

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



TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

**PLANNING AND ZONING COMMISSION
REGULATIONS COMMITTEE
SUMMARY MINUTES
APRIL 12, 2010**

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

ABSENT:

ALSO

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

Ms. Poundstone called the meeting to order at 7:15 P.M. She advised the Commission that:

- 1) Staff has spoken to the new prospective owners of the Georgetown Gilbert and Bennett site and they are willing to meet with the Commission once the transaction has been finalized.
- 2) The newly approved liquor store in Lee Wilson's building at 142 Old Ridgefield Road recently submitted an application for some changes in the outdoor pebble surface and lighting at the site. She noted that it will first be heard by the Village District Consultant Committee and will then come before the P&Z Commission, probably at its next regular meeting.

SPECIAL AGENDA ITEM:

1. Discussion pertaining to potential zoning regulation amendments

At 7:18 P.M., Ms. Poundstone seated members Ayers, Bayer, Gould, Nabulsi, Osterberg, Poundstone, Pratt, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. She turned over the chair to Mr. Rudolph, Chairman of the Regulations Committee.

Mr. Rudolph referred to a list, prepared by Town Planner Nerney dated March 15, 2010, of Planning and Zoning Commission #1 and #2 ranked priorities, as outlined in the 2010 Plan of Conservation and Development.

Referring to item #1 (“Protect water resources & reduce storm water runoff”), Mr. Rudolph indicated that Mr. Nerney has volunteered to draft some legislation that would address the item in detail (specifically, to require drainage review for all projects that exceed a certain threshold of land clearing or a certain percentage of impervious surfaces), with the understanding that the Commission would deliberate on and modify said draft at a future meeting.

In response to questions raised by Mr. Bayer, Mr. Nerney explained that the Town’s current drainage standards are good with respect to site development plans and subdivisions. He explained that where things fall short is in the tear-down of existing homes on existing lots and their subsequent replacement with larger structures, i.e. the intensification of existing single family parcels. He stated that the thrust of any proposed regulation changes would be to insure that intensification of development be done in a way that doesn’t damage adjoining properties.

Mr. Bayer questioned whether the Town could hold a property owner/developer responsible for correcting drainage issues beyond the impact of the specific proposed development itself, with perhaps an option to waive said requirement at the Town’s discretion.

Mr. Nerney opposed such a proposal. He felt that it could be perceived as an abuse of governmental powers and could potentially invite legal action against the Town. The question was also raised as to whether state statutes grant such power/authority to the Planning and Zoning Commission.

It was the consensus of the Commission to obtain a legal opinion from Town Counsel on the matter before moving forward.

Some additional issues that were raised with respect to this matter were:

- 1) The question of a trigger point (i.e. the point at which the Town starts requiring an outside engineering opinion) and whether that trigger point should be based on the size of the house, the size of a proposed addition, the size of the development, the amount of land that is being cleared, the percentage of impervious surfaces, etc.
- 2) The possibility of setting up some type of review process whereby the Town could ascertain whether various proposed drainage systems (e.g. rain gardens, ponding, underground galleys, etc.) are actually effective and performing as expected.

The Commission next discussed the issue of tree protection.

Mr. Nerney referred to Heidi Samokar's (Planimetrics) comments, in connection with the recent Plan of Conservation and Development revisions, that tree cutting/clearing per se could not be regulated, but resulting impacts could be addressed by the Commission (e.g. erosion impacts, increased velocity of runoff, etc.). Such impacts could then trigger the need for an outside professional review or the special permit review process, which could itself then trigger a professional review.

Mr. Osterberg recalled Ms. Samokar's comments but he questioned their accuracy and thought that perhaps the Town should revisit that issue. He indicated that he would contact Mr. Nerney at another time to discuss the matter further. Ms. Poundstone suggested that additional guidance could be sought from SWRPA (South Western Regional Planning Agency).

With respect to the issue of drainage, Ms. Ayers suggested a simple approach to modifying the regulations whereby the single-family dwelling exemption could simply be removed from Section 29-9.A.

Ms. Gould thought that addressing the matter via the Special Permit process, perhaps overlaying it in some way or setting requirements under that classification, would give the Commission the greatest ability to evaluate and deal with such issues. Mr. Nabulsi suggested the possibility of modifying the introductory paragraph in the Special Permit section to include some language on drainage. Ms. Gould concurred, noting that requirements could more easily be set under the Special Permit process than under other options.

Addressing the previous discussion of whether the Commission can require homeowners/developers to make site modifications to address pre-existing drainage problems (i.e. beyond the impact of the proposed development itself), Ms. Pratt suggested that the standard that should be met at the end of any given project is whether there will be a problem when the project is complete. She felt that this was what the Commission

needed to consider and what lay at the heart of the matter, as opposed to whether or not there was a problem previously. In this way she felt that the Commission was not dictating measures that must be taken, but rather giving the applicant the ability to do its own research and determine how to solve the problem.

Mr. Nabulsi questioned whether the Town could hold onto some bond money as a way to assure that the proposed water handling/drainage measures for a particular site actually work.

The Commission decided to move on to the matter of alternative energy systems.

Ms. Pratt, as Chairman of the Town's Energy Commission, noted that they would be talking about an energy plan for the Town this Wednesday evening and would be proposing using the Plan of Conservation and Development, as well as some model plans that are currently available, as foundations for their discussion. She noted that they would very much appreciate obtaining some help/involvement from other members of the Commission as well in connection with the process.

The Commission next moved on to discuss the protection of historic resources (i.e. amending adaptive use regulations to allow expansions that are no greater than 10% of the total gross floor area).

Ms. Gould noted that she had proposed changes to the adaptive use regulations about two years ago, but the matter was not addressed at that time. She noted that she had proposed at that time: 1) allowing adaptive use anywhere along Danbury Road; 2) increasing allowable frontage off Danbury Road to go all the way to Pimpewaug and Cannon Roads; 3) removing the requirement that only Wilton buildings may be moved to an adaptive use site; and 4) allowing expansions up to 50% of the total gross floor area as opposed to the existing 10% limitation.

Ms. Gould stated that she is now recommending that the controlling factors be site and building coverage restrictions of the underlying district in which the site is located, i.e. to just confer the basic rights of the underlying district to the adaptive use applicant. She noted that any modifications/additions would of course have to be compatible historically, architecturally, material-wise, etc. Although she had previously suggested permitting expansion up to 50% of total gross floor area, she now indicated that she would be amenable to as much as a doubling (i.e. 100%) of the existing floor area, with all the same requirements and standards as stated heretofore. She felt that this concept could essentially replace the Village District in the Cannondale area and would increase commercial development for tax generation purposes without jeopardizing the underlying

character of the area.

Ms. Gould cited the definition of “rehabilitation” per the standards of the Secretary of the Interior as “the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use, while preserving those portions or features of the property which are significant to its historical, architectural and cultural values”. She felt that this represents exactly what the Commission’s mission should be in this regard.

Mr. Bayer felt that Ms. Gould’s proposals would essentially create a new zone and he thought that perhaps the Town would be better served by considering that option and incorporating her suggestions into a more comprehensive plan. Ms. Gould stated that her purpose was to avoid zone changes since she feared such an approach would change the character of the area forever.

Mr. Wilson suggested postponing this discussion until the Commission further explores development options in the Cannondale area since the two are so integrally connected. He also suggested passing along Ms. Gould’s ideas to the Historic Commission for its comments/input as well.

The Commission moved on to discussion of the Cannondale Area (i.e. explore development options in Cannondale that reflect the historic setting and scale of existing patterns).

The first item of discussion centered on determining the boundaries of Cannondale for planning purposes. Ms. Gould urged defining such boundaries as they were historically defined (per the book titled “Cannondale” published in 1985), namely on Danbury Road from the DOT newly-restored wetland to approximately 555 Danbury Road (just south of the Tennis Club), and Cannon Road over to the river, including the commercially zoned properties.

Both Mr. Bayer and Mr. Nabulsi felt that Ms. Gould’s proposed definition of the Cannondale area was too large/expansive. They felt that the focus should be more on the Village itself and its immediate surrounding area and that Route 7 should be the subject of a separate discussion.

In support of her proposed historically-based definition, Ms. Gould noted that Cannondale was one of ten school districts in the eighteenth century, continuing well into the middle of the 20th century and beyond, and was an independent and self-sufficient neighborhood, with its own general store and post office.

Mr. Bayer felt that such a notion of Cannondale no longer exists and that the train station is what ties that area together today.

Mr. Nerney noted that there is a totally different feel to the Cannondale Village area, which he noted was more pedestrian-oriented as opposed to the Route 7 corridor. He noted further that the train station area has both a General Business zone (similar to the southern portion of Route 7) and a Design Retail District (a more traditional commercial district). He recalled a previous planning proposal from a couple of years ago to combine these two districts to make a Cannon Crossing District with a Village District overlay. He suggested that there might be some merit in revisiting that proposal at this time.

Ms. Gould expressed concern that there are currently very limited development possibilities in the Cannondale Village. While she acknowledged that many of the structures are deteriorating, she felt that they all have merit and she feared the prospect that they would be torn down and replaced with a strip mall type of development. There was a general consensus among Commissioners that the area should be viewed as two separate entities with the Village itself being one entity and all other outlying properties to be considered as a second entity.

Ms. Gould felt that it would be best not to change zoning at all, but rather allow property owners the ability to improve, enlarge and enhance what they have while providing them with income-producing potential. She thought that an adaptive use overlay concept, which would give all properties adaptive use potential, might work, thus keeping things simple and not requiring a complete redefinition of Cannondale.

Mr. Nerney noted that one possibility would be to have both adaptive use and the Village District overlay in place, with perhaps some relaxation of setbacks and coverages incorporated into existing adaptive use regulations.

Ms. Poundstone felt that maintaining the historic character of the area, not overburdening the neighborhood or the Town, and increasing the tax base, represented a reasonable and fair way to go about the process, but she was uncomfortable with the concept of allowing a doubling of total gross floor area within the parameters of the adaptive use regulations.

Mr. Bayer felt that the Commission should carefully consider the area of the Sport Shop and a couple of properties north of Cannon Road, as well as Cannon Road into Pimpewaug, including the train station properties and the Grange, with a view towards permitting some sort of commercial development on those parcels. He felt that it would be beneficial to the community and the Town to try to determine what sort of uses and densities might be appropriate there before an application comes before the Commission which could potentially change everything.

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Upon further discussion, it was the consensus of the Commission that it would be helpful to see aerial views of the properties and the overlays again to better understand the complexities of the subject discussion.

Mr. Rudolph requested that Commissioners be prepared at the next Regulations Committee meeting to specifically recommend definitions of the geographical areas involved, the characteristics they wish to maintain, and also whether they prefer the concept of rezoning or, alternatively, working within the framework of existing adaptive use regulations, all of which he felt were more important than the issue of zone/district “names” at this point.

J. ADJOURNMENT

MOTION was made by Mr. Rudolph, seconded by Mr. Wilson, and carried unanimously (9-0) to adjourn at 9:16 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary