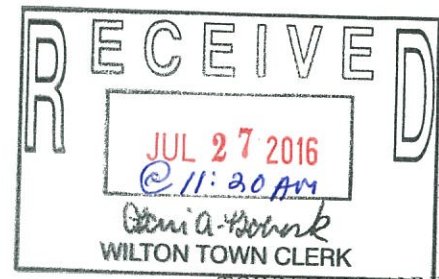


PLANNING & ZONING
COMMISSION
Telephone (203) 563-0185
Fax (203) 563-0284



TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

WILTON PLANNING & ZONING COMMISSION MINUTES JULY 11, 2016 REGULAR MEETING

PRESENT: Chairwoman Sally Poundstone, Vice Chairman Joe Fiteni, Secretary Doris Knapp, Commissioners Scott Lawrence, Andrea Preston, Peter Shiue, Rick Tomasetti, and Franklin Wong

ABSENT:

ALSO

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

PUBLIC HEARINGS

1. SP#413, Best Friends Total Pet Care, 213 Danbury Road, To allow a commercial kennel and veterinary hospital

Ms. Poundstone called the Public Hearing to order at 7:15 P.M., seated members Fiteni, Knapp, Lawrence, Poundstone, Preston, Shiue, and Tomasetti, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Ms. Poundstone noted that the hearing was continued at the request of the applicant. Ms. Knapp read a letter dated July 11, 2016 from J. Casey Healy to Planning and Zoning Commission requesting said continuation until July 25th; and she referenced a memorandum dated July 11, 2016 from Associate Town Counsel Patricia Sullivan to Planning and Zoning Commission.

Ms. Poundstone 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 7:17 P.M. the Public Hearing was continued until July 25, 2016.

2. REG#16354, Parks and Recreation Commission, Amend Section 29-9.E of zoning regulations pertaining to temporary/portable lighting

Ms. Poundstone called the Public Hearing to order at 7:17 P.M., seated members Fiteni, Knapp, Lawrence, Poundstone, Preston, Shiue, and Tomasetti, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

Mr. Wong arrived and was seated at approximately 7:18 P.M.

Ms. Knapp read the legal notice dated June 28, 2016. She later referenced into the record an email chain between Jonathan Chew and Robert Nerney dated June 9, 2016 and June 13, 2016; an email from William Patty to Robert Nerney dated July 7, 2016 and an email from Paul Sobel to William Patty dated July 6, 2015, with attachments; a 2-page Planning and Zoning Staff Report dated July 5, 2016; and a letter dated July 10, 2016 from Will and Eliot Patty to Planning and Zoning Commission with attachments.

Present were Steve Pierce, Director, Parks and Recreation; and Sarah Gioffre, Chair, Parks and Recreation Commission.

Mr. Pierce briefly reviewed the application, noting that the Town has ongoing issues with sports scheduling in the Fall months when daylight hours decrease and would like to use temporary/portable lighting during those times, primarily during the months of October and November; as well as for events such as the Town's 4th of July celebration. He noted that the proposed regulation amendment would permit such lighting only within 1500 feet from Danbury Road.

Mr. Nerney briefly reviewed some history behind the application, noting that Middlebrook School was granted a Special Permit for artificial turf some months ago, but not for lighting, which is currently inadequate on the site. He explained that the intent of the regulation amendment is to provide some additional lighting on other Town/public-owned fields while eliminating some of the use going forward at Middlebrook School. He noted that a Special Permit would still be required for the use of such lighting and thus the usual documentation, including lighting cut sheets, would have to be made available to the Commission at the time of application. He stated that Will Patty, present in the audience, had submitted a somewhat modified version of the proposed lighting amendment, noting that the Commission might want to review both versions and consider aspects of each.

In response to further questions, Mr. Pierce explained that the lights would be temporary and portable/on wheels, and would be rented as needed by the user, noting further that the applicant would have to file a Special Permit for such lighting on an annual basis.

Mr. Nerney noted that the Commission would have the ability to impose conditions with

P&Z Minutes – 07/11/16 – Page 3

respect to hours of operation, the time of year, etc. since it will be a Special Permit application.

Several Commissioners expressed concern with the administrative logistics and the amount of time and work involved with reviewing Special Permit applications for all of the temporary lighting that will be required each year. Some Commissioners questioned why a one-time Special Permit application couldn't be employed that would address the temporary lighting situation once and for all going forward.

Mr. Nerney explained that the proposed amendment has been discussed and embraced by a lot of people and seems to be an approach that addresses the many issues raised over the past few years in connection with this matter. Mr. Pierce explained further that a one-time application would not be practical due to the different needs of the different teams and the annual scheduling process that's involved.

Mr. Fiteni was satisfied with the annual process as proposed; expressing concern that it could devolve into a de facto permanent lighting situation if the Commission is not careful.

Addressing the issue of noise, Mr. Pierce noted that quiet solar-powered generators are available in New Jersey but are fairly scarce at the present time. Mr. Fiteni stated that propane-powered generators are also quiet, although he didn't know how available they are either. Mr. Nerney noted that the Commission will be able to consider noise issues as well via the Special Permit process.

Mr. Pierce indicated that he would have no problem with the amendment version proposed by Mr. Patty.

In response to comments from Mr. Tomasetti, Mr. Pierce stated that they currently have two committees working on the question of where to install artificial turf, noting that they may no longer need a turf field at Middlebrook School going forward.

Mr. Tomasetti noted that this is really about a seasonal need of a few sports teams in Town and he felt that a Special Permit might not be necessary for events such as 4th of July fireworks, etc. which he felt could be better handled by the Zoning Enforcement Officer via a temporary permit.

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

Will Patty, 174 Ridgfield Road, referenced his two communications to the Commission, noting that the July 8th and July 11th amendment versions were the same. He referenced his Attorney's (Paul Sobel's) submitted comments and stated that he would be happy to

P&Z Minutes – 07/11/16 – Page 4

bring Attorney Sobel in to the next meeting if the Commission wished to ask him further questions.

Robin Lynch, 288 Chestnut Road, questioned the safety of the portable lighting (i.e. the quality of the rentals that might be provided) and the resulting liability to the Town that might be incurred with respect to equipment installation, operation, etc.

Addressing the question of Town liability, Mr. Pierce explained that lighting is provided under the auspices of the individual sports organizations, which carry insurance, and thus any liability would be incurred by the organizations themselves and not the Town.

Ms. Lynch entered her letter of concern into the record.

In response to a question from Ms. Knapp, Mr. Pierce stated that no safety protocols/standards are currently in place, although he noted that the goal is to provide safe lighting and a safe environment for all. He stated that he could consult with other Towns to see if they have adopted any safety standards in this regard.

Mr. Nerney stated that Darien uses temporary lighting, noting that it might be worth checking with them.

Sarah Gioffre, Chair of Parks and Recreation, stated for the record that Parks and Recreation unanimously supports the application.

The issue of maximum decibel levels was raised in connection with the generator-driven lighting. Mr. Nerney stated that he was inclined to recommend a maximum of 55 decibels after sunset or, perhaps more generally, during periods of allowed use. With respect to liability, he felt that such issues are not really the concern of a land use board.

Addressing the issue of safety, Mr. Fiteni felt that safety considerations should be addressed during the Special Permit process, perhaps as a condition of approval, although he noted that the language of the amendment as currently written does not require it.

Mr. Nerney indicated that the Commission could discuss these matters further during the regular meeting session.

There being no further comments from the Commission or the public, at 8:25 P.M. the Commission agreed to close the Public Hearing by a vote of (7-1) with Mr. Wong opposing.

REGULAR MEETING

A. Ms. Poundstone called the Regular Meeting to order at 8:25 P.M., seated members Fiteni, Knapp, Lawrence, Poundstone, Preston, Shiue, Tomasetti, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. June 27, 2016 – Regular Meeting

MOTION was made by Ms. Knapp, seconded by Mr. Tomasetti, and carried (6-0-1) to approve the minutes of June 27, 2016 as amended. Ms. Preston abstained.

C. SITE DEVELOPMENT PLAN REVIEW

1. SDP, State of Connecticut Department of Transportation, Owner, Friends of Norwalk River Valley Trail, applicant, Intersection of Sharp Hill Road and Autumn Ridge Road (property known as Assessor’s Map 44, Lot 38), request to establish an 8 space gravel parking area in conjunction with the NRVT trail system.

Present was Pat Sesto, on behalf of the Friends of Norwalk River Valley Trail.

Mr. Nerney explained that the discussion had been continued because the Commission wished to see some changes to the plans and to learn a little bit more about the big picture, i.e. the future of the trail, where the project as a whole may be heading, particularly with respect to parking, etc.

Ms. Sesto briefly reviewed details of the Norwalk River Valley Trail (NRVT), noting that it is a 5-Town effort to develop a 38-mile multi-use trail running from Norwalk north to Danbury. She explained that the all-volunteer group coordinating the development of the Trail did not anticipate some unintended consequences that have arisen, such as the current parking situation at the intersection of Sharp Hill and Autumn Ridge Roads.

Ms. Sesto referenced a full plan of the NRVT, including proposed parking areas, noting that she was before the Commission this evening to request approval of an 8-space parking area at said intersection in order to be responsive to some parking issues that have arisen in the neighborhood where the Trail currently spills out. She explained that the Trail will reach the end of Twin Oaks (which is an abandoned cul-de-sac) sometime this September, and at that time some of the current parking pressures in the Autumn Ridge area should be alleviated. She felt that 8 spaces would be adequate in the long run once other areas of the Trail and associated public parking are developed.

In response to concerns about the 8th parking space and an inability to turn around, Ms. Sesto explained that the parking design is modeled after other parks with an intent to keep the footprint small; however if the Commission insisted then a hammerhead could be incorporated into the site.

Mr. Nerney observed that a hammerhead could potentially make the situation worse since another car may try to utilize it as a 9th parking space.

In response to a question from Ms. Preston regarding adequate demarcation of the eight spaces, Ms. Sesto stated that timber wheel stops will be installed so that people will park properly, noting that if it became a serious issue, other options would be considered.

In response to a question from Mr. Lawrence, Ms. Sesto stated that neither the trail nor the parking lots are maintained in any way during the winter months, noting that people are free to utilize the Trail for winter activities such as snow shoeing, cross-country skiing, etc. during those months.

Addressing the issue of landscaping, Ms. Sesto explained that 2-3 of the black birch trees will probably be lost on the back side. She also noted that red cedars have been proposed for screening along the Autumn Ridge roadway.

Addressing a concern raised by Mr. Tomasetti that the parking needs in this location may be understated, Ms. Sesto felt that it wouldn't be fair to the neighborhood to try to increase parking any further than proposed. She noted that, if necessary, the Police Department will be engaged for enforcement and the use of other parking locations will be encouraged.

Mr. Fiteni suggested that the NRVT group initiate the DOT process with respect to the Twin Oaks cul-de-sac as soon as possible in an effort to move the project along.

The Commission reviewed Draft resolution of approval #0716-1Z.

MOTION was made by Ms. Knapp, seconded by Mr. Shiue, and carried unanimously (8-0) to adopt as drafted Resolution **#0716-1Z** for **SDP (Sharp Hill and Autumn Ridge Roads-NRVT)**, effective July 14, 2016.

WHEREAS, the Wilton Planning and Zoning Commission has received an application for a Site Development Plan from the Friends of the Norwalk River Valley Trail (NRVT), to permit the establishment of a gravel parking lot, adjacent to an existing NRVT trail/park, for property located at the intersection of Autumn Ridge Road and Sharp Hill Road; in an R-2A, Single Family Residential District, Assessors Map #44, Lot #38, and 6.81 +/- acres; owned by the State of Connecticut, Department of Transportation, and shown on the plans entitled:

Sketch Showing Land Leased to Town of Wilton, prepared for The Town of Wilton, Prepared by the State of Connecticut, Department of Transportation, Thomas A. Harley, Civil Engineer, dated January, 2016, at a scale of 1"=40', sheet #1 of 1.

NRVT-Proposed Parking Area, prepared for The Town of Wilton, Prepared by Mike Conklin, Department of Environmental Affairs, not dated, at a scale of 1"=200'.

NRVT-Proposed Parking Area (aerial photo), prepared for The Town of Wilton, Prepared by Mike Conklin, Department of Environmental Affairs, not dated, at a scale of 1"=50'.

NRVT-Proposed Parking Area (street sketch), prepared for The Town of Wilton, Prepared by Mike Conklin, Department of Environmental Affairs, not dated, at a scale of 1"=50'.

Proposed Parking for Norwalk River Valley Trail, prepared for Friends of the NRVT, Prepared by Environmental Land Solutions, LLC, Landscape architects, dated July 6, 2016, at a scale of 1"=30'.

WHEREAS, the Wilton Planning and Zoning Commission reviewed the Site Development Plan on May 9, 2016 and July 11, 2016; and

WHEREAS, the Wilton Planning and Zoning Commission determined the parking lot to be a use accessory to a public park; subject to site development plan review; and

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

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission **APPROVES** the Site Development Plan, to permit the establishment of a gravel parking lot, adjacent to an existing NRVT trail/park, effective July 14, 2016 and subject to the following conditions:

1. This Resolution does not replace requirements for the applicant to obtain any other permits or licenses required by law or regulation by the Town of Wilton, such as, but not limited to: Zoning Permit, Sign Permit, Building Permit, Certificate of Zoning Compliance; or from the State of Connecticut or the Government of the United States. Obtaining such permits or licenses is the responsibility of the applicant.
2. In accordance with Section 8-3.(i) of the Connecticut General Statutes, all work or physical improvements required and/or authorized by the approved Site Plan shall be completed within five years of the effective date of this resolution. This five-year period shall expire on July 14, 2021.
3. The driveway apron shall be subject to review and approval by the Department of Public

Works.

4. During installation of the parking lot, all adjoining public roads shall be swept and kept clean of any earth materials.

SUBMITTAL OF REVISED PLANS AND APPLICATION:

5. Two (2) completed revised sets, (collated and bound) shall be submitted to the Commission's office for endorsement as "Final Approved Plan" by the Town Planner. Said plans shall include all revisions noted above and shall bear an ORIGINAL signature, seal and license number of the professional responsible for preparing each plan or portion of it. Said plans shall include the following notes:
 - a. "According to Section 8-3.(i) of the Connecticut General Statutes, all work in connection with this Site Development Plan shall be completed within five years after the approval of the plan. Said five-year period shall expire on July 14, 2021."
 - b. "For conditions of approval for Site Development Plan, see **Resolution #0716-1Z.**"

- END RESOLUTION -

D. ACCEPTANCE OF NEW APPLICATIONS

E. PENDING APPLICATIONS

1. **SP#413, Best Friends Total Pet Care, 213 Danbury Road, To allow a commercial kennel and veterinary hospital**

Tabled.

2. **SP#414, ASML US, Inc., 77 Danbury Road, To allow an accessory parking garage**

The Commission briefly reviewed Draft resolution #0716-8P.

MOTION was made by Mr. Tomasetti, seconded by Ms. Knapp, and carried (7-1) to adopt as drafted Resolution **#0716-8P** for **SP#414**, effective July 26, 2016. Mr. Wong opposed.

P&Z Minutes – 07/11/16 – Page 9

WHEREAS, the Wilton Planning and Zoning Commission has received a Special Permit application (**SP#414**) from ASML US, Inc. to allow the construction of a 153,869 square foot, three story parking garage and for modifications to adjacent surface parking and lighting, for property located at 77 Danbury Road, in a Design Enterprise “DE-10” District, Assessor’s Map #69, Lot #18, consisting of 29.2548 acres owned by ASML US, Inc. and shown on the plans entitled:

Cover Sheet - Prepared for ASML, Prepared by Langan, dated February 22, 2016, revised June 22, 2016, scale: as noted, sheet #CS001.

Zoning Location Survey Map - Prepared for ASML US, Inc., Prepared by Michael A. Natale, land surveyor, dated April 9, 2015, last revised October 1, 2015, scale: 1”=50’, sheet #EC.1.

Partial Existing Conditions Map - Prepared for ASML US, Inc., Prepared by Michael A. Natale, land surveyor, dated April 9, 2015, last revised October 1, 2015, scale: 1”=30’, sheet #EC.2.

Master Legend & General Notes - Prepared for ASML Parking Garage, Prepared by John D. Plante, engineer, dated February 22, 2016, last revised June 22, 2016, not to scale, sheet #CS002.

Overall Site Plan - Prepared for ASML Parking Garage, Prepared by John D. Plante, engineer, dated February 22, 2016, zoning submission dated April 6, 2016, scale: 1”=50’, sheet #CS100.

Site Plan - Prepared for ASML Parking Garage, Prepared by John D. Plante, engineer, dated February 22, 2016, last revision dated April 6, 2016, scale: 1”=20’, sheet #CS101.

Site Details - Prepared for ASML Parking Garage, Prepared by John D. Plante, engineer, dated February 22, 2016, zoning submission dated April 6, 2016, not to scale, sheet #CS501.

Grading & Drainage Plan - Prepared for ASML Parking Garage, Prepared by John D. Plante, engineer, dated February 22, 2016, last revised June 22, 2016, scale: 1”=20’, sheet #CG101.

Grading & Drainage Details I - Prepared for ASML Parking Garage, Prepared by John D. Plante, engineer, dated February 22, 2016, last revised June 16, 2016, not to scale, sheet #CG501.

Grading & Drainage Details II - Prepared for ASML Parking Garage, Prepared by John D. Plante, engineer, dated February 22, 2016, last revised June 22, 2016, not to scale, sheet #CG502.

Utility Plan - Prepared for ASML Parking Garage, Prepared by John D. Plante, engineer, dated February 22, 2016, revised June 3, 2016, scale: 1”=20’, sheet #CU101.

Utility Details - Prepared for ASML Parking Garage, Prepared by John D. Plante, engineer, dated February 22, 2016, revised June 3, 2016, not to scale, sheet #CU501.

P&Z Minutes – 07/11/16 – Page 10

Utility Details II - Prepared for ASML Parking Garage, Prepared by John D. Plante, engineer, dated June 3, 2016, not to scale, sheet #CU502.

Soil Erosion & Sediment Control Plan - Prepared for ASML Parking Garage, Prepared by John D. Plante, engineer, dated February 22, 2016, last revised June 22, 2016, scale: 1"=20', sheet #CE101.

Soil Erosion & Sediment Control Notes & Details - Prepared for ASML Parking Garage, Prepared by John D. Plante, engineer, dated February 22, 2016, last revised June 22, 2016, not to scale, sheet #CE501.

Landscape Plan - Prepared for ASML Parking Garage, Prepared by Michael Szura, landscape architect, dated February 22, 2016, revised June 22, 2016, scale: 1"=20', sheet #LP101.

Landscape Details - Prepared for ASML Parking Garage, Prepared by Michael Szura, landscape architect, dated February 22, 2016, zoning submission dated April 6, 2016, not to scale, sheet #LP501.

Lighting Plan - Prepared for ASML Parking Garage, Prepared by Michael Szura, landscape architect, dated February 22, 2016, last revised June 22, 2016, scale: 1"=20', sheet #LL101.

Lighting Details - Prepared for ASML Parking Garage, Prepared by Michael Szura, landscape architect, dated February 22, 2016, zoning submission dated April 6, 2016, not to scale, sheet #LL501.

Plan & Profile - Prepared for ASML Parking Garage, Prepared by Langan, engineers, dated June 10, 2, 2016, scale 1"=40'(reduced size), sheet #1 of 1.

Existing Watershed Map - Prepared for ASML Parking Garage, Prepared by Langan, engineers, dated May 24, 2, 2016, scale 1"=30'(reduced size), sheet #EX-WS.

Proposed Watershed Map - Prepared for ASML Parking Garage, Prepared by Langan, engineers, dated May 24, 2, 2016, scale 1"=30'(reduced size), sheet #PR-WS.

Drainage Area Map - Prepared for ASML Parking Garage, Prepared by Langan, engineers, dated February 22, 2, 2016, scale 1"=40'(reduced size), sheet #DA-CB.

1st & 2nd Floor Plan - Prepared for ASML Garage, Prepared by Malcolm G. McLaren, engineer, dated March 23, 2016, scale: 1/16"=1'-0", sheet #A-101.

3rd Floor & Lower Roof Plan - Prepared for ASML Garage, Prepared by Malcolm G. McLaren, engineer, dated March 23, 2016, scale: 1/16"=1'-0", sheet #A-102.

P&Z Minutes – 07/11/16 – Page 11

Roof Plan - Prepared for ASML Garage, Prepared by Malcolm G. McLaren, engineer, dated March 23, 2016, scale: 1/16"=1'-0", sheet #A-103.

Elevations - Prepared for ASML Garage, Prepared by Malcolm G. McLaren, engineer, dated March 23, 2016, scale: 1/16"=1'-0", sheet #A-300.

Average Grade Calculation - Prepared for ASML Parking Garage, Prepared by Langan, dated April 6, 2016, scale: 1"=20' (reduced copy), sheet #CG101.

Building Elevation/Proposed Design - Prepared for ASML Campus Parking Garage, Prepared by HLW International, LLP, dated May 23, 2016, 11"x17" color copy.

Section Diagram/Roof Light Pole Visibility Study - Prepared for ASML Campus Parking Garage, Prepared by HLW International, LLP, dated May 23, 2016, not to scale - 11" x 17".

Lighting Roof Plan/Light Level Diagram - Prepared for ASML Campus Parking Garage, Prepared by HLW International, LLP, dated May 23, 2016, not to scale - 11" x 17".

Building Elevation/Exterior Lighting Fixtures - Prepared for ASML Campus Parking Garage, Prepared by HLW International, LLP, dated May 23, 2016, not to scale - 11" x 17".

WHEREAS, the Wilton Planning and Zoning Commission conducted a public hearing on May 23, 2016 and continued said hearing to June 13, 2016 and June 27, 2016 to receive comment from the applicant and the public and has fully considered all evidence submitted at the hearing; and

WHEREAS, the Planning and Zoning Commission has given due consideration to a favorable report from the Inland Wetlands Commission; and

WHEREAS, the Wilton Planning and Zoning Commission acknowledges that the submitted plan resulted in a decrease of site coverage; and

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

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission **APPROVES** Special Permit #414 to allow the construction of a 153,869 square foot, three story parking garage and for modifications to adjacent surface parking and lighting at 77 Danbury Road, effective July 26, 2016 subject to the following conditions:

This Resolution does not replace requirements for the applicant to obtain any other permits or licenses required by law or regulation by the Town of Wilton, such as, but not limited to: Zoning Permit, Sign Permit, Building Permit, Certificate of Zoning Compliance; or from the

P&Z Minutes – 07/11/16 – Page 12

State of Connecticut or the Government of the United States. Obtaining such permits or licenses is the responsibility of the applicant.

In accordance with Section 8-3.(i) of the Connecticut General Statutes, all work or physical improvements required and/or authorized by the approved Site Plan shall be completed within five years of the effective date of this resolution. This five-year period shall expire on July 26, 2021.

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

A bond estimate for all site work shall be provided by the applicant to the Commission's staff, which shall be limited to soil and erosion control measures, specifically silt sacks 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 the issuance of a zoning permit.

The applicant shall provide temporary off-site employee parking during times of construction at locations proffered at the Planning and Zoning Commission public hearing or at alternative location deemed acceptable by the Planning and Zoning Commission Staff. Evidence of alternative parking arrangements (i.e., lease agreement) shall be provided to the Staff prior to issuance of a Zoning Permit.

The Zoning Location Survey Map and the Partial Existing Conditions Map shall be signed and sealed by the applicant's surveyor prior to the issuance of a zoning permit.

The applicant shall install new and relocated lighting as presented to and reviewed by the Planning and Zoning Commission. This includes light fixtures consistent with submitted lighting plans within both the garage and designated surface parking areas.

There shall be no signage on the proposed garage structure, other than the directional signage shown on the architectural elevations.

Pursuant to Section 29-8.C.4.c.(2), the applicant shall provide one shade tree and three shrubs per 12 parking spaces, within or adjacent to the proposed and modified parking areas near the parking garage and the modified parking area near the railroad tracks. The location of such plantings shall be subject to staff approval and shall be shown on the final landscape plan.

Hours of construction shall be permitted Monday through Friday between the hours of 7:30 a.m. and 6:00 p.m. and Saturday between the hours of 8:00 a.m. and 5:30 p.m. No construction shall be permitted on Sunday or legal holidays. Said condition shall not apply to any construction activity occurring within any fully-enclosed interior of the building.

Submittal of revised plans and application:

Two (2) completed revised sets, (collated and bound) shall be submitted to the Commission's office for endorsement as "Final Approved Plan" by the Town Planner. Said plans shall include all revisions noted above and shall bear an ORIGINAL signature, seal and license number of the professional responsible for preparing each plan or portion of it.

Said plans shall include the following notes:

- a. "Pursuant to Section 8-3.(i) of the Connecticut General Statutes, all work in connection with this Special Permit shall be completed within five years after the approval of the plan. Said five-year period shall expire on July 26, 2021."
- b. "For conditions of approval for Special Permit #414, see Resolution **#0716-8P**

Prior to the issuance of a certificate of zoning compliance:

The applicant shall submit an as-built photometric plan of the lighting on the parking garage roof to reflect the approved rooftop photometric plan, and shall submit documentation verifying the installation of the approved light fixtures, prior to the issuance of zoning compliance.

The applicant shall submit an as-built plan of the subsurface drainage and a letter from the applicant's engineer verifying the installation of the subsurface drainage and the conformance with the engineer's site plan approved by the Planning and Zoning Commission, prior to the issuance of a certificate of zoning compliance.

Prior to the issuance of a zoning certificate of compliance, the applicant shall furnish the Planning and Zoning Department with an as-built survey of the property. Said survey shall depict the location of all buildings/structures and parking areas and shall include building and site coverage calculations.

Prior to the issuance of a zoning certificate of compliance, the applicant shall furnish the Planning and Zoning Department with as-built average grade calculations.

-END RESOLUTION-

3. SP#416, Sound Management Group, 21 Trails End Road, To allow an accessory dwelling unit

The Commission briefly reviewed Draft resolution #0716-9P.

MOTION was made by Ms. Knapp, seconded by Mr. Fiteni, and carried unanimously (8-0) to adopt as drafted Resolution **#0716-9P** for **SP#416**, effective July 14, 2016.

WHEREAS, the Wilton Planning and Zoning Commission has received a Special Permit **SP#416** application from Sound Management Group for approval of the establishment of an 770 square-foot accessory dwelling unit within an existing pool house, for property located at 21 Trail's End Road; in a Residential "R-2A" District, Assessor's Map #137, Lot #37-2, consisting of 7.0962 acres, owned by Sound Management Group and shown on the plans entitled:

Limited Property/Boundary Survey Consolidation of Lots- Prepared for Sound Management

P&Z Minutes – 07/11/16 – Page 14

Group, Prepared by Walter H. Skidd, land surveyor, dated December 6, 2013, drawn at a scale of 1" = 40'.

Construct Pool House- Prepared for Goudis Residence, Prepared by Edward A. Sandor, builder, dated September 30, 2007, scale as noted, sheet #A-1.

WHEREAS, the Wilton Planning and Zoning Commission conducted a public hearing on June 27, 2016 to receive comment from the public and has fully considered all evidence submitted at said hearing; and

WHEREAS, the Wilton Planning and Zoning Commission has determined that the application is in substantial compliance with the Wilton Zoning Regulations and, in particular, those requirements governing accessory dwelling units;

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission **APPROVES** Special Permit #416 to allow for the establishment an 770 square-foot accessory dwelling unit within an existing pool house, for property located at 21 Trail's End Road, effective July 14, 2016 subject to the following conditions:

1. This Resolution does not replace requirements for the applicant to obtain any other permits or licenses required by law or regulation by the Town of Wilton, such as, but not limited to: Zoning Permit, Sign Permit, Building Permit, Certificate of Zoning Compliance; or from the State of Connecticut or the Government of the United States. Obtaining such permits or licenses is the responsibility of the applicant.
2. In accordance with Section 8-3.(i) of the Connecticut General Statutes, all work or physical improvements required and/or authorized by the approved plan shall be completed within five years of the effective date of this resolution. This five-year period shall expire on July 14, 2021.
3. Prior to the issuance of a Zoning Permit, an updated survey confirming the lot acreage shall be submitted to the Planning and Zoning Department.
4. The applicant shall file a Land Record Information Form with the Town Clerk (form to be provided by the Planning and Zoning Department), prior to the issuance of a zoning permit.
5. Prior to the issuance of a zoning permit the owner shall revise the affidavit to state that the owner resides in the principal dwelling located at 21 Trail's End Road.
6. Prior to occupancy, the applicant shall obtain a Zoning Permit and a Zoning Certificate of Compliance from the Planning and Zoning Department and, if deemed necessary, a Certificate of Occupancy from the Building Department.

Submittal of revised plans and application:

7. Two (2) completed revised sets, (collated and bound) shall be submitted to the Commission's office for endorsement as "Final Approved Plan" by the Town Planner. Said plans shall include all revisions noted above and shall bear an ORIGINAL signature, seal and license number of the professional responsible for preparing each plan or portion of it. Said plans shall include the following notes:

a. "Pursuant to Section 8-3.(i) of the Connecticut General Statutes, all work in connection with this Special Permit shall be completed within five years after the approval of the plan. Said five-year period shall expire on July 14, 2021."

b. "For conditions of approval for Special Permit #416, see **Resolution #0716-9P.**"

-END RESOLUTION-

4. REG#16354, Parks and Recreation Commission, Amend Section 29-9.E of zoning regulations pertaining to temporary/portable lighting

The Commission briefly discussed the application. Several Commissioners again expressed concern that the Town and local sports organizations will have to deal with lighting issues every year via the Special Permit process, as per the proposed amendment. Mr. Fiteni felt that the proposed amendment represented a reasonable solution for the time being, noting that the applicant indicated that permanent ideas and a long-term solution are in the works.

Staff was directed to prepare a draft resolution of approval, with the addition of safety and decibel level language, for vote at the next meeting.

F. COMMUNICATIONS

The Commission scrambled the agenda to hear items #2 and #3 prior to item #1.

2. SUB#915, 183 Ridgefield Road, LLC, Request for second 90-day extension of September 7, 2016 deadline to file Subdivision Mylar pursuant to CT General Statutes Section 8-25(a)

The Commission briefly discussed the application.

MOTION was made by Ms. Preston, seconded by Ms. Knapp, and carried unanimously (8-0) to grant a second 90-day extension of September 7, 2016 deadline to file Subdivision Mylar pursuant to CT General Statutes Section 8-25(a).

3. MR#144, Mandatory Referral from the Wilton Board of Selectmen concerning the discontinuance of Two Rod Highway

Mr. Nerney gave a brief overview of the site, noting that it is located at the end of Wampum Hill Road on the border with Weston. He explained that it is an historically mapped right-of-way corridor whose origins date back to the 1700s, with a number of properties fronting it. He noted that it does not in any way resemble a roadway currently, and is essentially impassable for vehicle use, although he noted that it was ruled by the Court, as part of an appeal 6-7 years ago, to be a Town road.

He explained that the Town is proposing to discontinue the roadway, thereby removing maintenance and liability issues, which would result in ownership reverting back to the landholders on each side. He explained that an easement of necessity would allow property owners access to their parcels. He noted that if the road is not discontinued, property owners could try to subdivide their properties in the future, creating a potential for future litigation and/or substantial monetary liability for the Town if property owners decide to ask the Town to upgrade the roadway for them.

In response to concerns expressed by several Commissioners regarding personal property rights, Mr. Nerney explained that a road discontinuance, per recent litigation, does not strip property owners of their rights to develop and/or free cut their properties, although it would prevent them from subdividing their parcels in the future. He explained further that the decision rests with the Board of Selectmen and then ultimately goes to a Town vote, noting that the Commission should be looking at this primarily from the perspective of compatibility with long-range plans for that area of the Town. In that regard, Mr. Fiteni noted that the Plan of Conservation and Development shows that area as open space.

After some further discussion, the Commission could not reach a consensus on the matter and requested that it be continued until July 25th to allow additional time to review the Town's Plan of Conservation and Development.

G. REPORT FROM CHAIRMAN

Ms. Poundstone advised the Commission that a nomination for the anticipated opening on the Commission had been received from the Democratic Town Committee. Mr. Nerney noted that a special meeting could be held to interview the proposed candidate. A special meeting was tentatively scheduled for 7 PM on July 25th, prior to the regularly scheduled meeting.

H. REPORT FROM PLANNER

Mr. Nerney passed out a list of the newly instituted Town email addresses.

I. FUTURE AGENDA ITEMS

- 1. SUB#916, LTWJ, LLC, Cannon Road, 8-lot subdivision
[P.H. July 25, 2016]**
- 2. SP#417, Palmer-Smith, 320 Cannon Road, To allow an accessory dwelling
unit [P.H. Sept. 12, 2016]**

J. ADJOURNMENT

MOTION was made by Ms. Knapp, seconded by Mr. Tomasetti, and carried unanimously (8-0) to adjourn at 10:25 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary