

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

## WILTON PLANNING & ZONING COMMISSION MINUTES MARCH 22, 2010 REGULAR MEETING

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

**ABSENT:** Eric Osterberg (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

- 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**

Ms. Poundstone called the Public Hearing to order at 7:18 P.M., seated members Ayers, Bayer, Gould, Nabulsi, Poundstone, Pratt, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Ms. Poundstone noted that the hearing was continued from the previous meeting.

Present were J. Casey Healy, attorney; and David Schiff, planning consultant; on behalf of the applicant.

Mr. Healy noted that a revised amendment (the subject of this application) was drafted by Mr. Schiff in response to comments/concerns of the Regulations Committee during a presentation of an earlier amendment version some months ago.

At 7:17 P.M. Ms. Poundstone requested that the applicant rest so that the Commission might first hear Communications item #2. The applicant agreed and the agenda was scrambled as follows.

**F. COMMUNICATIONS**

**2. Discussion with SWRPA representatives and reappointment of PZC representative to SWRPA**

Present were Amy Harris and Bud Boucher, Town of Wilton's SWRPA representatives.

Ms. Harris distributed hand-outs to Commissioners summarizing projects/issues addressed during the previous year by SWRPA, citing initiatives such as corridor studies as well as the issue of Council Governance. She noted that she is a member of the Multi-Year Planning Committee and the Referrals Committee.

Mr. Wilson raised the issue of a non-unused aquifer in Cannondale that was not listed recently as one of the State-recognized aquifers. He felt that this aquifer, which is quite large and located under Route 7, is a significant Town resource and ought to be protected as much as any other. Ms. Harris stated that this is one of the reasons she prefers the concept of Regional Planning Agency as opposed to Council Governance since her feeling is that environmental concerns would not receive the attention they deserve under a Council form of government.

In response to a question from the Commission, Mr. Boucher expressed the opinion that the Route 7 gap study is currently the most significant issue being undertaken by SWRPA at this time, and he noted that its progress could be tracked on the [www.route7study.org](http://www.route7study.org) website. He stated that there is a lot of work remaining so input is important.

In response to Mr. Bayer's question about alternate means of transportation, Mr. Boucher referenced a bicycle/pedestrian study currently under review. He also briefly referenced a contentious cell tower issue that has developed in Greenwich. Overall, he felt that SWRPA is generally a solution-finding, open and communicative agency. Additional hand-outs were distributed on the foregoing matters.

Ms. Poundstone felt that it would be helpful for the Commission to receive input/updates from Ms. Harris and Mr. Boucher on a more periodic basis.

Referring to the literature distributed by the representatives this evening, Mr. Nabulsi noted that it would be much appreciated if this type of information could be provided to Commissioners in advance of any future meetings.

In conclusion, Mr. Nerney noted that PZC representative Amy Harris has been diligent in bringing issues to his attention, noting that she has a good sense of what may or may not be relevant to the Town's interests.

The Commission resumed the Public Hearing as follows.

## **PUBLIC HEARINGS**

**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**

Mr. Healy introduced planning consultant David Schiff to briefly review the planning analysis submitted.

Mr. Schiff explained that an original amendment draft had been modified in response to concerns expressed during a Regulations Committee review in May. He reviewed the proposed conference center requirements, noting in particular that: 1) it shall only be allowed as a Special Permit use in the DE-10 zoning district; 2) the site must contain another primary use; 3) it shall be permitted only on sites that are in complete conformance with minimum bulk requirements of the DE-10 district; 4) overnight accommodations shall be limited to one per 2000 square feet of conference center gross floor area; and 5) it shall be limited to social functions (e.g. weddings) for which an entrance or admission fee is not charged, and shall not be used as a hotel or restaurant.

Mr. Schiff noted further that the purpose of the application is to make the Hanson House, which is located approximately 800 feet from the closest residence, economically viable. In summary, he felt that the proposed amendment is consistent with the planning objectives of the Town, both with respect to zoning and the Town's Plan of Conservation and Development; it would have a positive impact on the economic base; and it would have no negative impacts on the character of the community.

Mr. Healy noted that there are only seven DE-10 properties in Town, of which only three would come remotely close to meeting the bulk requirements of the zone, including 10 and 20 Westport Road and 77 Danbury Road.

Mr. Rudolph suggested some changes to the text of the proposed amendment, including removal of "individuals" as one of the qualifying users, as well as verbiage designed to clarify the meaning of "social function". A discussion ensued regarding the intent of the regulation with respect to events at which daily admission/entrance fees might be charged (e.g. night club/bar use) versus events where a registration fee might be charged sometime in advance of the event (e.g. seminars, conferences, etc.).

Ms. Gould felt that Wilton is sorely in need of space for certain types of events, citing

examples such as a comic book convention, a craft or antiques show, or an event that would include a range of lectures sponsored by perhaps a museum. She felt that the main focus of consideration should be on parking and the size of the group, noting that site-specific zoning needs to be avoided. Mr. Healy stated that the applicant will give the matter some additional thought.

Mr. Healy briefly reviewed a history of the Hanson House, noting that it was in fact a residence until the early 1970s, after which it was sold to Richardson-Merrill and then enlarged and connected to a 180,000 square-foot office building, which was used for cafeteria, medical offices and conference facilities. He noted that Deloitte and Touche, the current tenant, no longer uses the facility.

A discussion ensued regarding required parking and whether it would be regulated based on the anticipated number of seats or on the square footage of the facility. Mr. Nerney noted that this particular type of situation could be a bit difficult due to the temporary seating involved.

Mr. Healy explained that at the time of application for a Special Permit, the applicant would have to clarify the number of anticipated seats, which could result in a requirement for greater parking than if gross floor area were the only determinant. In such a situation, the applicant would not be able to increase the number of seats after the fact because issuance of the Special Permit would have been contingent upon the submitted data.

Mr. Nabulsi pointed out that a conference center, under the terms of the proposed amendment, would not necessarily be adjacent to an office use, as is the situation with the subject applicant. He noted that, per the proposed regulation, it could be associated with any permitted DE-10 use, citing the example of a bed and breakfast facility which is an allowed Special Permit use in the DE-10 zone (Section 29-7.B.2.q).

Mr. Healy agreed that such a situation would be possible but he felt it would probably not be realistic. However, he noted that an exception could be written into the amendment if the Commission so desired.

Mr. Bayer had the following comments/concerns: 1) he wanted greater specificity with respect to the definitions of “social function” and “conference”; 2) he expressed concern that no limitations were indicated regarding cooking facilities on the site; 3) he felt that there should be greater specificity regarding setback requirements for a conference center to insure better protection for surrounding properties; and 4) he questioned whether the applicant envisioned a shared parking arrangement or specific dedicated parking spaces in connection with conference center uses.

Mr. Healy stated that the proposed amendment requires new dedicated parking, although

he indicated that the applicant would give additional thought to these matters as well.

Mr. Healy responded to issues raised in the Planning and Zoning Staff Report of March 3, 2010. He stated that the applicant would look further into the issue of whether alcohol would be served at conference center functions, and he agreed that the site/use would be considered legally nonconforming if the primary DE-10 use is ever removed.

Ms. Pratt asked that the word “group” also be defined by the applicant, and she expressed concern regarding noise issues that could arise on the site, and questioned how late into the evening such events would be permitted to extend.

Mr. Healy stated that the applicant would address all of the aforementioned issues.

Mr. Rudolph questioned the applicant’s intent with respect to the type of groups that might be using/operating the facility (e.g. private, membership, non-profit groups, etc.). He questioned in particular whether for-profit uses should be permitted, referring as an example to a night club use.

Mr. Healy stated that the applicant would give this matter further thought as well, although he felt that ultimately the applicant would want to make some profit even if some of the generated proceeds were going to a charity.

Mr. Bayer emphasized that he would be looking for something that ties the conference use in some way to the primary use.

Mr. Nabulsi asked whether the applicant envisioned efficiency units or just standard bedrooms for overnight stays. Mr. Schiff stated that the intent was for a basic room. Mr. Healy stated that the applicant would clarify that as well.

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

There being no further comments from the Commission or the public, at 8:30 P.M. the Public Hearing was continued until April 26, 2010.

## **REGULAR MEETING**

- A.** Ms. Poundstone called the Regular Meeting to order at 8:30 P.M., seated members Ayers, Bayer, Gould, Nabulsi, Poundstone, Pratt, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

**B. APPROVAL OF MINUTES**

**1. March 8, 2010 – Regular Meeting**

MOTION was made by Mr. Wilson, seconded by Mr. Ayers, and carried (6-0-2) to approve the minutes of March 8, 2010 as drafted. Commissioners Bayer and Pratt abstained.

**C. SITE DEVELOPMENT PLAN REVIEW**

**D. ACCEPTANCE OF NEW APPLICATIONS**

- 1. #10320, Amendments to Town of Wilton Zoning Regulations Pertaining to Floodplain Management, Sections 29-2.B and 29-9.F.**
- 2. #10321, Amendments to Town of Wilton Subdivision Regulations Pertaining to Floodplain Management, Secs 4.4.5 and 4.4.5.3**
- 3. SP#349, Olkoski, 81 Boulder Brook Road, Accessory dwelling unit**

MOTION was made by Ms. Poundstone, seconded by Mr. Wilson, and carried unanimously (8-0) to accept applications #10320, #10321, and SP#349, and set a public hearing date for all three applications for April 26, 2010.

**E. PENDING APPLICATIONS**

- 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**

Tabled.

- 2. SP#216D, Wilton Wines & Spirits, LLC, 941 Danbury Road, Operation of a package store**

Mr. Bayer recused himself.

The Commission briefly reviewed draft Resolution **##0310-7P**.

MOTION was made by Mr. Nabulsi, seconded by Mr. Rudolph, and carried (6-0-1) to adopt as drafted Resolution **#0310-7P** for **SP#216D**, effective March 25, 2010. Ms. Pratt abstained.

**WHEREAS**, the Wilton Planning and Zoning Commission has received a Special Permit application **SP#216D** from Joseph Santarsiero d/b/a Wilton Wines & Spirits, LLC for approval to allow the establishment of a 1,750 square foot retail package store, for property located at 941 Danbury Road; in the General Business “GB” District, Assessors Map#12, Lot#9, consisting of 0.848 acres owned by 941 Associates, LLC and shown on the plans entitled:

Plot Plan- Prepared for 941 Associates, LLC, Prepared by C. James Osborne, Jr., land surveyor, dated April 26, 2001 and revised June 15, 2001, at a scale of 1"=20’.

Wilton Wines and Spirits, LLC- Prepared for 941 Associates, LLC, received March 4, 2010 and revised March 8, 2010, at a scale of 1/8"=1’.

**WHEREAS**, the Wilton Planning and Zoning Commission has conducted a public hearing on March 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 **#216D** to allow the establishment of a 1,750 square foot retail package store, effective March 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 March 25, 2015.
3. 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.
4. 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.

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5. The applicant shall ensure that all hand held shopping baskets are collected and stored inside the retail package store.
6. Due to the limited size of the property all shopping carts shall be prohibited.
7. All deliveries shall be conducted only through the rear doorway.
8. 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.
9. All signage shall not be considered approved until reviewed and approved by the Zoning Enforcement Officer.
10. The installation of rooftop mechanical equipment shall be prohibited unless otherwise authorized by the Planning and Zoning Commission or staff.

**Submittal of revised plans and application:**

11. 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 March 25, 2015."

b. "For conditions of approval for Special Permit #216D, see **Resolution #0310-7P.**"

-END RESOLUTION-



F. COMMUNICATIONS

1. **SP#284A, N. Vona Sons-In-Law, LLC, Request for 3-year extension of deadline to complete site development work at 632 Danbury Road due to economic reasons**

Mr. Nerney noted that although the Commission granted the applicant's extension request at the last meeting, the Commission also requested that staff follow up on current site conditions. Mr. Nerney explained that staff visited the site and noted that the back is not being used as heavily as was anticipated, although there are a few items that need to be consolidated. Ms. White indicated that she called the property owner but was unable as of yet to reach him. Mr. Nerney stated that staff would continue to monitor the site.

2. **Discussion with SWRPA representatives and reappointment of PZC representative to SWRPA**

It was the consensus of the Commission to reappoint Amy Harris as PZC representative to SWRPA. The Commission also indicated that it would like to meet with SWRPA representatives on a more regular basis. It was determined that a quarterly meeting/reporting would be preferable.

MOTION was made by Ms. Gould, seconded by Mr. Wilson, and carried unanimously (8-0) to authorize reappointment of PZC representative Amy Harris to SWRPA.

Mr. Rudolph also requested that SWRPA representatives pass information on to the Commission as needed.

3. **SP#312, Standard Petroleum Co., 287 Danbury Road, Request to extend Special Permit approval through December 31, 2013.**

Mr. Nerney briefly reviewed the reasons for the applicant's extension request, noting that the Route 7 widening project and lease negotiation issues due to a family death caused delays in development of the former Citgo station site. It was his understanding that the issues have been resolved and the lease is scheduled to be finalized within the next 3-6 months. He noted that the Commission has typically granted such requests in the past, referring in particular to the recent Route 7 construction and the number of businesses that have suffered as a result.

MOTION was made by Ms. Gould, to grant the applicant's request to extend the Special Permit approval through December 31, 2013.

Mr. Rudolph expressed concern that the site has been an eyesore for a long while, noting that the location is a principal intersection of the Town.

Ms. Gould felt that the property has suffered greatly as a result of the ongoing Route 7 construction.

Mr. Wilson suggested verbiage that would indicate an understanding of the hardship, but would also encourage a hasty resolution on the part of the applicant.

The Commission also considered the possibility of cutting back the Special Permit extension to December, 2012 instead of December, 2013, which some Commissioners felt would encourage the owner toward a more timely completion of the site, yet would still provide a substantial extension of time. Mr. Nabulsi questioned the value of reducing the applicant's requested extension.

MOTION was amended by Ms. Gould to extend the Special Permit approval through December 31, 2012 instead of December 31, 2013. Mr. Bayer seconded the motion, which was approved (6-2-0). Commissioners Ayers and Nabulsi opposed, favoring the extension of the Special Permit until 2013 as requested by the applicant.

**4. MR#128, 8-24 Mandatory Referral, Curb cut request on scenic road located at 320 & 322 Nod Hill Road**

Mr. Nerney explained that because Nod Hill Road is a scenic road, any modifications such as curb cuts, driveways, etc. fall under the purview of the Board of Selectmen, whose charter requires referrals to various Town Commissions, including the Planning and Zoning Commission.

He briefly reviewed details of the application, noting that the plan is to consolidate three adjacent lots. He explained that a house built in 1987, currently located on lot #1, would be removed along with its associated driveway and a new driveway/curb cut would be located at approximately the mid-portion of the lot, thus resulting in no net increase with respect to driveways and curb cuts. He noted that the shared driveway to the north would be retained. He recommended that 1) the paved areas of the driveway that are to be removed be loamed and seeded; 2) stones removed from the stone wall at the site of the new curb cut be used to seal up the southerly most curb cut that is being eliminated; and 3) the new driveway be limited in width to not more than 12 feet to minimize its impact.

Present in the audience were Tom Smith and Krista Willett, Faesy and Smith architects,

on behalf of the applicant.

Mr. Smith and Ms. Willett reviewed photos of the site, noting in particular that sight lines would improve to 290 feet northerly and 234 feet southerly for the proposed driveway, as compared to 110 feet and 54 feet, respectively, for the driveway slated to be removed. They noted that six trees would be added, creating more of a park-like feel to the property, and the new wall would be approximately 3 feet in height compared to the existing 2'9" wall height.

Mr. Bayer expressed concern that the proposed modifications would substantially change the appearance of the roadway in that area of Nod Hill Road, referring in particular to the purpose of the scenic road ordinance.

Ms. Gould concurred, noting that the existing driveway is perfectly serviceable.

Mr. Nerney noted that pavement would be removed, the old driveway area would be loamed and seeded, and there would be no loss of trees. He stated that the test is the protection of the Nod Hill streetscape, noting that what is driving this application is safety and the increased sight line distances that would be achieved.

Ms. Ayers expressed concern regarding the proposed removal of the stone wall and she stressed the importance of dry wall construction.

Ms. Gould reviewed the purpose of the scenic road ordinance, citing maintenance of the character of the Town, protection from over-widening of the roadway/driveways, and protection of existing stone walls. Referring to the express purpose of the scenic road ordinance, she was concerned that the applicant's primary purpose seemed to be development of a more elegant entrance.

Mr. Smith noted that the existing stone wall is not original but was built by Tomasetti in the 1980s.

A further discussion ensued about the relocated sections of the stone wall and the need to integrate the new areas with the existing wall.

It was the consensus of the Commission to recommend approval of the curb cut request with the following conditions: 1) the paved driveway to the south shall be removed and the area loamed and seeded and the stone wall extended to eliminate the southerly most curb cut; 2) the new driveway shall be limited to a width of not greater than 12 feet; and 3) the relocated sections of stone wall shall be integrated with the existing wall and transitioned/blended in such a way as to enhance the natural streetscape of the roadway.

Ms. Poundstone requested that a letter to that effect be sent to the First Selectman with a copy provided to all Commissioners.

**G. REPORT FROM CHAIRMAN**

Ms. Poundstone called the Commission's attention to the recent sale of the Gilbert and Bennett site in Georgetown. As was done in the past with previous owners, Ms. Poundstone felt it would be appropriate to invite the new owner to come before the Commission to give a broad overview of plans for the site, if such a presentation can be worked into the Commission's schedule.

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Referring to the discussion at the last meeting and noting that she had since been in contact with Regulations Committee Chairman Rudolph, Ms. Poundstone stated that the Commission needs to initiate its detailed work on revisions to various zoning regulations. She suggested scheduling a special regulations meeting and essentially dissolving itself into a committee of the whole, with the chairmanship turned over to Commissioner Rudolph. The date of Monday, April 12<sup>th</sup>, was recommended to meet to develop a work plan per the outline provided by staff. It was the consensus of the Commission to schedule a special meeting for April 12<sup>th</sup> depending upon meeting room availability.

**H. REPORT FROM PLANNER**

**I. FUTURE AGENDA ITEMS**

**J. ADJOURNMENT**

MOTION was made by Ms. Gould, seconded by Mr. Wilson, and carried unanimously (8-0) to adjourn at 9:25 P.M.

Respectfully submitted,

Lorraine Russo  
Recording Secretary

