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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 31, 2017 SPECIAL MEETING**

PRESENT: Chairman Joe Fiteni, Vice Chairman Scott Lawrence (called in on conference line), Secretary Doris Knapp, Commissioners Tierney O'Hearn, Sally Poundstone, Andrea Preston, Melissa Rotini, and Peter Shiue

ABSENT: Rick Tomasetti (notified intended absence)

ALSO

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

Mr. Fiteni noted that the meeting was being simulcast to Meeting Room B in the main Town Hall for spill-over crowds, if needed. He also noted that attorney Peter Gelderman was sitting in for Town Counsel Ira Bloom who was not available this evening.

PUBLIC HEARINGS

1. REG#17359, To revise Section 29-5.F.4 (2).d of Zoning Regulations pertaining to the Age-Restricted Overlay District

Mr. Fiteni called the Public Hearing to order at approximately 7:17 P.M.

Ms. Rotini recused herself and left the meeting room.

Mr. Fiteni seated members Fiteni, Knapp, Lawrence, O'Hearn, Poundstone, Preston, and Shiue, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

Ms. Knapp referenced into the record a letter dated July 31, 2017 from Samuel E. Gardner and Marci B. Sternheim to Planning and Zoning Commission.

Present was Chris Russo, attorney for the applicant.

***MINUTES HAVE NOT BEEN REVIEWED BY THIS COMMISSION AND MAY BE SUBJECT TO REVISION IN FUTURE MINUTES.**

Mr. Russo briefly reviewed a history of the application, noting that he wished to address in particular the second part of the application pertaining to a moratorium request. He discussed the requirements for a valid moratorium, including that it must be limited in scope and for a limited time period, both of which he felt were satisfied in the moratorium request made by the applicant. He stated that a moratorium is necessary to provide adequate opportunity for public input going forward via the Plan of Conservation and Development (POCD) rewrite process, referencing in particular the opportunity for Town organization/commissions such as Historic District Commission, Land Conservation/Open Space, Norwalk River Watershed, etc. to participate; which input he felt was not available and very restricted due to the inherent statutory/timeline constraints of the public hearing process. He felt that the best option for the public to be heard and to participate in a non-hostile manner regarding these types of issues is during the POCD process, and he felt that the moratorium would provide the necessary time for such discussions to take place.

Ms. Knapp was troubled by the applicant's repeated references to the public hearing process as being hostile. Ms. Poundstone seconded her concerns, citing in particular some of the inappropriate remarks that were made by audience members at some of the meetings. Mr. Russo clarified that it was no particular party that he felt was hostile but rather the controversy that arouses a lot of passion on both sides, creating a hostile environment by nature of the issue itself.

Mr. Fiteni raised some technical issues. He asked why the second part of the application, pertaining to the moratorium, isn't moot given that there is no AROD regulation currently in place; and he also noted that while the applicant defined the terms of the requested moratorium this evening to be until a new POCD is adopted, the application itself includes no such language, but rather states the timeframe as "until such time as a final determination of this application is made".

Mr. Russo noted that even though the regulation has been rescinded/removed, the goal of the application, particularly as it relates to the moratorium, is and has been clear.

Mr. Gelderman stated that a moratorium is viewed as a text change and, as such, is required to be filed with the Town Clerk, which he noted it wasn't. He explained that the proposed regulation text has no language in it pertaining to a moratorium; thus, the requested moratorium was not formally submitted as a text change. He stated that there is a significant difference between a formal text change request and a letter indicating a request for a moratorium. He referenced as a proper example a recent application for a moratorium from Patricia Frisch which proposes specific text amendments to be incorporated into the regulations. He also referenced the language of the timing of the moratorium, previously noted by Mr. Fiteni, as a further issue.

Mr. Lawrence stated that he was confused by the applicant's apparent expansion of the moratorium request, noting that he didn't see this enlarged scope in the original application that was submitted to the Commission. He noted further that the Commission has no AROD regulation in place upon which it could act and he felt that the applicant was reaching beyond the original scope of its application. Mr. Russo indicated that he had been clear about the scope of the moratorium request at the first public hearing, at which time an AROD regulation was in effect. He noted further that the Commission had never actually ruled on the matter due to the regulation being rescinded and thus a final determination was never actually made. He asked that the Commission cast its vote on the applicant's original request to remove Ridgefield Road from the rescinded AROD regulation by granting the moratorium as requested.

Mr. Fiteni stated that an AROD regulation no longer exists, no matter the way we arrived at that situation, making all assumptions moot.

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

Leonard Braman, attorney for 183 Ridgefield Road, LLC, distributed handouts to the Commission, staff and applicant's Counsel, titled "Wilton 2010 Plan of Conservation and Development". He referenced the POCD's emphasis on a need for more diversity of housing in Town, particularly to meet the needs of seniors and the elderly, noting that the original AROD regulation thus represented good planning and good policy on the part of the Commission. He cited the growing elderly population in Town and the many other surrounding Towns that do currently offer such housing opportunities to its senior citizens. He stated that the moratorium sought by the applicant is not for the benefit of all residents of Wilton, but rather for just those living on Ridgefield Road, which he felt didn't make sense.

Mr. Braman stated that the Commission lacks the power to grant said moratorium, noting that the original application requested a moratorium "until such time as a final determination of this application is made", and the legal notice indicated same. He referenced a Supreme Court case on point wherein a text change was ruled invalid because a copy of the proposed text change was never given to the Town Clerk. He stated that no formal text amendment was ever submitted on the matter of the moratorium, noting that it was only presented orally, and thus the Commission has no legal authority to grant it. He noted further that there is no underlying AROD regulation upon which to institute a moratorium.

Patricia Frisch, 166 Ridgefield Road, stated that she has no argument with the fact that the POCD of 2010 strongly supports the need for alternative diverse housing and housing for a growing aging population, only that it should not be allowed on Ridgefield Road. She felt that a moratorium would specifically allow for a more robust discussion. She also felt that there has been a satisfaction of the text requirement, noting that the

application clearly indicates what is sought and the applicant's attorney elaborated on the matter as well. She noted that since the Commission has not actually made a decision on the application (since the regulation was rescinded), the question of the moratorium is not moot. She urged the Commission to adopt the proposed moratorium.

There being no further comments from the Commission or the public, at approximately 8:16 P.M. the Public Hearing was closed.

Mr. Fiteni noted that the Commission would not be discussing this matter during the regular meeting later this evening, noting that it has 65 days to act on the matter.

2. SP#430, CPS Holdings, LLC, 759 Danbury Road, For operation of a commercial kennel

Ms. Rotini returned to the meeting room.

Mr. Fiteni called the Public Hearing to order at approximately 8:19 P.M., seated members Fiteni, Knapp, Lawrence, O'Hearn, Poundstone, Preston, Rotini, and Shiue, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. He noted that the application was continued from a previous date.

Present were Doug Bayer, attorney; Chris Santopietro, applicant; and Steve McAllister, engineer.

Mr. Bayer referenced a posted site plan, noting that the applicant is proposing construction of a 2-story building in the rear of the property at 759 Danbury Road. He explained that the business use would be categorized as a commercial kennel, although it would not literally be operating as such. He distributed a Storm Water Management Report dated July 28, 2017, a 6-page response letter dated July 31, 2017, with attached land record information form dated May 15, 2017 and revised Form B – Zoning Data; and a revised site development plan dated July 31, 2017.

Mr. Santopietro explained the nature of his business, which was established in 1997, noting that his dogs are highly trained in the business of goose management, leaving for work early in the morning and returning in the evenings after visiting 15-18 sites per day, including corporate parks, schools, cemeteries, etc. He stated that the business will not be boarding any outside dogs. In response to questions from the Commission, he stated that there are currently 10 dogs, but he indicated that the number could increase if and as the business grows; Honda Fits are utilized for transport; some cars will go home with employees, leaving approximately 3-5 cars on the site at any given time so that parking will be adequate; the apartment will be occupied by his mom who is also an employee.

Mr. McAllister reviewed additional site details, including parking space locations, driveway access and dry well details. He noted that dogs will relieve themselves mornings and evenings in the rear fenced-in area of the site. He indicated that he would review the question of wetlands in the rear yard area of the site with Director of Environmental Affairs Mike Conklin.

With regard to waste products, Mr. Santopietro confirmed that a doggy pick-up service will be utilized and waste will be picked up daily, immediately after dogs relieve themselves. He noted that approximately 6 inches of cedar wood chips, which will be replaced yearly, will be utilized instead of grass to help with the absorption of urine.

Regarding a Health Department issue concerning proximity of an existing 1980s septic system with a well that was drilled on the neighboring property in 2008 – a situation that would not be permitted to exist today – Mr. Bayer stated that the applicant will likely have to demonstrate room for a septic reserve system outside of the 75-foot well radius, which he acknowledged is not a zoning issue but which will have to be addressed prior to issuance of any building permit for the site. Mr. Nerney noted further that the Town Sanitarian has agreed that the Commission may move forward on the application with the understanding that this State health code issue will have to ultimately be resolved and that the applicant is fully aware of the situation.

Regarding the question of an existing driveway encroachment onto property owned by the State of Connecticut, Mr. Bayer stated that the applicant will explore removal of the encroachment with the State, but he could not represent any resolution of the matter at this time since the applicant is not the current owner of the property.

Regarding the issue of protecting the property from turning into a traditional kennel, Mr. Bayer stated that the applicant is willing to accept permit limitations in that regard.

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

Kyle Wilson, 763 Danbury Road, stated that he and his wife, who are the neighboring property owners, are in full support of the application. However, he wanted to reiterate the heretofore referenced well issue to be sure it was on the record.

Jim Waters, 743 Danbury Road, expressed full support of the application but noted a concern regarding the potential number of dogs on the site. He felt that as a business owner next door, the number of dogs should be limited to 20 maximum.

Sarah Wilson, 763 Danbury Road, noted for the record that the well distance from the existing septic is 32 feet where 75 feet is required by the State. She requested clarification as to the kennel limitations discussed earlier. Mr. Bayer explained that the applicant would not want to be limited to boarding of dogs solely in connection with

geese management, but would be amenable to a limitation on the boarding of working dogs owned by the then-occupant in connection with his business.

A short discussion ensued regarding the limitation of dogs on the site. Mr. Bayer stated that as a practical matter a limitation of 20 dogs would be acceptable provided the applicant has the ability to come back before the Commission at a future date should a greater need be determined.

Mr. Bayer confirmed that lighting will meet regulations and will be subject to staff approval.

The Commission decided to close the hearing this evening with the understanding that it is awaiting comment from Director of Environmental Affairs Conklin before a resolution can be drafted.

There being no further comments from the Commission or the public, at approximately 8:52 P.M. the Public Hearing was closed.

REGULAR MEETING

- A.** Mr. Fiteni called the Regular Meeting to order at approximately 8:53 P.M., seated members Fiteni, Knapp, Lawrence, O’Hearn, Poundstone, Preston, Rotini, and Shiue, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.
- B. APPROVAL OF MINUTES**
- C. SITE DEVELOPMENT PLAN REVIEW**
- D. ACCEPTANCE OF NEW APPLICATIONS**

Mr. Nerney noted for the record that a new application was submitted late Friday, July 28th, by Patricia Frisch which, by State statute, is deemed accepted at either the next regularly scheduled meeting or 35 days from date of receipt, whichever is earlier. He further explained that since the next regularly scheduled meeting is not until September 11, 2017, the application is deemed accepted as of September 1, 2017 (35 days from receipt) for purposes of establishing the start of the statutory timeline. He stated that a hearing date for the application would be determined at the September 11, 2017 meeting.

E. PENDING APPLICATIONS

1. **REG#17359, To revise Section 29-5.F.4 (2).d of Zoning Regulations pertaining to the Age-Restricted Overlay District**

Tabled.

2. **SP#431, 211 Danbury Road, LLC, To allow a 90-unit assisted living facility pursuant to Section 29-4.D.6 of the Zoning Regulations of the Town of Wilton; for property located at 211 Danbury Road; Assessor's Map #71, Lot #43, consisting of 3.58+/- acres; owned by Young's Nurseries Inc.**

The Commission briefly reviewed draft Resolution #0717-8P.

MOTION was made by Ms. Knapp, seconded by Ms. Poundstone, and carried unanimously (8-0) to adopt as drafted Resolution #0717-8P for SP#431, effective August 4, 2017.

WHEREAS, the Wilton Planning and Zoning Commission has received Special Permit application **SP #431** from 211 Danbury Road, LLC to allow the construction of an assisted living facility for ninety (90) units, including nine (9) affordable units, for property located at 211 Danbury Road, located in both a GB, General Business District and in a Single Family Residential (R-1A) District, Assessor's Map #71, Lot #42 and Assessor's Map #71, Lot #43, 3.814± acres, owned by Young's Nurseries Inc. and shown on the plans entitled:

Vicinity Map-Prepared for 211 Danbury Road, LLC, Prepared by Douglas R. Faulds, land surveyor, dated March 29, 2017, at a scale of 1"=100'.

Property Survey and Topographic Survey-Prepared for 211 Danbury Road, LLC, Prepared by Ryan and Faulds, land surveyors, dated February 3, 2017, revised March 29, 2017, at a scale of 1"=30'.

Title Sheet- Prepared for Sunrise of Wilton, Prepared by Mark E. Lancor, engineer, submitted April 7, 2017 and June 2, 2017, not to scale.

General Legend, Abbreviations, & Notes- Prepared for 211 Danbury Road, LLC/Sunrise of Wilton, Prepared by Mark E. Lancor, engineer, dated April 4, 2017, not to scale, sheet #C-1.

Site Layout & Traffic Control Plan- Prepared for 211 Danbury Road, LLC/Sunrise of Wilton, Prepared by Mark E. Lancor, engineer, dated April 4, 2017, last revised May 31, 2017, at a scale of 1"=30', sheet #C-2.

Site Utility & Grading Plan- Prepared for 211 Danbury Road, LLC/Sunrise of Wilton, Prepared by Mark E. Lancor, engineer, dated April 4, 2017, last revised May 31, 2017, at a scale of 1"=30', sheet #C-3.

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Vehicle Travel Paths- Prepared for 211 Danbury Road, LLC/Sunrise of Wilton, Prepared by Mark E. Lancor, engineer, dated April 4, 2017, last revised May 31, 2017, at a scale of 1"=40', sheet #C-4.

Construction Sequence Plan – Stage 1- Prepared for 211 Danbury Road, LLC/Sunrise of Wilton, Prepared by Mark E. Lancor, engineer, dated April 4, 2017, last revised May 31, 2017, at a scale of 1"=30', sheet #C-5A.

Construction Sequence Plan – Stage 2- Prepared for 211 Danbury Road, LLC/Sunrise of Wilton, Prepared by Mark E. Lancor, engineer, dated April 4, 2017, last revised May 31, 2017, at a scale of 1"=30', sheet #C-5B.

Construction Sequence Plan – Stage 3- Prepared for 211 Danbury Road, LLC/Sunrise of Wilton, Prepared by Mark E. Lancor, engineer, dated April 4, 2017, last revised May 31, 2017, at a scale of 1"=30', sheet #C-5C.

Construction Sequence Plan – Stage 4- Prepared for 211 Danbury Road, LLC/Sunrise of Wilton, Prepared by Mark E. Lancor, engineer, dated April 4, 2017, last revised May 31, 2017, at a scale of 1"=30', sheet #C-5D.

Soil Erosion & Sedimentation Control Narrative- Prepared for 211 Danbury Road, LLC/Sunrise of Wilton, Prepared by Mark E. Lancor, engineer, dated April 4, 2017, not to scale, sheet #C-6A.

Soil Erosion & Sedimentation Control Construction Standards- Prepared for 211 Danbury Road, LLC/Sunrise of Wilton, Prepared by Mark E. Lancor, engineer, dated April 4, 2017, not to scale, sheet #C-6B.

Soil Erosion & Sedimentation Control Construction Details- Prepared for 211 Danbury Road, LLC/Sunrise of Wilton, Prepared by Mark E. Lancor, engineer, dated April 4, 2017, not to scale, sheet #C-6C.

Trenching, Sewer & Storm Details- Prepared for 211 Danbury Road, LLC/Sunrise of Wilton, Prepared by Mark E. Lancor, engineer, dated April 4, 2017, last revised May 31, 2017, not to scale, sheet #C-7.

Pavement, Curb & Sidewalk Details- Prepared for 211 Danbury Road, LLC/Sunrise of Wilton, Prepared by Mark E. Lancor, engineer, dated April 4, 2017, not to scale, sheet #C-8.

Trash Enclosure, Fence & Signage Details- Prepared for 211 Danbury Road, LLC/Sunrise of Wilton, Prepared by Mark E. Lancor, engineer, dated April 4, 2017, revised May 31, 2017, not to scale, sheet #C-9.

Bio-Retention Basin Details- Prepared for 211 Danbury Road, LLC/Sunrise of Wilton, Prepared by Mark E. Lancor, engineer, dated April 4, 2017, not to scale, sheet #C-10.

Construction Specifications & Standards- Prepared for 211 Danbury Road, LLC/Sunrise of Wilton, Prepared by Mark E. Lancor, engineer, dated April 4, 2017, not to scale, sheet #C-11.

Miscellaneous Site Details- Prepared for 211 Danbury Road, LLC/Sunrise of Wilton, Prepared by Mark E. Lancor, engineer, dated April 4, 2017, revised May 31, 2017, scale as noted, sheet #C-12.

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Boring & Test Pit Logs- Prepared for 211 Danbury Road, LLC/Sunrise of Wilton, Prepared by Mark E. Lancor, engineer, dated April 4, 2017, scale as noted, sheet #C-13A.

Boring & Test Pit Logs- Prepared for 211 Danbury Road, LLC/Sunrise of Wilton, Prepared by Mark E. Lancor, engineer, dated April 4, 2017, scale as noted, sheet #C-13B.

Boring & Test Pit Logs- Prepared for 211 Danbury Road, LLC/Sunrise of Wilton, Prepared by Mark E. Lancor, engineer, dated April 4, 2017, scale as noted, sheet #C-13C.

Site Lighting Photometric Plan- Prepared for 211 Danbury Road, LLC/Sunrise of Wilton, Prepared by Mark E. Lancor, engineer, dated April 4, 2017, scale 1"=30', sheet #C-14A.

Site Lighting Details- Prepared for 211 Danbury Road, LLC/Sunrise of Wilton, Prepared by Mark E. Lancor, engineer, dated April 4, 2017, revised May 31, 2017, not to scale, sheet #C-14B.

Segmented Wall & Guide Rail Details- Prepared for 211 Danbury Road, LLC/Sunrise of Wilton, Prepared by Mark E. Lancor, engineer, dated April 4, 2017, revised May 31, 2017, scale as noted, sheet #C-15.

Proposed Porte Cochere Travel Path- Prepared for Sunrise of Wilton, Prepared by DyMar, engineers, received June 2, 2017, scale 1"=20' (reduced plan size), sheet #EXH-3.

Illustrative Site Plan- Prepared for Sunrise of Wilton, Prepared by DyMar, engineers, dated May 22, 2017, not to scale (reduced plan size), no sheet #.

Planting Plan- Prepared for Sunrise of Wilton, Prepared by William Kenny, landscape architect, dated March 31, 2017, revised May 31, 2017, scale 1"=30', sheet #L-1.

Landscape Details & Specifications- Prepared for Sunrise of Wilton, Prepared by William Kenny, landscape architect, dated March 31, 2017, revised May 31, 2017, scale as noted, sheet #L-2.

Rendering- Prepared for Sunrise of Wilton, Prepared by EGA, architects, dated May 22, 2017, no scale noted, sheet #0.

First Floor Plan- Prepared for Sunrise of Wilton, Prepared by EGA, architects, dated April 4, 2017, revised May 22, 2017, scale 3/32"=1', sheet #1.

Second Floor Plan- Prepared for Sunrise of Wilton, Prepared by EGA, architects, dated April 4, 2017, revised May 22, 2017, scale 3/32"=1', sheet #2.

Third Floor Plan- Prepared for Sunrise of Wilton, Prepared by EGA, architects, dated April 4, 2017, revised May 22, 2017, scale 3/32"=1', sheet #3.

Roof Plan- Prepared for Sunrise of Wilton, Prepared by EGA, architects, dated April 4, 2017, revised May 22, 2017, scale 3/32"=1', sheet #4.

Exterior Elevation- Prepared for Sunrise of Wilton, Prepared by EGA, architects, dated May 22, 2017, scale 3/32"=1', sheet #5.

Building Section- Prepared for Sunrise of Wilton, Prepared by EGA, architects, dated April 4,

2017, scale 3/16"=1', sheet #5.

Building Section- Prepared for Sunrise of Wilton, Prepared by EGA, architects, dated May 22, 2017, scale 3/16"=1', sheet #6.

WHEREAS, the Planning and Zoning Commission has conducted a public hearing on July 10, 2017, continuing to July 24, 2017 to receive comment from the public and has fully considered all evidence submitted at said hearing; and

WHEREAS, the Wetlands Application #2455 was approved by the Inland Wetlands Commission and the Planning and Zoning Commission has given due consideration to the decision of the Inland Wetlands Commission; and

WHEREAS, the Planning and Zoning Commission has incorporated by reference all records and hearing minutes from May 22, 2017 and June 12, 2017 associated with application SP #426; and

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

NOW THEREFORE BE IT RESOLVED effective August 4, 2017 that the Wilton Planning and Zoning Commission **APPROVES** Special Permit **SP #431** to allow the construction of an assisted living facility for ninety (90) units, including nine (9) affordable units, for property located at 211 Danbury Road 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 United States Government. 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 (5) years of the effective date of this resolution. This five-year period shall expire on August 4, 2022.
3. The applicant shall prepare an Affordable Housing Compliance Plan which shall be executed and recorded in the land records of the Town of Wilton. Such plan shall comply with affordable housing requirements provided in Sections 29-4.D.6. and 29-5.B.10 of the Zoning Regulations, as amended through July 28, 2017. The Affordable Housing Compliance Plan shall be drafted to the satisfaction of Town Counsel prior to execution and recording. A copy of the executed and recorded Affordable Housing Compliance Plan shall be submitted to the staff prior to the issuance of a zoning permit.
4. The property owner and/or applicant shall adhere to the Declaration to Maintain Storm Water Management Plan; including all addendum documents. Such declaration shall be filed in the land records subject to final review and approval by the Town Planner and Town Counsel. No zoning permits for the project shall be issued until such time said documents have been reviewed by the Town and duly recorded in the land records. In

addition, the property owner and/or applicant shall file bi-annual (twice a year) reports, as referenced in the declaration, to the Planning and Zoning Department for a period of two (2) years following the issuance of a Certificate of Occupancy. Any system defects or maintenance deficiencies shall be corrected as directed by the Planning and Zoning Department staff.

5. 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.
6. The establishment of all permanent identification signage shall be subject to the review and approval of the Zoning Enforcement Officer. The proposed flagpole shall not be used for the display of advertising messages. The applicant shall adhere to regulations governing any allowable temporary signage. Such signage, if permitted, shall be subject to the review and approval of the Zoning Enforcement Officer.
7. The owner shall erect construction fencing, including windbreak fabric, prior to the commencement of any construction. Fencing shall be erected along the property boundaries and strategically placed so as to avoid tree and shrubbery disturbance. Such fencing may be modified so as to allow completion of utility, drainage and infrastructure connections and temporary/permanent access to the site. Final plans shall be revised to note this condition.
8. All walls over five (5) feet in height shall include a safety fence; no less than four (4) feet in height along the top of the wall. Final plans shall note this condition.
9. Vegetative perimeter buffer areas shall be preserved to the greatest extent possible. Final plans shall be revised to note this condition.
10. In order to ensure the survivability of evergreen plantings, the Site Utility & Grading Plan shall be revised to reflect grading consistent with the Sheet #L-2; specifically in the slope area above the terminus of Orem's Lane. Revised plans shall be submitted prior to the issuance of a zoning permit and subject to review and approval of the Planning and Zoning staff.
11. Proposed native perennials, groundcover, wildflower pollinator flower mix and rain garden pollinator flower mix shall be evenly dispersed and appropriately located throughout designated planting areas. Prior to installation, the landscape architect and field installer shall consult with staff regarding the arrangement and the suitability of selected planting locations.
12. A bond estimate for site work related to sedimentation and erosion controls, seeding, and a 10% contingency shall be provided to the Town Planner. The applicant shall furnish to the Town a bond with proper surety, in form and amount satisfactory to the Commission's land use counsel and the Town Planner, prior to the issuance of any zoning permit.
13. The applicant has publically expressed a willingness to share post environmental remediation testing results with neighboring property owners. Whereas the Commission cannot impose such a requirement, it nonetheless supports the applicant's desire to share this information.

14. All parking associated with the assisted living facility shall be contained to approved on-site parking locations. No parking shall be permitted on landscaped areas nor off-site along public rights-of-way. This condition does not preclude the property owner and/or applicant from pursuing off-site overflow parking arrangements during periods of peak traffic demand; provided said arrangement does not place undue traffic demand on such off-site locations.
15. Any alteration of floor plans, dividing of space, reconfiguration of bedrooms or change in the number of housing units, shall be subject to the review and approval of the Planning and Zoning Commission. This special permit approval is limited to assisted living and memory care services only. Any change of use shall be subject to the review and approval of the Planning and Zoning Commission.
16. There shall be no construction activities on the site on Sunday or major holidays. All construction related activities must be performed between the hours of 7:30 a.m. and 6:00 p.m. Monday through Friday and between 8:00 a.m. and 6:00 p.m. on Saturdays. This condition does not apply to interior finish work performed within a fully-enclosed building.
17. A copy of this resolution shall be given to the construction manager and shall be available on site during construction.
18. Mechanical equipment and refuse containers shall be screened from view on all sides.

Submittal of revised plans and application:

19. Three (3) completed revised sets (one full size set and two reduced sized sets), (collated and bound) shall be submitted to the Commission's office for endorsement as "Final Approved Plan" by the Town Planner prior to receiving a zoning permit. 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 plan shall be completed within five years after the approval of the plan. Said five-year period shall expire on August 4, 2022."
 - b. "For conditions of approval for Special Permit #431, see Resolution #0717-8P."

Prior to the Issuance of a Certificate of Zoning Compliance:

20. Prior to the issuance of a certificate of zoning compliance, the engineer of record shall submit a signed and sealed letter and a stamped final as-built plan verifying that the subsurface drainage and the detention system has been completed in accordance with the engineering plans submitted to the Planning and Zoning Commission.
21. Prior to receiving a certificate of zoning compliance, the applicant shall submit a final as-built survey depicting all site improvements, including building setbacks, site and

building coverage, building height and a delineation of all parking improvements.

22. All utilities shall be located underground, the installation of which shall be verified prior to receiving a certificate of zoning compliance.

23. The emergency generator and air conditioning units shall comply with noise standards set forth in Section 29-9.H.7. of the zoning regulations. The applicant shall provide documentation of such compliance prior to the issuance of a zoning certificate of compliance.

- END RESOLUTION -

F. COMMUNICATIONS

G. REPORT FROM CHAIRMAN

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

1. **SP#432, Wilton 40/60 LLC, 40 Danbury Road, Expansion of existing parking garage [Public Hearing – September 11, 2017]**
2. **SP#433, DIV 50, LLC, 50 to 60 Danbury Road, Expansion of existing parking garage [Public Hearing – September 11, 2017]**
3. **REG# 17365, 183 Ridgefield Road, LLC, For Age Restricted District (Overlay) (“AROD”) regulations for property within a Residential “R-1A” or Residential “R-2A” district where property fronts on and provides vehicular access to either Danbury Road, Westport Road or Ridgefield Road from Danbury Road up to the intersection of Ridgefield Road with Drum Hill Road, or located no further than 750 feet from Danbury Road, provided the lot fronts on an arterial public road that directly connects to Danbury Road; and modifications to the Design Residence “DRD”, Townhouse Residence “THRD” and Center Residence Apartment “CRA-10” multifamily housing districts to establish provisions for age-restricted housing. [Public Hearing – To be determined]**

J. ADJOURNMENT

MOTION was made by Ms. Knapp, seconded by Mr. O’Hearn, and carried unanimously (8-0) to adjourn at approximately 9:02 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary