinn, engineer, dated May 26, 2015, last revised July 26, 2015, at a scale of 1"=30', sheet #SP-4A. Any change or alteration to planned drainage improvements to either lot shall be subject to the review and approval of Planning and Zoning Commission and/or Planning and Zoning Department staff. Said plan shall be prepared and stamped by a professional engineer and submitted and approved by the Planning and Zoning Department, prior to the issuance of a Zoning Permit.
 15. A bond estimate for all site work shall be provided by the applicant to the Commission's staff, which shall include, but not be limited to sedimentation and erosion controls and a 10% contingency. Such amount shall be approved by the Commission's staff. The bond shall be in a form and amount with proper surety satisfactory to the Commission's Land Use Counsel, and shall be submitted prior to any site disturbance.
 16. Zoning permits involving new construction on Lot #2 shall be accompanied by a hydrology report prepared and stamped by a Connecticut-licensed engineer, if the proposed site development plan differs from the submitted stamped engineering plans reviewed by the Planning and Zoning Commission. The peak rate of runoff shall be attenuated to a pre-development (undeveloped) condition and individual drainage galleries shall be sized and constructed to such standard.
 17. The applicant shall submit revised grading plans for each lot, if the site plans and layouts of each lot are modified at time of development.
 18. Final plans shall be updated to include the Health Department certification block pursuant to Section 3.315 of the Subdivision Regulations.

**F. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE
(For Lot #2)**

19. All utilities for the lot shall be installed underground prior to the issuance of a certificate of zoning compliance.
20. All lot corners shall be pinned and verification from the applicant's Land Surveyor of such lots shall be submitted prior to obtaining zoning compliance for such lot.
21. An as-built plan showing the location of the underground detention system as depicted on the Site Development Plan and as shown on the Subdivision/Feasibility

- Plan, shall be submitted prior to zoning compliance for the lot.
22. An engineer's as-built hydrology report, plan and certification shall be submitted prior to zoning compliance for the lot.
 23. The applicant's land surveyor shall submit an as-built survey indicating post-construction building coverage and site coverage.

-END RESOLUTION-

6. SP#406, Westport Day School, 372 Danbury Road, To allow a school to operate in a portion of the 1st floor of existing building pursuant to Section 29-6.B.3.s of zoning regulations

The Commission briefly discussed the application. Mr. Wong again raised concerns about the congested nature of that intersection and asked whether there is any way the Town could get the DOT to act on that intersection, given that a school will be adding to the existing level of traffic/congestion during peak hours.

Mr. Nerney noted that ConnDot has been looking at that intersection, but has been focusing primarily on the left-hand turn configuration onto School Road from traffic driving northward on Route 7. He explained that the Chief of Police is technically the traffic authority for the Town. After further discussion, it was determined that perhaps a request could be made to the Chief to again review that intersection, not from the perspective of this particular School's traffic alone, but to review the overall level of complexity of the intersection.

It was the consensus of the Commission that staff should draft a resolution of approval for review at the next meeting.

F. COMMUNICATIONS

1. SUB#910, DeRose, 25 Wilton Acres, Discussion pertaining to bond requirements

Mr. Nerney reviewed details of the application. He explained that due to a fairly recent change in Connecticut State Statutes, the Town is now only permitted to bond for erosion control. As a result, the applicant is requesting that a previously approved resolution be modified to be consistent with this new State law pertaining to bonding.

MOTION was made by Mr. Hulse, seconded by Ms. Bufano, and carried unanimously (8-0) to grant the applicant's request that the previously approved resolution in connection with SUB#910 be modified to be consistent with the new State law pertaining to bonding.

G. REPORT FROM CHAIRMAN

1. Reports from Committee Chairmen

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

J. ADJOURNMENT

MOTION was made by Ms. Poundstone, seconded by Ms. Knapp, and carried unanimously (8-0) to adjourn at approximately 11:05 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary