

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

WILTON PLANNING & ZONING COMMISSION MINUTES MAY 10, 2010 REGULAR MEETING

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; Daphne White, Assistant Town Planner; Recording Secretary; and interested residents.

PUBLIC HEARINGS

1. SP#349, Olkoski, 81 Boulder Brook Road, Accessory dwelling unit

Ms. Poundstone called the Public Hearing to order at 7:15 P.M., seated members Ayers, Bayer, Gould, Poundstone, Pratt, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Bayer referenced a letter dated May 5, 2010 from Philip F. Olkoski to Wilton Planning & Zoning, requesting a continuation of the hearing until May 24, 2010.

Ms. Poundstone asked if anyone was present in the audience in connection with the subject application.

There being no one present, at 7:17 P.M. the Public Hearing was continued until May 24, 2010.

Mr. Osterberg arrived and was seated at 7:17 P.M.

REGULAR MEETING

- A. Ms. Poundstone called the Regular Meeting to order at 7:17 P.M., seated members Ayers, Bayer, Gould, Osterberg, Poundstone, Pratt, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. April 26, 2010 – Regular Meeting

MOTION was made by Ms. Gould, seconded by Mr. Bayer, and carried unanimously (8-0) to approve the minutes of April 26, 2010 as drafted.

2. May 3, 2010 – Special Meeting (Regulations Committee)

MOTION was made by Ms. Gould, seconded by Ms. Ayers, and carried (5-0-3) to approve the minutes of May 3, 2010 as drafted. Commissioners Osterberg, Rudolph and Wilson abstained.

C. SITE DEVELOPMENT PLAN REVIEW

1. SDP, Wilson Properties III, LLC, 142 Old Ridgefield Road, Sidewalk & Lighting Improvements

Present was Leland Wilson, applicant.

Mr. Nabulsi arrived and was seated at 7:19 P.M.

Mr. Wilson reviewed proposed plans for the site, noting that a brick sidewalk is proposed to replace existing blacktop that is currently covered with loose stone. He stated that the concrete area in front of Luca Restaurant would remain as is for the time being, noting that the tenant had recently installed it and did not wish to have it replaced at this time. He felt that the proposed site modifications would enhance the overall appearance of the front façade.

Mr. Wilson noted further that new lighting would be installed to illuminate the signboard in front of the pergola that was recently installed. He demonstrated the proposed lighting using a mock-up in the scale of the actual signage. He explained that this new lighting technology utilizes LED fixtures on a flexible strip, mounted in plastic, and is very energy efficient. He stated that it would be installed within a u-shaped channel to restrict any light spillage beyond the signage area that is to be illuminated.

Mr. Nerney explained that the u-shaped channel was proposed in response to concerns

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expressed by the Village District Consultant Committee during a recent meeting with the applicant.

Mr. Wilson presented a sample sidewalk brick for review by the Commission, noting that increased pedestrian traffic in the area and a desire to provide a more aesthetically appealing exterior led to the proposal of the brick sidewalk. In response to concerns about the possible slippery nature of the proposed pavers, Mr. Wilson explained that he employees maintenance personnel to promptly address snow clearing, snow melt, and all such safety/maintenance issues.

Mr. Wilson requested that the Commission vote on the application this evening, noting that he preferred to have the area in front of Luca Restaurant included as part of the current application. He felt that including the area in the approval now would allow him to install the same brick walkway in that location in the future without having to come back before the Commission for another review.

A question arose as to whether the applicant would have to come back for Commission approval if the Luca Restaurant walkway area were not installed within the permitted 5-year timeframe. A brief discussion ensued and it was determined that the area would not be approved for resurfacing as part of the current application, but that Planning and Zoning staff shall have administrative authority to approve resurfacing of the area in the future as long as the same materials/design are proposed.

Staff distributed copies of draft Resolution of approval **#0510-4Z**. The resolution was amended to incorporate the aforementioned condition regarding the area in front of Luca Restaurant.

MOTION was made by Mr. Nabulsi, seconded by Mr. Wilson, and carried unanimously (9-0) to adopt as amended Resolution **#0510-4Z** for **Site Development Plan at 142 Old Ridgefield Road**, effective May 13, 2010.

WHEREAS, the Wilton Planning and Zoning Commission has received an application for a Site Development Plan from Leland R. Wilson to allow for walkway and lighting improvements adjacent to the front entryways, for property located at 142 Old Ridgefield Road; in a WC, Wilton Center District, Assessors Map #73, Lot #20, and 1.822 +/- acres; owned by Wilson Properties III and shown on the plans entitled:

Map of Property Prepared for Wilson Properties III, LLC, Prepared by Roland H. Gardner, Land Surveyor, dated May 18, 2006, at a scale of 1"=30', No sheet #.

Cover Sheet Prepared for Wilson Properties III, LLC, Prepared by James G. Rogers III, architect, dated April 1, 2010, scale as noted, sheet #C1.0.

Site Construction Plan Prepared for Wilson Properties III, LLC, Prepared by James G. Rogers III, architect, dated April 1, 2010, scale as noted, sheet #A1.1.

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Exterior Elevation and Lighting Legend Prepared for Wilson Properties III, LLC, Prepared by James G. Rogers III, architect, dated April 1, 2010, scale as noted, sheet #A2.1.

WHEREAS, the Wilton Planning and Zoning Commission reviewed the Site Development Plan on May 10, 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 May 13, 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 May 13, 2015.

GENERAL CONDITIONS

3. There shall be no construction activities on the site on Sundays or holidays. All construction related activities must be performed between 7:00 AM and 6:00 PM on allowed working days.
4. The signage lighting shall be consistent with plans and materials reviewed by the Village District Design Committee. Said lighting shall incorporate a “U” channel lighting cut-off, so as to direct and limit the light source to the wall signs only.
5. The planting plan and/or plant list shall be reviewed and approved by the Planning and Zoning staff prior to the issuance of a zoning permit
6. A bond estimate for all site work shall be provided by the applicant to the staff, which shall include but not be limited to site excavation and walkway renovation, landscaping and site lighting, satisfactory to the Town Planner or Assistant Town Planner prior to the issuance of a zoning permit. The applicant shall furnish to the Town a bond with proper surety, in form and amount satisfactory to the Town Planner or Assistant Town Planner

prior to the issuance of a zoning permit.

7. Approval of the brick paver sidewalk shall be limited to the area up to but not including the patio area in front of the southerly-most tenant (Luca's Restaurant). The Planning and Zoning Department staff shall have the administrative authority to approve the remainder of brick paver sidewalk improvements described as Phase II on page A 1.1 of the approved plan (patio area in front of Luca's Restaurant).

SITE WORK

8. Tree protection shall be provided for all trees to be saved. Special protection (including construction fencing) and care shall be given to the two existing street trees.
9. With the exception of safety lights, all exterior lights shall be extinguished no later than 11:00 p.m.

BUILDING RELATED ITEMS

10. All new signage shall be subject to approval by The Zoning Enforcement Officer. The applicant has consented to the employment of tenant lease restrictions prohibiting the display of window signage.

SUBMITTAL OF REVISED PLANS AND APPLICATION:

11. 3, (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 May 13, 2015."
 - b. "For conditions of approval for Site Development Plan Amendment, see **Resolution #0510-4Z.**"

—END RESOLUTION —

D. ACCEPTANCE OF NEW APPLICATIONS

1. **SP#332A, Polito, 490 Danbury Road, To allow professional offices for non-resident occupants and residential apartments**

- 2. SP#258D, Wilton Retirement Housing, 435 Danbury Road, 16 additional congregate housing units**
- 3. SP#223E, Zackiewicz, 39 Danbury Road (Unit #11), Operation of package store**

MOTION was made by Mr. Wilson, seconded by Ms. Ayers, and carried unanimously (9-0) to accept the applications and set a public hearing date for **SP#332A** of May 24, 2010; and for **SP#258D** and **SP#223E** of June 14, 2010.

Ms. Poundstone noted that a Public Informational Meeting regarding future development/zoning of the Cannondale area will be scheduled for Monday, June 7, 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**

The Commission reviewed Draft Resolution of #0510-3REG.

Ms. Gould expressed concern with what she felt was a too-restrictive categorization of permitted events under the newly proposed conference center regulations.

After some discussion, the Commission determined that Section 29-7.B.2.r (6) should be amended to reflect that “non-conference events” for which an entrance fee is charged shall not be permitted, as distinguished from conference center events which, it was noted, frequently charge admittance/entrance fees.

Mr. Bayer questioned whether the proposed parking regulation adequately addresses a situation where large amounts of seating are squeezed into open space areas of conference centers, potentially requiring an inordinately large amount of associated parking to comply with the 1 per 3-seat parking requirement. It was determined that the regulation, as proposed, is based on industry parking standards, and that issues such as anticipated conference center attendees could be defined and restrictions clearly stipulated at the time of application based upon the applicant’s representations before the Commission.

MOTION was made by Mr. Rudolph, seconded by Mr. Wilson, and carried (6-1-2) to adopt as amended Resolution **#0510-3REG** for **Application #10319**, effective May 31, 2010. Commissioners Ayers and Osterberg abstained.

Commissioner Gould opposed, noting that she supported the concept of a conference center but felt that the regulation as proposed was far too restrictive and would come back to “bite” the Town in the future. She stated that the Town needs a place for events, other than this most restrictive concept of a conference center and a wedding, which she felt was the only “social event” that seemed to be allowed under the proposed regulation.

WHEREAS, the Wilton Planning and Zoning Commission accepted application REG #10319 for amendments to Sections 29-2.B and 29-7.B.2 and 29-8.B of the Zoning Regulations of the Town of Wilton pertaining to provisions for conference center uses and associated parking; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing on March 8, 2010, March 22, 2010 and April 26, 2010 to receive comment from the public and has fully considered all evidence submitted at said hearing; and

WHEREAS, the Planning and Zoning Commission has determined that the amendments are consistent with the 2010 Plan of Conservation and Development and

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission **APPROVES** application #10319 effective May 31, 2010 as follows:

1. Add to 29-2.B Definitions:

Conference Center – A facility primarily used for business, professional and similar conferences and seminars. Such conference center may contain eating, sleeping and indoor recreation facilities for conference attendees as accessory uses and may be made available for social functions such as weddings.

2. Add to 29-7.B.2 DE–10 Design Enterprise District Special Permit Uses:

r. Conference Center subject to the following requirements:

- (1) A conference center shall only be permitted on a property that also contains another primary use as permitted in the DE-10 district.
- (2) Use of eating and recreation facilities and occupancy of overnight accommodations within a conference center shall be limited to persons concurrently attending a conference or social function at the facility.
- (3) A conference center shall not exceed 20,000 square feet of GFA.
- (4) The number of rooms available for overnight stay shall be limited to a maximum of one per 2,000 square feet of GFA in the conference center.
- (5) Conference centers shall be located only on lots that are in conformance

with minimum area and dimensional requirements of the DE-10 district.
They shall not be permitted by action of the Zoning Board of Appeals.

- (6) Non-conference events for which an entrance fee is charged shall not be considered a “social function” for the purposes of this regulation and are therefore not permitted. b

3. Add to 29-8.B Off-Street Parking and Loading

5. Minimum Parking Requirements

b. Business Uses, Except Automotive

(18) Conference Centers

1 per 3 seats, or 1 per 100 square feet of
GFA used for public assembly, whichever is
greater

- End Resolution -

2. SP#349, Olkoski, 81 Boulder Brook Road, Accessory dwelling unit

Tabled.

F. COMMUNICATIONS

G. REPORT FROM CHAIRMAN

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

- 1. SP#350, Wilton Wine Search, 28 Center Street, Operation of Package Store
[P.H. May 24, 2010]**

J. ADJOURNMENT

MOTION was made by Mr. Wilson, seconded by Mr. Bayer, and carried unanimously (9-0) to adjourn at 8:15 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary