

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

WILTON PLANNING & ZONING COMMISSION MINUTES FEBRUARY 22, 2010 REGULAR MEETING

PRESENT: Chairwoman Sally Poundstone, Vice Chairman John Wilson, Secretary Doug Bayer, Commissioners Alice Ayers, Marilyn Gould, Bas Nabulsi, Eric Osterberg, and Michael Rudolph

ABSENT: Dona Pratt (notified intended absence)

ALSO

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

PUBLIC HEARINGS

None.

REGULAR MEETING

A. Ms. Poundstone called the Regular Meeting to order at 7:15 P.M., seated members Ayers, Bayer, Gould, Nabulsi, Osterberg, Poundstone, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. February 8, 2010 – Regular Meeting

MOTION was made by Mr. Rudolph, seconded by Mr. Wilson, and carried (7-0-1) to approve the minutes of February 8, 2010 as amended. Ms. Ayers abstained.

C. SITE DEVELOPMENT PLAN REVIEW

1. SDP, Town of Wilton, NW intersection of Old Ridgefield Rd & Center St (Town Right-of-Way), Establishment of veteran’s memorial and flagpole

Town Planner Nerney briefly reviewed a history of the application, noting that while the application was very well-received initially by the Village District Consultant Committee, the Committee did express some concerns with the lack of thought given to landscaping design. As a result, the Town engaged the services of Richard Kent (Environmental Design Associates) who designed the plan as currently proposed. Mr. Nerney highlighted details of the landscaping plan, noting the various plantings/trees framing the site and located behind the flagstone area. He explained that the flagpole would be illuminated by two lights recessed into the plaza under a heavy-duty ground window.

First Selectman Brennan, who was present in the audience, explained further that the veteran’s memorial would likely be tied in with the Town’s Veteran’s Day celebration this November.

Ken Dartley of 187 Olmstead Hill Road, also present in the audience, noted that although the Town’s Memorial Day parade always ends at the cemetery, the new veteran’s memorial could be a spot where a wreath might be laid.

The Commission briefly reviewed draft Resolution of approval #0210-2Z.

MOTION was made by Mr. Wilson, seconded by Ms. Gould, and carried unanimously (8-0) to adopt as drafted Resolution #0210-2Z for **Site Development Plan** at intersection of Old Ridgefield Road & Center Street for establishment of veteran’s memorial and flagpole, effective February 25, 2010.

WHEREAS, the Wilton Planning and Zoning Commission has received an application for a Site Development Plan from the Town of Wilton to permit the establishment of a veteran’s memorial and flagpole on a Town right-of-way, for property located at the intersection of Old Ridgefield Road and Center Street; in a WC, Wilton Center District, Assessors Map #73, adjacent to but not including Lot #12, and 0.29 +/- acres; owned by Town of Wilton and shown on the plans entitled:

Data Accumulation Plan prepared for The Town of Wilton
Prepared by Ryan and Faulds, LLC, Land Surveyors, dated November 30, 1998, at a scale of 1"=40', No sheet #.

Proposed Flagpole Area Plan & Section prepared for Wilton Center Flagpole Area

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Prepared by Kevin Quinlan Architecture, LLC, architects, dated April 28, 2008, at a scale of 1/16"=1-0', sheet #A-1.

Proposed Flagpole Area Rendering prepared for Wilton Center Flagpole Area
Prepared by Kevin Quinlan Architecture, LLC, architects, dated April 28, 2008, not to scale, sheet #A-2.

Proposed Flagpole, Walks, War Memorial and Landscaping prepared for Veterans' Memorial Green
Prepared by Environmental Design Associates, landscape architects, dated February 1, 2010, at a scale of 1/16"=1-0', sheet #A-1.

WHEREAS, the Wilton Planning and Zoning Commission reviewed the Site Development Plan on February 22, 2010; and

WHEREAS, the application was reviewed by the Village District Design Committee and the Planning and Zoning Commission has given due consideration to the decision of the Village District Design Committee; 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 effective February 25, 2010 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 February 25, 2015.
3. Sidewalks and public roads shall be swept and kept clean of any earth materials.

SUBMITTAL OF REVISED PLANS AND APPLICATION:

4. Three (3) 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 February 25, 2015."

b. "For conditions of approval for Site Development Plan see **Resolution #0210-2Z.**"

- End Resolution -

2. SDP, Kim & Song Properties, LLC, 151 Old Ridgefield Road, Signage

The Commission reviewed draft Resolution of approval **#0210-3Z**.

Mr. Nabulsi expressed concern that the only basis upon which the Commission could approve such an application would be pursuant to the Alternative Signage Program as defined in the Town's zoning regulations. Staff confirmed that such a finding was specifically noted in the draft Resolution.

