

PLANNING & ZONING
COMMISSION
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TOWN HALL ANNEX
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Wilton, Connecticut 06897

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**WILTON PLANNING & ZONING COMMISSION MINUTES
MARCH 12, 2018 REGULAR MEETING
MINUTES ***

PRESENT: Chairman Scott Lawrence, Vice-Chairman Rick Tomasetti, Commissioners Eric Fanwick, Matt Murphy, Bas Nabulsi, Chris Pagliaro, Sally Poundstone, Peter Shiue

ABSENT: Doris Knapp (notified intended absence)

ALSO PRESENT: Robert Nerney, Town Planner; Daphne White, Assistant Town Planner; members of the press; and interested residents.

PUBLIC HEARINGS

1. **SUB#919, LTWJ, LLC, 54.872 acres on Cannon Road, property known as Assessor's Map #21, Lot #13, for an 8-lot conservation subdivision, in the vicinity of Black Alder Lane**

Date of Commission Receipt:	12/11/2017
Initial Public Hearing Opening Date:	1/22/2018
Public Hearing Status:	Public hearing tabled until 3/26/18. Hearing must close on 3/26/2018 unless applicant consents to extension.

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Mr. Lawrence called the Public Hearing to order at approximately 7:20 p.m., seated members Fanwick, Lawrence, Murphy, Nabulsi, Pagliaro, Poundstone, Shiue, and Tomasetti and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Tomasetti, acting as Secretary in the absence of Commissioner Knapp, read into the record a letter dated March 7, 2018 from J. Casey Healy to Planning and Zoning Commission granting an extension of the deadline to close the public hearing until March 26, 2018; he also referenced into the record a memorandum dated February 27, 2018 from Rocco Grosso to Robert Nerney; an email from Jane Bescherer (treelady38@aol.com) dated March 3, 2018, with attached email from Vicki Mavis, dated March 2, 2018, both forwarded by Scott Lawrence on March 5, 2018; an email from Robert Nerney to Daphne White dated March 1, 2018 including email interchanges between Robert Nerney and Peter Gelderman dated March 1, 2018; an email from Woodson Duncan to Scott Lawrence dated February 23, 2018, forwarded by Scott Lawrence on February 25, 2018; and a letter dated February 28, 2018 from J. Casey to Planning and Zoning Commission granting an extension of the deadline to close the public hearing to March 12, 2018.

Mr. Lawrence referenced the canceled March 10, 2018 site walk of the subject property and proposed a tentative rescheduled date of Sunday, March 25th at noon, noting that perhaps Commissioners/visitors to the site could car pool from Cannondale train station given the parking constraints on the site. Mr. Nerney noted that possible insurance liability issues were raised in connection with the site visit and the Town's insurance representative will be consulted for clarification on the matter prior to the planned visit. Several Commissioners indicated an inability to walk the site at that time and questions arose as to whether Commissioners could walk the site alone and also whether a quorum of 5 Commissioners would be necessary for the Commission to walk the site as a group. It was decided that legal counsel would be sought on these matters for further clarification.

Mr. Lawrence noted that the hearing would be continued until March 26, 2018 per the request of the applicant, but he asked if anyone wished to speak for or against the application.

Patty Frisch, Ridgefield Road, expressed discomfort that the Commission did not appear to know the answers to questions regarding whether a quorum is required for a site visit or if it's permissible for individual Commissioners to walk the site alone. Mr. Lawrence indicated that the Commission would obtain answers to both questions, and would also resolve the question of liability insurance prior to the scheduled site walk.

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Sarah Curtis, Cannon Road, expressed concern that the originally scheduled site walk appeared to be listed incorrectly as 7:30 PM in one area of the Town website/calendar.

There were no further public comments and at 7:36 P.M. the public hearing was continued until the scheduled site walk (final date/time to be confirmed via discussion later in the evening), and then to March 26, 2018 for the next regularly scheduled meeting.

2. REG#18367: Applicant: Kevin E. O'Brien. Application: Amendments to Sections 29-6.A.3.e, 29-6.B.3.u and 29-6.C.4.j of Zoning Regulations to permit pharmacy with drive-in facilities

Date of Commission Receipt:	2/12/2018
Initial Public Hearing Opening Date:	3/12/2018
Public Hearing Status:	Public comment period is open.

Mr. Tomasetti recused himself and left the meeting room.

Mr. Lawrence called the Public Hearing to order at approximately 7:36 p.m., seated members Fanwick, Lawrence, Murphy, Nabulsi, Pagliaro, Poundstone, and Shiue, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Pagliaro, acting as Secretary, read the legal notice dated February 27, 2018 and referenced into the record email communications among Elizabeth Esposito, Robert Nerney, and Francis R. Pickering dated February 27, 2018 and February 28, 2018 concerning West Cog notification/review of the application; and a 2-page Planning and Zoning Staff Report dated March 9, 2018.

Present was Kevin O'Brien, licensed real estate broker.

Mr. O'Brien briefly reviewed the history of drive-thrus in Town, noting that they were originally permitted for banks/financial institutions only, and then libraries were subsequently added to the list. He referenced potential clients of his who have indicated some interest in establishing pharmacies in Town, citing in particular the former Hitchcock Chair location (a General Business zone on Route 7), the corner of Sharp Hill/Danbury Road (a Design Retail Business zone), and 300 Danbury Road (the Crossways site located in the Wilton Center zone) - all of which he felt would be

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appropriate locations for pharmacies with drive-thru facilities, noting further that pharmacies tend to prefer the eastern side of Route 7, heading northward.

In response to Commissioner questions, Mr. O'Brien explained that pharmacies tend to encompass approximately 13,000+/- square feet; and drive-thru facilities, which are generally located in the rear, add a little more square footage to that estimate. He noted that such facilities cater to a different group of clientele, including the elderly and young families, while also keeping sick people out of the store. He emphasized the fact that any approvals would have to go through the Special Permitting process, thus providing even more layers of regulatory oversight.

Discussion ensued regarding the possibility of restricting such drive-thrus to the rear of a site, although it was acknowledged that each potential location would likely carry its own unique site conditions/constraints and the Special Permit process is set up to address issues of aesthetics. A concern was raised regarding potential competition to existing pharmacy retailers in Town as a result of such a regulation change.

In response to a question/issue raised by Commissioner Nabulsi, Mr. O'Brien stated that he had no problem with changing his proposed amendment to allow just one drive-thru per site in all three zones referenced in his application.

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

Florence Johnson, Ridgefield Road, expressed an environmental concern in connection with cars idling while waiting for prescriptions to be filled, referencing in particular Wilton's "no idling" signs.

Patty Frisch, Ridgefield Road, questioned whether drive-thrus serve the Town as much as they do the commuter. She acknowledged that this could be good to attract business to Town, although she expressed concern that it could also have a negative snowballing effect. She questioned why the Town would ever want to change its regulations in anticipation of a future application. Recognizing the inherent limitations in the Special Permit process and the likelihood that an application would have to be approved if it met the Special Permit criteria, she suggested introducing a requirement that speaks more directly and specifically to the aesthetic component of such applications.

Sarah Curtis, Cannon Road, expressed concern with broadly changing the Town's zoning regulations in anticipation of a future application where perhaps such a broad-based change would not actually have been required.

There being no further comments, at approximately 8:41 P.M., the hearing was continued until March 26, 2018.

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The Commission took a short break and returned at approximately 8:45 P.M.

REGULAR MEETING

A. Mr. Lawrence called the Regular Meeting to order at 8:45 p.m., seated members Fanwick, Lawrence, Murphy, Nabulsi, Pagliaro, Poundstone, Shiue, and Tomasetti, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. February 22, 2018 – POCD – Special Meeting

MOTION was made by Mr. Fanwick, seconded by Mr. Pagliaro, and carried unanimously (8-0) to approve the minutes of February 22, 2018 – POCD – Special Meeting as drafted.

2. February 26, 2018 – POCD - Special Meeting

MOTION was made by Mr. Fanwick, seconded by Mr. Murphy, and carried unanimously (8-0) to approve the minutes of February 26, 2018 – POCD – Special Meeting as drafted.

3. February 26, 2018 – Regular Meeting

MOTION was made by Mr. Tomasetti, seconded by Mr. Fanwick, and carried unanimously (8-0) to approve the minutes of February 26, 2018 – Regular Meeting as drafted.

C. ACCEPTANCE OF NEW APPLICATIONS

1. SDP: Applicant: Accent Signs, LLC **Application:** Alternative Signage Program, for property located at 372 Danbury Road

The Commission scheduled discussion of the application for March 26, 2018.

2. Special Permit (SP#443): Applicant: Ken Bennett, Vice President, Goodwill of Western & Northern Connecticut **Application:** Special Permit pursuant to Section 29-6.A.3.o. to permit use of existing retail space for establishment of charitable organization (Goodwill donation center).

The Commission tentatively scheduled a public hearing date for April 9, 2018, with the understanding that a final date would be confirmed on March 26, 2018.

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D. SITE DEVELOPMENT PLAN REVIEW

E. PENDING APPLICATIONS

- 1. SP#441: Applicant:** ASML US, Inc. **Application:** Proposed construction of (i) a 45,345 sq. ft. building addition and (ii) Proposed modification of a previously approved (but yet to be constructed) parking garage for purposes of creating an additional parking level for property located at 77 Danbury Road; pursuant to Sections 29-7.B.2.a and 29-7.B.3.f of the Zoning Regulations.

The Commission reviewed draft resolution #0318-23P and made minor changes to the document.

MOTION was made by Mr. Nabulsi, seconded by Mr. Shiue and carried unanimously (8-0) to approve draft Resolution #0318-23P for SP#441, effective March 16, 2018.

WHEREAS, the Wilton Planning and Zoning Commission has received a Special Permit application (**SP#441**) from ASML US, Inc. to allow the construction of a 44,731 square foot, three-story building addition, an additional level to a previously approved three-story parking garage with rooftop parking, 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, last revised June 22, 2016, scale: as noted, sheet #CS001.

Master Legend & General Notes - Prepared for ASML Parking Garage, Prepared by John D. Plante, engineer, dated February 22, 2016, last revised December 6, 2017, not to scale, sheet #CS002.

Revised Overall Site Plan - Prepared for ASML Parking Garage, Prepared by John D. Plante, engineer, dated February 22, 2016, zoning submission dated February 7, 2018, scale: 1”=50’, sheet #CS100.

Revised Site Plan - Prepared for ASML Parking Garage, Prepared by John D. Plante, engineer, dated February 22, 2016, last revision/submission dated February 7, 2018, scale: 1”=20’, sheet #CS101.

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.

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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.

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, last revised/submitted February 7, 2018, 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.

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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', sheet #1 of 1.

Cover Sheet - Prepared for ASML US, Inc., Prepared by Paul Szymanski, Jr., engineer, dated December 5, 2017, scale 1"=80', sheet #C.1.

Location Map, Vicinity Sketch & Watershed Map - Prepared for ASML US, Inc., Prepared by Paul Szymanski, Jr., engineer, dated December 5, 2017, scale as noted, sheet #A.1.

Zoning Location Survey Map - Prepared for ASML US, Inc., Prepared by Michael A. Natale, dated April 9, 2015, last revised September 30, 2016, scale 1"=50', sheet #EC.1.

Overall Site Development Plan - Prepared for ASML US, Inc., Prepared by Paul Szymanski, Jr., dated December 5, 2017, last revised/submitted February 7, 2018, scale 1'=50', sheet #OSD.1.

Removals Plan - Prepared for ASML US, Inc., Prepared by Paul Szymanski, Jr., engineer, dated December 5, 2017, scale 1'=20', sheet #RM.1.

Proposed Site Grading Plan - Prepared for ASML US, Inc., Prepared by Paul Szymanski, Jr., engineer, dated December 5, 2017, scale 1'=20', sheet #G.1.

Proposed Site Utility Plan - Prepared for ASML US, Inc., Prepared by Paul Szymanski, Jr., engineer, dated December 5, 2017, scale 1'=20', sheet #U.1.

Proposed Layout & Landscaping Plan - Prepared for ASML US, Inc., Prepared by Paul Szymanski, Jr., engineer, dated December 5, 2017, revised February 7, 2018, scale 1'=20', sheet #L.1.

Proposed Illumination Plan - Prepared for ASML US, Inc., Prepared by Paul Szymanski, Jr., engineer, dated December 5, 2017, scale 1'=20', sheet #ILL.1.

Sedimentation & Erosion Control Plan & Standard Details - Prepared for ASML US, Inc., Prepared by Paul Szymanski, Jr., engineer, dated December 5, 2017, scale as noted, sheet #SES.1.

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

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Site Development Plan - Prepared for ASML US, Inc., Prepared by Paul Szymanski, Jr., engineer, dated December 5, 2017, revised February 7, 2018, scale 1'=20', sheet #L.1.

Cover Sheet - Prepared for ASML, Prepared by Scott Yates, architect, dated December 5, 2017, scale 1'=80', sheet #A-001.

First Floor Plan - Prepared for ASML, Prepared by Scott Yates, architect, dated December 5, 2017, scale 3/32"=1'-0", sheet #A-101.

Second Floor Plan - Prepared for ASML, Prepared by Scott Yates, architect, dated December 5, 2017, scale 3/32"=1'-0", sheet #A-102.

Third Floor Plan - Prepared for ASML, Prepared by Scott Yates, architect, dated December 5, 2017, scale 3/32"=1'-0", sheet #A-103.

Exterior Elevations - Prepared for ASML, Prepared by Scott Yates, architect, dated December 5, 2017, scale 3/32"=1'-0", sheet #A-201.

Building Section - Prepared for ASML, Prepared by Scott Yates, architect, dated December 5, 2017, scale 3/16"=1'-0", sheet #A-301.

Building Section - Prepared for ASML, Prepared by Scott Yates, architect, dated December 5, 2017, scale 3/16"=1'-0", sheet #A-302.

Building Section - Prepared for ASML, Prepared by Scott Yates, architect, dated December 5, 2017, scale 3/16"=1'-0", sheet #A-303.

Cover & Drawing List - Prepared for ASML Parking Garage, Prepared by Jeremy D. Billig, engineer, dated December 5, 2017, no scale noted, sheet #A-000.

Site Plan - Prepared for ASML Parking Garage, Prepared by Jeremy D. Billig, engineer, dated December 5, 2017, as scale noted, sheet #A-100.

1st & 2nd Level Plans - Prepared for ASML Parking Garage, Prepared by Jeremy D. Billig, engineer, dated December 5, 2017, scale: 1/16"=1'-0", sheet #A-101.

3rd & 4th Level Plans - Prepared for ASML Parking Garage, Prepared by Jeremy D. Billig, engineer, dated December 5, 2017, scale: 1/16"=1'-0", sheet #A-102.

5th & Roof Level Plans - Prepared for ASML Parking Garage, Prepared by Jeremy D. Billig, engineer, dated December 5, 2017, revised by HLW International, architects, February 12, 2018, scale: 1/16"=1'-0", sheet #A-103.

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1st & 2nd Level Reflected Ceiling Plans - Prepared for ASML Parking Garage, Prepared by Jeremy D. Billig, engineer, dated December 5, 2017, scale: 1/16"=1'-0", sheet #A-200.

3rd & 4th Level Reflected Ceiling Plans - Prepared for ASML Parking Garage, Prepared by Jeremy D. Billig, engineer, dated December 5, 2017, scale: 1/16"=1'-0", sheet #A-201.

5th & Roof Level Reflected Ceiling Plans - Prepared for ASML Parking Garage, Prepared by Jeremy D. Billig, engineer, dated December 5, 2017, revised by HLW International, architects, February 12, 2018, scale: 1/16"=1'-0", sheet #A-202.

Lighting Fixture Cuts - Prepared for ASML Parking Garage, Prepared by Jeremy D. Billig, engineer, dated December 5, 2017, revised by HLW International, architects, February 12, 2018, not to scale, sheet #A-203.

Elevations - Prepared for ASML Parking Garage, Prepared by Jeremy D. Billig, engineer, dated December 5, 2017, revised by HLW International, architects, February 12, 2018, scale: 1/16"=1'-0", sheet #A-300.

Sections - Prepared for ASML Parking Garage, Prepared by Jeremy D. Billig, engineer, dated December 5, 2017, revised by HLW International, architects, February 12, 2018, scale: 1/16"=1'-0", sheet #A-400.

WHEREAS, the Wilton Planning and Zoning Commission conducted a public hearing on January 8, 2018, and continued said hearing to January 22, 2018, February 12, 2018 and February 26, 2018 to receive comment from the applicant and the public and has fully considered all evidence submitted at the hearing; and

WHEREAS, the application has been referred to the Department of Environmental Affairs for review and the director has determined that the proposal comports with inland wetland permit WET #2382; and

WHEREAS, the Wilton Planning and Zoning Commission acknowledges that the submitted plan does not result in an increase of site coverage; and

WHEREAS, the application is found to be in substantial compliance with the Wilton Zoning Regulations;

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission **APPROVES** Special Permit #441 to allow the construction of a 44,731 square foot, three-story building addition, an additional level to a previously approved three-story parking garage with rooftop parking, and for modifications to adjacent surface parking and lighting at 77 Danbury Road, effective March 16, 2018 subject to the following conditions:

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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 March 16, 2023.
3. 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 copy of the filing shall be submitted to the Planning and Zoning staff prior to the issuance of a zoning permit.
4. 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.
5. 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(s) 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.
6. The Zoning Location Survey Map shall be revised to include the proposed three-story addition and it shall be signed and sealed by the applicant's surveyor prior to the issuance of a zoning permit.
7. The applicant's Declaration to Maintain Stormwater Management Plan shall be subject to the review and approval of the Town Planner and Town Counsel, prior to filing in the Wilton Land Records. A copy of the recorded declaration shall be submitted to the staff prior to the issuance of a zoning permit.
8. The applicant shall submit a site logistic plan, which defines the sequence of phasing throughout construction, the location of construction fencing and the delineation of safe pedestrian passage areas during construction for review by the staff prior to the issuance of a zoning permit.
9. 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.
10. Pursuant to Section 29-8.C.4.c.(2), the applicant shall provide one shade tree and three shrubs per 12 parking spaces, in the rain garden planting island, if allowed as a field change by the Director of Environmental Affairs and the Planning and Zoning staff. The location of such plantings shall be subject to staff approval and shall be shown on the final landscape plan prior to the issuance of a zoning permit.
11. The elevations of the parking garage and the building addition shall not exceed the maximum building height allowable for the proposed structures including the rooftops, top of the parapet,

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- and top of the stairway bulkhead of the parking garage.
12. In order to reduce light spillage, interior lighting within the building addition shall comply with Section 29-9.E.2.h. Specifically, lighting shall be recessed within the ceiling panels and windows shall be tinted so as to reduce glare.
 13. There shall be no outdoor storage of chemical products.
 14. Unless otherwise approved by the Commission, there shall be no signage on the three-story addition or the proposed garage structure, other than the directional signage shown on the architectural elevations.
 15. 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:

16. Three (3) completed revised sets, (collated and bound, consisting of one full-size set and two reduced 11" x17" sets) 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 March 16, 2023."
 - b. "For conditions of approval for Special Permit #441, see Resolution #0318-23P"

Prior to the issuance of a certificate of zoning compliance:

17. The applicant shall submit an as-built photometric plan of the lighting on the building addition and the parking garage roof to reflect the rooftop photometric plan, and shall submit documentation verifying the installation of the approved light fixtures, prior to the issuance of zoning compliance.
18. 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.
19. 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.
20. Prior to the issuance of a zoning certificate of compliance, the applicant shall furnish the Planning and Zoning Department with an as-built survey or letter from a licensed

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engineer/architect, providing average grade calculations and confirming compliance with height limitation requirements.

21. The operations associated with the building addition and associated mechanical equipment 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, in accordance with the applicant's sound and acoustic report prior to the issuance of a zoning certificate of compliance.

-END RESOLUTION-

2. **SUB#919, LTWJ, LLC, 54.872 acres on Cannon Road, property known as Assessor's Map #21, Lot #13, for an 8-lot conservation subdivision, in the vicinity of Black Alder Lane**

The Commission confirmed its intent to schedule a site walk of the property on Sunday, March 25, 2018 at noon, with the understanding that responses to legal and insurance questions raised earlier would be forthcoming and provided prior to the site walk.

Discussion tabled until March 26, 2018.

3. **REG#15351, J. Casey Healy, To Amend Section 29-8.B.5.b (9) of Zoning Regulations to modify parking requirements for commercial kennels**

Tabled until March 26, 2018.

F. COMMUNICATIONS

Mr. Lawrence noted that the Economic Development Commission (EDC) is conducting a presentation with Andy Pforzheimer and David Genovese on Wednesday, March 14, 2018 at 7:15 PM at 31 Comstock Road and he indicated that he would forward the email notification to everyone for their reference.

1. **Review/discussion of Section 29-4.D.1 of zoning regulations pertaining to possible amendments to Accessory Dwelling Unit regulations**

Mr. Lawrence briefly reviewed issues that were identified previously in connection with the Commission's anticipated modifications of accessory dwelling unit regulations, including 1) language clarification concerning the definitions of detached and undetached dwelling units; 2) a change to allow appeal to the Zoning Board of Appeals in connection with such applications, which is currently not permitted, but which was recommended by Town Counsel; 3) question of size/square footage limitations; 4) whether ownership of at least 1 of the 2 units should be required; 5) issues of affordability, aesthetics, etc.

Some discussion ensued, particularly in connection with whether ownership of at least one of the

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units should be required. Commissioner opinions on that issue were mixed, some expressing concern that lack of such a requirement could encourage or incent business models inconsistent with the expectations of 1 and 2-acre zoning, while others felt that the Town should not regulate the matter at all. There was consensus that the current limitations of 750 square feet/one-fourth of gross floor area, whichever is greater, should be increased to 850 square feet/one-third of gross floor area, whichever is greater.

It was the consensus of the Commission that staff should draw up one final red-lined version of the proposed regulation, incorporating all of the aforementioned modifications, including a change to the owner-occupancy requirement, with the understanding that there would be further discussion/dialogue on March 26th and, if necessary, the Commission could back off of anything as agreed to at that time. The understanding was that a public hearing date would be scheduled shortly thereafter.

G. PLAN OF CONSERVATION AND DEVELOPMENT (POCD) UPDATES

1. Continuing discussion pertaining to the POCD

Mr. Nabulsi expressed concern that Commissioners are not having enough Commission-alone time during which it can have preliminary discussions pertaining to some of the matters already highlighted/presented by the consultants; he referenced by example the last POCD process where the Commission as a body went through the prior POCD on a chapter-by-chapter basis. He suggested that perhaps the Commission could utilize the 6:30 – 7:15 PM meeting timeframe for this purpose.

Mr. Lawrence indicated that the 6:30-7:15 PM POCD meetings following the monthly POCD workshop sessions are for that purpose and do not allow public comment, although he stated that the Commission could also consider utilizing the first meeting of the month for that purpose if it desired. He noted that 3-hour Saturday discussion sessions for the Commission will be scheduled for May and June, and he felt that there will be ample time for discussion following that timeframe as well as the Commission proceeds through the POCD update process.

H. REPORT FROM PLANNER AND/OR COMMISSION MEMBERS

1. Commission Procedures/Operations Review

- a. Application and submission document index
- b. Review of PZC by-laws

Mr. Lawrence stated that he would like the Commission to start thinking about its by-laws and perhaps start working on that project during the June/summer timeframe.

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I. FUTURE AGENDA ITEMS

J. UPCOMING MEETINGS

1. March 15, 2018 – Special Meeting - POCD Workshop (Brubeck Room, Wilton Library, 137 Old Ridgefield Road – 7 PM)
2. March 26, 2018 – Special Meeting - POCD (Annex Room A – 6:30 PM)
3. March 26, 2018 – Regular Meeting of P&Z Commission (Annex Room A – 7:15 PM)

K. ADJOURNMENT

MOTION was made by Mr. Tomasetti, seconded by Mr. Pagliaro, and carried unanimously (8-0) to adjourn at approximately 9:47 P.M.

Respectfully submitted,

Lorraine Russo
Planning and Zoning Secretary

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