Mr. Nabulsi also expressed concern with the applicant's consideration of both the front and back of the building as frontage and he wished to disagree on record with that representation, referring to potential undesirable precedent being set for future signage applications.

Ms. Gould agreed that both sides should not be considered as frontage, but she felt strongly that in this instance both sides need signage, suggesting that perhaps the size of signage on one side be larger than on the other side.

Mr. Rudolph expressed concerns with the name change and the fact that plans did not refer to any owner nor did they mention the name of the applicant. Mr. Nerney stated that it would be fairly easy to modify the application/plans to reflect accurate information in that regard.

Mr. Nabulsi stated that he would be comfortable with the signage application, which he felt was an excellent proposal overall, but he felt that any approval should clearly stipulate his concerns about the definition of frontage, as well as clearly include the two specific findings necessary under the Alternative Signage Program, i.e. that the proposed signage will be consistent with the purpose of this section of the regulations, and that it will result in a more comprehensive and attractive arrangement/display of signs than

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could otherwise be accomplished. The resolution was amended accordingly.

MOTION was made by Mr. Nabulsi, seconded by Ms. Gould, and carried (6-0-2) to adopt as amended Resolution #0210-3Z for a **Site Development Plan** at 151 Old Ridgefield Road for an **Alternative Signage Plan**, effective February 25, 2010. Commissioners Ayers and Osterberg abstained.

Ms. Ayers noted for the record that she attempted to listen to the transcript of the previous meeting but, due to technical difficulties with the computer disk, was unable to hear the recording.

WHEREAS, the Wilton Planning and Zoning Commission has received a Site Development Plan application from Joseph R. Cugno with Cugno Architecture, for an alternative signage program associated with an existing commercial building, located at 151 Old Ridgefield Road; in a Wilton Center District (WC), Assessors Map #73, Lot# 26, 0.826 acres; owned by Sun Plaza, LLC and shown on the plan entitled:

Site Plan - Prepared for Wilton Center

Prepared by Cugno Architecture, dated January 25, 2007, last revised December 14, 2009, at a scale of 1"=20', sheet #SP1.

First Floor Plan - Prepared for Wilton Center

Prepared by Cugno Architecture, dated December 3, 2007, last revised May 17, 2008, at a scale of 3/16"=1'-0", sheet #A2.

(Old) Ridgefield Road Elevation - Prepared for Wilton Center

Prepared by Cugno Architecture, dated January 25, 2007, last revised December 14, 2009, at a scale of 3/16"=1'-0", sheet #A5.

Elevation at Intersection - Prepared for Wilton Center

Prepared by Cugno Architecture, dated January 25, 2007, last revised December 14, 2009, at a scale of 3/16"=1'-0", sheet #A6.

West Elevation (Parking Lot) - Prepared for Wilton Center

Prepared by Cugno Architecture, dated January 25, 2007, last revised December 14, 2009, at a scale of 3/16"=1'-0", sheet #A8.

WHEREAS, the Wilton Planning and Zoning Commission reviewed the Sign Plan on February 8, 2010; and

WHEREAS, the Wilton Planning and Zoning Commission rejects the premise that the westerly elevation of the building constitutes "frontage", the Commission does; however, find the

application to be consistent with the overall purpose of the alternative signage program and results in a more uniform and attractive arrangement of signage; and

WHEREAS, the application was reviewed by the Village District Design Committee and the Planning and Zoning Commission has given due consideration to the decision of the Village District Design Committee; 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 Sign Plan effective February 25, 2010 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 Plan shall be completed within five years of the effective date of this resolution. This five-year period shall expire on February 25, 2015.
3. The plans shall be revised to reflect the deletion of the free standing kiosk sign shown on sheet #SP1 prior to receiving a sign permit.
4. The approved proposed wall mounted signs shall be designed and erected in accordance with the final aforementioned plans dated January 25, 2007 and last revised December 14, 2009 with the exception of the free standing kiosk sign. The approved signs are shown on the signage plans listed below are as follows:
 - a. The proposed wall mounted signs, shall be consistent with the signage represented on the final submitted plans and shall not differ with respect to size, color, design or appearance. Said sign shall be located in the area as shown on the submitted site plan. The size of the sign and the individual panels are as follows:
 1. The proposed signs for tenants #1, 2 and 3 shall be limited to 9.75 square feet on both the front or east and rear or west side of the building and shall not exceed a total of 19.5 square feet.
 2. The proposed signs for tenant #4, shall be limited to 19.83 square feet square feet on the front side of the building and shall be limited to 10.17 square feet

on the rear or west side of the building. The total square footage shall not exceed 30 square feet.

5. The approved signs shall only be externally illuminated and not internally illuminated. All exterior lighting shall be so designed that the filaments, light sources, reflectors or lenses are shielded from public view.

Submittal of revised plans and application:

6. Three (3) 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. "In accordance with Section 8-3.(i) of the Connecticut General Statutes, all work in connection with this Sign Plan shall be completed within five years after the approval of the plan. Said five-year period shall expire on February 25, 2015."
 - b. "For conditions of approval for Sign Plan, see **Resolution #0210-3Z.**"

- END RESOLUTION -

D. ACCEPTANCE OF NEW APPLICATIONS

None.

E. PENDING APPLICATIONS

1. **SP#191E, Montessori Assn, Inc., 34 Whipple Road, To increase enrollment and construct additional parking**

Mr. Nabulsi recused himself and left the meeting room.

Commissioners Bayer and Wilson both indicated that they had listened to transcripts of the meeting(s) they missed. Commissioner Osterberg questioned whether he would have to abstain as a result of missing one of the discussions and it was determined that he would have to abstain, and Commissioner Ayers noted again that she tried but was unable to listen to the transcript and therefore would have to abstain as well.

The Commission reviewed draft Resolution of denial **#0210-2P**.

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While it was the general consensus of the Commission to deny the application per draft resolution #0210-2P, Mr. Bayer stated for the record that he did not support the denial, noting that the requested expansion of enrollment from 230 to 270 students was not substantial enough to deny and since the Commission's discussion, in his opinion, never went beyond that fact, he felt it was not a sufficient basis for denial.

Ms. Poundstone stated that she supported the denial. She felt that the impact on the neighborhood was adequately demonstrated and she expressed further concern about safety issues in relation to the traffic and the school.

Mr. Rudolph felt there was more than an abundant showing on the record that the necessity of the new parking lot was not demonstrated.

MOTION was made by Ms. Gould, seconded by Mr. Wilson, and carried (4-1-2) to adopt as drafted Resolution #0210-2P to DENY application SP#191E. Mr. Bayer opposed. Commissioners Ayers and Osterberg abstained.

WHEREAS, the Wilton Planning and Zoning Commission has received a Special Permit application SP#191E, to allow an increase of enrollment from 230 to 270 students and to construct a new parking lot, for property at 34 Whipple Road; in a Residential One Acre (R-1A) District, Assessor's Map #67, Lot #15, 7.585+/- acres, owned by the Montessori Association, Inc. and shown on the plans entitled:

Vicinity Map- Prepared for Grumman Hill Montessori Association, Inc.
Prepared by Douglas R. Faulds, land surveyor, dated September 15, 2009, scale: 1"=100', no sheet#.

Zoning Location Survey- Prepared for Grumman Hill Montessori Association, Inc.
Prepared by Douglas R. Faulds, land surveyor, dated September 15, 2009, scale: 1"=50', no sheet#.

Planting Plan- Prepared for The Montessori School
Prepared by Katherine E. Throckmorton, landscape architect, dated September 28, 2009, revised November 17, 2009, scale: 1"=20', sheet#PP1.

Landscape Section- Prepared for The Montessori School
Prepared by Katherine E. Throckmorton, landscape architect, dated February 12, 2009, scale: 1"=10', sheet#PP2.

Overall Site Development Plan- Prepared for The Montessori School
Prepared by Holt W. McChord, engineer, dated September 28, 2009, revised November 20, 2009, scale: 1"=40', sheet#OV1.

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Parking Travel Distance Plan- Prepared for The Montessori School
Prepared by Holt W. McChord, engineer, dated January 7, 2010, scale: 1"=40', sheet#OV1A.

Site Layout and Utility Plan- Prepared for The Montessori School
Prepared by Holt W. McChord, engineer, dated September 28, 2009, revised November 20, 2009, scale: 1"=30', sheet#SE1.

Site Grading and Soil Erosion Control Plan- Prepared for The Montessori School
Prepared by Holt W. McChord, engineer, dated September 28, 2009, revised November 20, 2009, scale: 1"=30', sheet#SE2.

100% Code Compliant Septic System Plan- Prepared for The Montessori School
Prepared by Holt W. McChord, engineer, dated September 28, 2009, revised November 20, 2009, scale: 1"=30', sheet#SE3.

Construction Notes & Details- Prepared for The Montessori School
Prepared by Holt W. McChord, engineer, dated September 28, 2009, revised November 20, 2009, scale: as shown, sheet#DT1.

Septic System Notes & Details- Prepared for The Montessori School
prepared by Holt W. McChord, engineer, dated September 28, 2009, revised November 20, 2009, scale: as shown, sheet#DT2.

Plan Provides 1 Average Footcandle- Prepared for Montessori School
prepared by Collin Thomas, lighting expert, dated January 5, 2009, revised December 9, 2009, scale: 1"=20', no sheet#.

Plan Provides 2.5 Average Footcandle- Prepared for Montessori School
prepared by Thomas Golden/Collin Thomas, lighting experts, dated December 18, 2008, scale: 1"=20', no sheet#.

WHEREAS, the Planning and Zoning Commission has conducted a public hearing on November 9, 2009, November 23, 2009, and January 25, 2010, to receive comment from the public and has fully considered all evidence submitted at said hearing;

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission **DENIES** Special Permit #191E to allow an increase of enrollment from 230 to 270 students and to construct a new parking lot, for the following reasons:

1. The Commission is of the opinion that an expansion of the school's enrollment from 230 to 270 students will result in a significant increase in the volume of neighborhood

vehicular traffic. This finding is based upon the testimony of surrounding property owners as well as the findings of the applicant's traffic consultant who concluded an additional 68 vehicular trips per day would occur during the specific morning and afternoon peak hour. Such intensification is out of character with the Whipple Road neighborhood, compromises the quiet residential setting of the area and serves to exacerbate unsafe traffic conditions on a narrow local roadway. The Commission recognizes and respects the school's right to function as a pre-existing use; yet, questions the wisdom of intensifying vehicular traffic on a dead-end neighborhood street. To this end, the Commission finds the proposal contrary to public safety and inconsistent in the advancement of sound land use planning.

2. It is the Commission's observation that school operations have changed over the years. Whereas students were once bused to the facility when functioning as a public school, students are currently driven to the school by parents. This has resulted in significant increases in the level of traffic, elevated public safety concerns, and has contributed to increased neighborhood noise and disruption resulting from school and after-school activities. The intensification of this use is contrary to the established land use pattern, which consists of predominately single family homes situated in an older residential neighborhood.
3. The request is contrary to the Town Plan of Conservation and Development (January 1, 2010). Specifically, the plan recommends the protection of residential neighborhoods further stating: "The Town should continue to protect established neighborhoods from incompatible uses, particularly those neighborhoods that are near Route 7".
4. The submitted site plan calls for the establishment of a 40 space parking lot north of the school. The Commission finds that this proposal fails to comply with Section 29-8.C.2.a. of the zoning regulations which requires a landscaped buffer no less than 50 feet in width between non-residential and residential uses. Moreover, the regulations expressly prohibit the paving within the regulated buffer area.
5. With respect to the planned parking lot, the Commission is of the opinion that other design options were not fully explored. One such option involves an expansion of the existing parking lot in lieu of establishing a separate parking lot. This would serve to protect buffers, reduce curb cuts on Whipple Road and minimize intrusion into the residential neighborhood.

- END RESOLUTION -

2. SUB#903, Keene, 288 Sturges Ridge Road, 4-lot subdivision

The Commission reviewed draft **Resolution #0210-1S**.

Mr. Rudolph submitted to staff his proposed revisions of the “Landscape Maintenance Agreement” for incorporation into the record.

Mr. Nerney explained that all maintenance/easement agreements have been amended and submitted to Town Counsel for review. However, since the Town has not yet received final confirmation from Town Counsel, he noted that a standard provision (item #22) was inserted into the draft resolution indicating that all such agreements shall be subject to review and approval by Town Counsel and staff, and shall all be filed with the Town Clerk prior to issuance of any zoning permit.

MOTION was made by Ms. Gould, seconded by Mr. Bayer, and carried (6-0-2) to adopt as amended Resolution **#0210-1S** for **SUB#903**, effective February 25, 2010. Commissioners Ayers and Osterberg abstained.

WHEREAS, the Wilton Planning and Zoning Commission has received a **Subdivision** application **SUB#903** from David and Bonnie Keene, Co-Trustees and Betsy Lee Williams, for a four-lot subdivision located on 388 Sturges Ridge Road, in an R-2A District, Assessor’s Map #6, Lot #4, 12.977 acres, owned by David and Bonnie Keene, Co-Trustees and Betsy Lee Williams and shown on the plans entitled:

Vicinity Map prepared for Lockwood Farm, prepared by Ryan and Faulds, land surveyors, dated September 3, 2009, no sheet #, at a scale of 1"=100'.

Subdivision prepared for Lockwood Farm, prepared by Douglas R. Faulds, land surveyor, dated September 3, 2009, last revised January 27, 2010, no sheet #, at a scale of 1"=50'.

Property Survey prepared for Betsy Lee Williams, and David Keen and Bonnie Keene, prepared by Douglas R. Faulds, land surveyor, dated September 3, 2009, no sheet #, at a scale of 1"=50'.

Development Feasibility Plan (northern quadrant) prepared for The Estate of Mildred L. Loubet, prepared by Steven D. Trinkaus, engineer, dated September 20, 2009, last revised February 2, 2010, at a scale of 1"=40', sheet # 1 of 4.

Development Feasibility Plan (southern quadrant) prepared for The Estate of Mildred L. Loubet, prepared by Trinkaus Engineering, LLC, civil engineers, dated September 20, 2009, last revised February 2, 2010, at a scale of 1"=40', sheet # 2 of 4.

Accessway Profile Construction Details prepared for The Estate of Mildred L. Loubet, prepared by Trinkaus Engineering, LLC, civil engineers, dated September 20, 2009, last revised February 2, 2010, at a scale of 1"=40', sheet # 3 of 4.

Erosion Narrative prepared for The Estate of Mildred L. Loubet, prepared by Trinkaus Engineering, LLC, civil engineers, dated September 20, 2009, last revised February 2, 2010, at a scale of 1"=50'/as noted, sheet # 4 of 4.

Tree Protection & Lawn Limit Plan prepared for Four Lot Subdivision, prepared by Katherine E. Throckmorton, landscape architect, dated January 14, 2010, last revised February 2, 2010, sheet #TP.1, at a scale of 1"=30'.

WHEREAS, the Planning and Zoning Commission has conducted a public hearing on November 23, 2009, January 11, 2010 and February 8, 2010 to receive comment from the public and has fully considered all evidence submitted at said hearing; and

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

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

NOW THEREFORE BE IT RESOLVED effective February 25, 2010 the Wilton Planning and Zoning Commission **APPROVES** the four-lot subdivision subject to the endorsement and filing of the record Subdivision Map, and subject to the following conditions:

A. GENERAL CONSIDERATIONS

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

Lot 1 shall remain 388 Sturges Ridge Road, (Map#6, Lot#4)

Lot 2 shall become 382 Sturges Ridge Road, (Map#6, Lot#4-2)

Lot 3 shall become 384 Sturges Ridge Road, (Map#6, Lot#4-3)

Lot 4 shall become 386 Sturges Ridge Road, (Map#6, Lot#4-4)

B. CONDITIONS PERTAINING TO ALL LOTS

4. All utilities shall be installed underground.
5. Development shall not alter the existing natural site grading and drainage patterns of adjoining properties. Runoff caused by new development, during and after construction, shall be minimized and diverted to natural drainage patterns.
6. Driveways shall be clearly marked to facilitate rapid identification by emergency vehicles.
7. Fuel oil tanks shall only be located above ground or within a basement.
8. The applicant shall employ all reasonable measures to ensure that use of any explosives during construction of any lot does not damage neighboring properties.
9. All existing stone walls and existing trees and shrubs shall be preserved to the fullest extent possible.
10. To ensure public safety, clear access of the driveway shall be maintained at all times during construction. Construction equipment shall not be parked or stored on or within any public right-of-way.
11. Any change deemed significant in the discretion of the Planning and Zoning Department staff in the build-out of each lot or location and design of infrastructure improvements associated with this application shall be subject to the review and approval of the Commission.
12. The applicant, contractor and Planning and Zoning Department staff shall have a pre-construction meeting in order to ensure compliance with Planning and Zoning Commission requirements. Said meeting shall be conducted prior to the commencement of any site work including tree cutting and/or land clearing; the results of which shall be to the full satisfaction of the Planning and Zoning Department staff.
13. Unless otherwise approved by the Planning and Zoning Department staff, all site disturbance shall be performed in a manner as indicated on the grading plan.
14. There shall be no construction activities on the site on Sundays or holidays. The hours of construction shall be within the hours of 7:00 am and 5:00 pm Monday through Friday and 8:00 am and 5:00 pm on Saturdays. Such restrictions shall not apply to interior work performed within individual houses.
15. A copy of this resolution shall be given to the project manager of each lot and shall be available on site during construction.

C. PRIOR TO FILING OF FINAL SUBDIVISION MAP

16. The Final Subdivision Plan shall be revised to include the following:
 - a. The address designation within each approved lot as specified herein.
 - b. The note: “Water supply wells shall be constructed and approved after foundation completion but prior to continuation of house construction”.

- c. The note: “Subdivision #903 for conditions of approval see Resolution #0210-1S.
- d. A note shall be updated to include the Health Department certification block pursuant to Section 3.315 of the Subdivision Regulations.
- e. The subdivision map shall be filed within 90 days following expiration of the appeal period, unless the applicant obtains an extension from the Planning and Zoning Commission.
- f. The applicant shall provide the Planning and Zoning Department with an electronic copy of the subdivision plan prior to the recording of said plan with the Town Clerk.

D. SUBSEQUENT TO FILING OF THE FINAL SUBDIVISION MAP

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

E. PRIOR TO THE ISSUANCE OF A ZONING PERMIT

- 18. Prior to obtaining a zoning permit for the re-development of any lot, the applicant shall submit a site plan for review by the Commission’s staff. Each site plan shall include a tree and stone wall preservation plan. Such plan shall locate trees with a diameter (caliper) over 16” within the buildable area and 10” diameter (caliper) within the setback areas and the location of stone walls. The plan shall explain why any such tree or stone wall is not being preserved, and shall explain alternate plans that have been considered. All trees and stone walls included in the tree and stone wall preservation plan must be protected during the construction phase and thereafter.
- 19. The site plan for all lots shall be in accordance with the applicant’s approved site development plans entitled Development Feasibility Plan (northern quadrant) prepared for The Estate of Mildred L. Loubet, prepared by Steven D. Trinkaus, engineer, dated September 20, 2009, last revised February 2, 2010, at a scale of 1"=40', sheet # 1 of 4; and Development Feasibility Plan (southern quadrant) prepared for The Estate of Mildred L. Loubet, prepared by Trinkaus Engineering, LLC, civil

- engineers, dated September 20, 2009, last revised February 2, 2010, at a scale of 1"=40', sheet # 2 of 4.
20. The proposed storm drainage (including the rain gardens and outlet swales) for all lots shall be in accordance with the applicant's approved site development plans referenced in the condition above, the storm water analysis and the detail plan entitled Accessway Profile Construction Details prepared for The Estate of Mildred L. Loubet, prepared by Trinkaus Engineering, LLC, civil engineers, dated September 20, 2009, last revised February 2, 2010, at a scale of 1"=40', sheet # 3 of 4. Any change or alteration to planned drainage improvements shall be subject to the review and approval of Planning and Zoning Commission and/or Planning and Zoning Department staff.
 21. A bond estimate for all site work shall be provided by the applicant to the Commission's staff, which shall include, but not be limited to sedimentation and erosion controls, tree protection, storm water drainage (including rain gardens and outlet swales), grading, fire cistern, permeable pavers, driveway accessway, retaining walls, seeding and a 10% contingency. Such amount shall be approved by the Commission's staff. The bond shall be in a form and amount with proper surety satisfactory to the Commission's Land Use Counsel and shall be submitted prior to any site disturbance.
 22. The *Declaration of Open Space Restrictions*, the *Grant of Fire Cistern Easement*, the *Landscape Maintenance Agreement*, and the *Declaration of Driveway and Utility easements and Maintenance Agreement* shall all be subject to review and approval by the Town's Counsel and staff and shall all be filed with the Town Clerk prior to the issuance of a zoning permit.
 23. The site plan for Lot 2 shall include a note and a delineation of the tree protection line indicating that there will be no material storage or temporary parking beyond the tree protection line.
 24. The site plan to be reviewed for Lot 4 shall also include slope calculations delineating the amount of proposed slope disturbance on each lot on slopes greater than 15% and slopes 35% or greater for review by the staff for their approval prior to receiving a zoning permit.
 25. All disturbed areas, including areas where trees are to be removed, shall be clearly delineated through the use of either silt or construction fencing prior to the commencement of any site activity. Delineation of such areas shall be performed by a licensed surveyor and approved by staff prior to the commencement of any site work and prior to the issuance of a zoning permit.
 26. A portion of the existing stone wall, adjacent to Sturges Ridge Road, will be removed to make room for the common driveway.
 27. The Planning and Zoning Department reserves the right to require a storm water analysis for each lot to be developed. Said plan shall be prepared and stamped by a professional engineer and submitted and approved by the Planning and Zoning Department prior to the issuance of a Zoning Permit. All drainage designs shall

conform to standards set forth in the town’s zoning regulations and subdivision regulations.

F. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE

28. All new utilities for each lot shall be installed underground prior to the issuance of a certificate of zoning compliance.
29. All lot corners shall be pinned and verified by the applicant’s Land Surveyor and shall be submitted prior to obtaining zoning compliance for each lot.
30. An as-built plan showing the location of the installed storm water system, including the rain gardens and outlet swales or approved alternative designs, as depicted on the approved site development plan shall be submitted prior to zoning compliance for each lot. The engineer of record shall inspect the construction process and, upon completion, provide a letter and an as-built plan locating the storm water system and certifying the functionality of such system.
31. Prior to the issuance of a zoning certificate of compliance, a document outlining the procedures for the maintenance of the storm water system and rain gardens shall be submitted to the Planning and Zoning Department for review and approval. Said document shall be recorded in the land records for each lot.
32. The applicant shall submit an as-built slope plan and slope calculations prior to the issuance of a zoning certificate of compliance for Lot 4 if requested by the Zoning Enforcement Officer. Site disturbance shall be in conformance with provisions outlined in Section 29-9.I.2.of the zoning regulations.

-END RESOLUTION-

3. SP#348, 203 Danbury Road, LLC, 203 Danbury Road, Operation of package store

Mr. Bayer recused himself from the discussion but remained in the meeting room.

The Commission reviewed draft resolution **#0210-3P**.

Mr. Nabulsi felt that the Commission owed it to the residents who came and objected to this application, to address the concerns that they expressed about the package store’s proximity to a residential area. Although he wasn’t sure that the Commission would have any basis upon which to deny the application, particularly in light of the parcel’s commercial zoning designation, he felt that the Commission needed to at least acknowledge the significant concerns expressed by some residents in this regard.

Ms. Gould noted that she had considered the site very carefully and she felt that the topography of the land makes many of the residents’ concerns moot. She referred to a

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downward slope between the site and the area of residential homes, making their inhabitants fairly unaware of, and not significantly impacted by, what is going on up on Route 7. She noted further that the previous convenience store and gas station uses on the site would have generated significantly more traffic than the proposed package store will in all likelihood generate.

MOTION was made by Mr. Wilson, seconded by Mr. Rudolph, and carried (5-0-2) to adopt as drafted Resolution #0210-3P for SP#348, effective February 25, 2010. Commissioners Ayers and Osterberg abstained.

WHEREAS, the Wilton Planning and Zoning Commission has received a Special Permit application SP#348 from Edward J. Sherman, Jr. et al, c/o Gloria Gouveia d/b/a Wilton Spirit Shoppe for approval to allow the establishment of a 1,596 square foot retail package store, for property located at 203 Danbury Road; in a General Business “GB” District, Assessors Map#71, Lot#30, consisting of 0.63 acres owned by 203 Danbury Road, LLC and shown on the plans entitled:

Plot Plan- Prepared for Edward J. Sherman Jr., Prepared by Wayne J. Arcamone, Inc., land surveyor, dated December 17, 2009, at a scale of 1"=20'.

Plan of Site- Received February 8, 2010, scale not noted.

Map Showing Easement Acquired from Motiva Enterprises, LLC- Prepared for The State of Connecticut, Prepared by Edward A. Nielsen, land surveyor, dated August 1998, at a scale of 1"=40'.

Proposed Retail Store- Prepared for Edward J. Sherman Jr. et al, Prepared by William N. Andriopoulos, architect, dated December 3, 2009, at a scale of 1/4"=1'.

Proposed Plan- Prepared for Edward J. Sherman Jr. et al, Prepared by AA, architects, dated January 15, 2010, at a scale of 1/4"=1'.

WHEREAS, the Wilton Planning and Zoning Commission has conducted a public hearing on January 25, 2010 and February 8, 2010 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;

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission **APPROVES** Special Permit #348 to allow the establishment of a 1,596 square foot retail package store, effective February 25, 2010 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 February 25, 2015.
3. There shall be no outdoor storage of any products, including the storage ice or recyclable containers. Any indoor storage of recyclable containers shall be conducted in accordance with all applicable State and local health code requirements.
4. Due to safety issues resulting from exposure and proximity to Route 7, no flags or banners shall be allowed outside the building.
5. The landscape planting buffer adjacent to Route 7 shall be installed prior to occupancy or as weather conditions permit. Landscape improvements shall be consistent with the Planning and Zoning Commission's approval of a Site Development Plan of 2005 for 203 Danbury Road. Additionally, all street tree plantings proposed by the State DOT shall be installed; either by the applicant or the State of Connecticut. Any modifications shall be subject to review and approval by the Planning and Zoning staff.
6. A bond estimate and bond for all site work shall be provided by the applicant to the Commission's staff, which shall include, but not be limited to landscape planting and installation and re-striping of parking spaces #13 and #14 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.
7. The hours of operation shall be conducted in accordance with the Connecticut General Statutes and all applicable ordinances of the Town of Wilton, specifically between the hours of 9:00 a.m. and 8:00 p.m., Monday through Saturday. In instances where any conflict may exist; the more restrictive provision shall apply.
8. Per applicant testimony, all deliveries shall be conducted and restricted between the hours of 10:00 a.m. and 3:00 p.m.
9. With the exception of safety lighting, all exterior lighting shall be extinguished at 9:00 p.m.

10. The installation of all exterior signage shall be subject to the review and approval of the Zoning Enforcement Officer.
11. The installation of rooftop mechanical equipment shall be prohibited unless otherwise authorized by the Planning and Zoning Commission.
12. Unless expressly authorized by the Planning and Zoning Department or the Planning and Zoning Commission, no shopping carts shall be utilized as part of store operations.

Submittal of revised plans and application:

13. Three (3) 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 February 25, 2015."

b. "For conditions of approval for Special Permit #348, see **Resolution #0210-3P.**"

-END RESOLUTION-

4. SP#220A, Lugossy, Wilson Properties III, LLC, 142 Old Ridgefield Road, Operation of package store

The Commission reviewed draft resolution **#0210-4P.**

An issue was raised as to whether shopping carts should be permitted egress from both the front and rear doors of the establishment.

Mr. Rudolph expressed serious concerns with allowing the carts to exit from the front door, noting the potential for such carts to end up along and on Old Ridgefield Road. Other Commissioners expressed concern that by not allowing shopping carts to exit from the front, it will result in cars parking illegally out front while employees carry packages out to them.

Upon further discussion, it was agreed that 1) no carts shall be permitted to exit from the front door of the package store; 2) there shall be a sign indicating such restriction; and 3)

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the applicant will have an ongoing duty to be sure that no carts are left outside of the building as of close of business.

MOTION was made by Mr. Rudolph, seconded by Mr. Bayer, and carried (6-0-2) to adopt as amended Resolution #0210-4P for SP#348, effective February 25, 2010. Commissioners Ayers and Osterberg abstained.

WHEREAS, the Wilton Planning and Zoning Commission has received a Special Permit application SP#220A from Frank C. Lugossy d/b/a Vintage Fine Wines for approval to allow the establishment of a 2,472 square foot retail package store, for property located at 142 Old Ridgefield Road; in the Wilton Center “WC” District, Assessors Map#73, Lot#20, consisting of 1.822 acres owned by Wilson Properties III, LLC and shown on the plans entitled:

Vicinity Location Map- Prepared for 142 Old Ridgefield Road, Prepared by Roland H. Gardner, Jr., surveyor, not dated, at a scale of 1"=100’.

Map of Property- Prepared for 142 Old Ridgefield Road, Prepared by Roland H. Gardner, Jr., surveyor, dated December 31, 2009, at a scale of 1"=30’.

Construction Plan- Prepared for Wilson Properties III, LLC, Prepared by James G. Rogers, architect, dated December 15, 2009, at a scale of 1/8"=1’, sheet #A1.1.

Construction Plan and Accessories Legend- Prepared for Wilson Properties III, LLC, Prepared by James G. Rogers Architects, architects, dated February 8, 2010, at a scale of 1/8"=1’, sheet #A1.1.

Wilton Commercial- Prepared for 142 Old Ridgefield Road, Prepared by The Rising Sign Company, Inc., sign makers, dated February 3, 2010, at a scale of 3/8"=1’.

WHEREAS, the Wilton Planning and Zoning Commission has conducted a public hearing on February 8, 2010 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;

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission **APPROVES** Special Permit #220A to allow the establishment of a 2,472 square foot retail package store, effective February 25, 2010 subject to the following conditions:

4. 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:

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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.

5. 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 February 25, 2015.
6. The approval for this special permit shall be filed with the Town Clerk's office using the Land Record Information Form prior to receiving a zoning permit.
7. There shall be no outdoor storage of any products, including the storage of recyclable containers. Any indoor storage of recyclable containers shall be conducted in accordance with all applicable State and local health code requirements.
8. The applicant shall ensure that all shopping carts are collected and stored inside the retail package store during times of closure.
9. No shopping carts shall be allowed to exit through the front door and there shall be a sign indicating such.
10. The applicant may maintain up to eight (8) shopping carts. Such carts shall be of the smaller, lightweight variety, as approved by staff.
11. All shopping carts shall be stored inside due to the severe grade change and the location of the floodplain in the rear of the property and due to the close proximity to the street in the front of the property.
12. The hours of operation shall be conducted in accordance with the Connecticut General Statutes and all applicable ordinances of the Town of Wilton, specifically between the hours of 9:00 a.m. and 8:00 p.m., Monday through Saturday. In instances where any conflict may exist; the more restrictive provision shall apply.
13. All signage shall not be considered approved until reviewed and approved by the Zoning Enforcement Officer.
14. The installation of rooftop mechanical equipment shall be prohibited unless otherwise authorized by the Planning and Zoning Commission.

Submittal of revised plans and application:

12. Three (3) 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 February 25, 2015."

b. "For conditions of approval for Special Permit #220A, see **Resolution #0210-4P.**"

-END RESOLUTION-

F. COMMUNICATIONS

G. REPORT FROM CHAIRMAN

1. Reports from Committee Chairmen

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

- 1. REG#10319, TIAA-CREF, 10 and 20 Westport Road, To amend Sections 29-2.B, 29-7.B.2, 29-8.B of zoning regulations pertaining to Conference Center uses and parking [P.H. March 8, 2010]**
- 2. SP#216D, Wilton Wines & Spirits, LLC, 941 Danbury Road, Operation of a package store [P.H. March 8, 2010]**

J. ADJOURNMENT

MOTION was made by Ms. Gould, seconded by Mr. Bayer, and carried unanimously (8-0) to adjourn at 8:06 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary