

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

DRAFT
WILTON PLANNING & ZONING COMMISSION MINUTES
JULY 12, 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

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

Ms. Poundstone called the Public Hearing to order at 7:16 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. She noted that the hearing was continued from a previous date.

Present was Clarissa Cannavino, attorney for the applicant.

Ms. Cannavino requested a continuance of the hearing until July 26, 2010.

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 7:17 P.M. the Public Hearing was continued until July 26, 2010.

2. SP#258D, Wilton Retirement Housing, 435 Danbury Road, 16 additional congregate housing units

Ms. Poundstone called the Public Hearing to order at 7:17 P.M., seated members Ayers, Gould, Nabulsi, Osterberg, Poundstone, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. She noted that the hearing was continued from a previous date. Mr. Bayer referred for the record to a response letter dated July 8, 2010 from J. Casey Healy to Planning and Zoning Commission; and a memorandum dated July 9, 2010 from Fire Marshal David Kohn to Daphne White.

Mr. Bayer recused himself and left the meeting room.

Present were Clarissa Cannavino, attorney; Eric Rains, landscape architect; and Larry Apple, principal.

Ms. Cannavino posted a revised site plan, highlighting an extended sidewalk leading to a marked crosswalk on the southeast portion of the site.

In response to concerns expressed by the Commission for pedestrian safety in the area of the crosswalk, Mr. Rains suggested a “Stop for Pedestrians” sign. Ms. Cannavino offered an alternative option of a full stop sign.

Mr. Nabulsi asked whether parking spaces (approximately 17) in the vicinity of the new sidewalk could be specifically designated as staff parking. Mr. Apple agreed that such a designation would be made. Ms. Cannavino suggested that conditions be incorporated into any resolution of approval requiring the aforementioned stop sign and the designation of staff parking in the area of the new sidewalk.

In response to a question from Ms. Gould, Mr. Apple confirmed that several apartments had no window proposed for the living room area. He stated that four apartments in the existing building are similarly configured, noting that residents spend most of their time either in their bedrooms or in common areas of the facility.

Ms. Cannavino referenced the Wilton Fire Department memorandum dated July 9, 2010 regarding the requirement of fire service standpipes in the building. She stated that the applicant would address the concerns/issues raised in the aforementioned memo. She also noted for the record that the modified sidewalk configuration would raise site coverage approximately 0.3% to a total of 39.3%. She submitted a revised Form B into the record indicating the site coverage increase.

Mr. Apple addressed the Commission briefly, noting that Wilton Retirement Housing is an asset to the Town (contributing approximately \$250,000 in taxes per year), and fills a

continuing need for choices for seniors that were not previously available in the Town. He felt that the application ties in with the Town's Plan of Conservation and Development by considering demographic trends and offering various forms of senior housing to the community, noting in particular that 4 new affordable housing units would be provided as part of the subject application. He urged the Commission to approve the project, noting that it is the applicant's hope to start construction within 6 months.

Mr. Nabulsi referred to the "Second Amendment to the Declaration of Affordable Housing Restricted Covenant", questioning whether it was the applicant's intent to extend the affordable housing restriction for 20 years from the date of occupancy of the newest affordable unit. Ms. Cannavino stated that the document was forwarded to Assistant Town Counsel Pat Sullivan for review, noting that there were no material changes as compared to the previous affordable housing document. Mr. Nerney noted that if the Commission were inclined to approve the application, a condition of approval would be incorporated into the resolution requiring that all affordable housing documents shall be acceptable to the Town Attorney. Ms. Cannavino assured the Commission that she would review said documents with Town Counsel.

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

Bill Mahoney, 45 Woods End Drive, expressed his support for the application. He stated that he had two family members who lived at the facility for a combined total of 7 years and he felt that it is a wonderful facility.

There being no further comments from the Commission or the public, at 7:33 P.M. the Public Hearing was closed.

3. SP#45P, The Lake Club, Inc., 175 and 195 Thayer Pond Road, Add lighting to tennis courts 7 & 8

Ms. Poundstone called the Public Hearing to order at 7:33 P.M., seated members Ayers, Bayer, Gould, Nabulsi, Osterberg, Poundstone, and Rudolph, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. She noted that the hearing was continued from a previous date. Mr. Bayer referred for the record to a letter dated July 8, 2010 from Rich Erario to Planning and Zoning Commission.

Mr. Wilson recused himself and left the meeting room.

Mr. Erario reviewed submitted documents. Commissioners Rudolph and Gould noted that they had asked for exact distances from courts 7 and 8 to the surrounding neighbors' homes. John Kelly, a Lake Club member present in the audience, stated that he could

scale out the distances from the information noted on the submitted plan. Mr. Erario continued with his presentation while Mr. Kelly and another Lake Club representative, Penny Rashin, calculated the aforementioned distances.

Mr. Erario continued his review of newly submitted documents, noting that a topographical survey and survey map were submitted, specifically noting the locations of tennis courts 2 and 3 as well as the location of all paddle courts. He stated that the applicant would install shields on each of the proposed lighting fixtures and he referred to a newly submitted lumen study indicating that said shields would reduce the light throw by an average of 25 “percent” (correcting an error on the submitted letter that had indicated a reduction of 25 “feet”).

In response to questions from the Commission, Mr. Erario stated that the proposed lighting would not attract a greater volume of usage on the courts but rather would just allow individuals already playing on the courts to continue their play for approximately another 30 to 60 minutes. He stated that matches are not scheduled for 3 nights out of the week, although he acknowledged that the lit courts would be available for members’ use on those available nights. He confirmed that the cutoff time for all such lighting is 10 P.M.

Regarding membership, Mr. Erario stated that there would be no increase in club membership, noting that the club is already at its maximum permitted membership of 300. He referred to an email dated June 29, 2010 from adjoining neighbors Bob and Karin Benson confirming their lack of opposition to the application as proposed.

In response to a question from Mr. Bayer, Mr. Erario stated that the club did not anticipate any increase in social events should the requested lighting of courts 7 and 8 be approved by the Commission. He explained that there is currently one annual “Pro Night” social event which is typically held on courts 2 and 3 and it is the Club’s intent to continue to hold that event on those same courts.

Ms. Gould referenced neighboring property owners, noting that she would like some sort of report as to how the proposed lighting would impact those properties, although she wasn’t sure as to the best way to provide that information.

Mr. Kelly concluded his calculations and provided the following distances from the tennis courts to the closest portion of the residences as follows:

Bryn	335 feet
Milnamow	353 feet
Benson	353 feet
Mahoney	556 feet
Witke	635 feet
Miller	512 feet

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Bishop	441 feet
Caldwell	370 feet
Wangneo	635 feet
Anson	794 feet

Ms. Gould asked about the cumulative effect of lighting on the site, including the impact of existing lighting from tennis courts 2 and 3. Mr. Erario noted that elevations also have to be taken into consideration when determining lighting impacts on surrounding properties.

Mr. Bayer noted that the applicant is proposing large lit towers the equivalent of 1 – 1½ football fields away from some neighboring properties. He stated that the Commission is being asked to balance the competing interests of the Club with nearby property owners, questioning what should tilt the balance in the applicant's favor.

Mr. Kelly explained that the applicant had positioned helium balloons at the height of the proposed lighting fixtures to simulate the effect that the proposed lighting would have on the surrounding community. He passed around photos from various off-site perspectives, noting that tree lines and elevation changes would screen the proposed lighting nicely. He also noted that lighting fixture shields would condense the lighting even further, reducing the light throw from about 55 feet to approximately 5-6 feet. He felt that the proposed lighting would not have an impact on surrounding properties. He noted that the Club has not heard any complaints regarding lighting on courts 2 and 3 (which is not as technologically advanced as the proposed lighting will be), although he did acknowledge that the paddle courts' lighting by comparison is bright.

Mr. Erario explained that wind screens will have a further shielding effect on the proposed lighting, which is currently not reflected in the submitted lumen studies. He noted that the Club's tennis court lighting would not be anything like the Town's tennis court lighting along Danbury Road, where no lighting shields are installed on the fixtures.

In response to a question from Ms. Gould, Mr. Kelly explained that the tennis season generally extends from late April (or May 1 at the latest) through end of September or October 1, depending on weather and the amount of leaf-fall. He noted that paddle tennis generally begins around mid-October.

Ms. White felt that adjacent foliage would provide considerable screening for the proposed lighting. While she noted that no loss of trees is proposed in the vicinity of courts 7 and 8, she asked if the applicant intends to remove any other trees from the site. Mr. Erario stated that the applicant does not intend to cut down any other trees, noting further that the applicant would comply with whatever the Commission's desires are in that regard.

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In response to another question from the Commission, Mr. Erario indicated that lighting for courts 2 and 3 consists of 4 lighting poles 40 feet high with two fixtures on each pole, while 27-foot high poles are currently proposed for courts 7 and 8. However, he did acknowledge that courts 7 and 8 are at a higher elevation.

It was suggested (and the applicant agreed) that the Club arrange to leave the existing lights turned on one evening prior to the next hearing so that Commissioners might visit the site and personally observe existing lighting impacts on the site and surrounding properties.

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

Bill Mahoney, 45 Woods End Drive, stated that he and his neighbors (Witke and Bryns) will be able to see the proposed lighting because their parcels are elevated. He noted that a tennis pro in Ridgefield advised him recently that their tennis courts are not illuminated because the neighbors would never allow it. He expressed concern that more lights will now be on until 10 P.M. every night at the Club, although he felt that noise in connection with the tennis courts is even more problematic than the lighting, noting that he can hear tennis play early in the morning. He expressed particular concern with general noise levels at the Club, noting that cleaning/blowing of tennis courts begins at 7 – 8 A.M. and there is amplification of sound via speakers, which is especially disturbing to the neighbors since it bounces off the lake and is thus further amplified.

In response to Mr. Bayer's question about the difficult issue of balancing the rights of the Club against the rights of surrounding property owners, Mr. Mahoney expressed concern with the ongoing and continuing improvements/enlargements that have occurred at the Club since he moved in to the area. He felt that it is an incremental issue and he expressed concern that the applicant will request lighting in the future for the remaining unlit tennis courts. He stated that although lights are visible from his home he could not specify exactly where on the Club's property these lights are located. He felt that overall the quality of their lives has been diminished as a result of these ongoing modifications/improvements to the site.

Roxanne Witke, 61 Woods End Drive, stated that she has lived at this location for 16 years and she noted that the existing tennis court lights are sometimes on in the winter, too. She stated that she has been greatly afflicted by noise from the Club, noting that maintenance/court blowing activities often start as early as 6:40 A.M., and horns/amplifiers are used during frequent swim meets which occur between 9 A.M. and 1 P.M. She noted that there are also many parties held at the Club, especially during the summer months. She questioned whether there will be additional tennis matches and even more blowing, and also whether there would be another "Pro Night" social event, as a result of the proposed lighting for courts 7 and 8. She felt that more could be done by the Club to be a good neighbor.

Al Miller, 196 Thayer Pond Road, stated that he has no issues with noise, but he noted that he had expressed concern at the last hearing regarding the proposed lighting impacts to surrounding neighbors. However, since then and as a result of subsequent conversations with Club representatives and the raising of the yellow helium balloons at the site, he felt that he could live with the site modifications as proposed. He noted that he does have an issue with the existing paddle court lights and had discussed with the aforementioned Club representatives the possibility of retrofitting sheathings on those fixtures to somehow diminish the lighting levels from those courts. He noted that the applicant made no mention of this possibility during its presentation this evening. He also expressed hope that times of usage will be clearly defined/regulated for both the paddle courts and the tennis courts.

Bill Bishop, 180 Thayer Pond Road, agreed that the paddle court lighting is quite intense, even when the foliage is up. He noted that lights are not on timers and as a result lights are sometimes on way beyond the required turn-off time. He suggested that the applicant install timers on existing lighting at the site, and he asked if the applicant could control the paddle courts' light throw by directing it downward since such technology now exists. He felt that he could live with the noise from the courts but the party noise and megaphone usage are more troubling matters.

In response to a question from Mr. Bayer, Mr. Erario stated that a small amplifier is utilized during "Pro Night", but otherwise there is no sound amplification in connection with use of the tennis courts.

There being no further comments from the Commission or the public, at 8:45 P.M. the Public Hearing was continued until July 26, 2010 so that Commissioners would have an opportunity to visit the site during evening hours when the lights are on.

4. SP#351, Kim & Song Properties, LLC and Song Wilton Properties, LLC, 151 Old Ridgefield Road, Take-out restaurant

Ms. Poundstone called the Public Hearing to order at 8:46 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. Mr. Bayer read the legal notice dated June 29, 2010 and he referred for the record to a Planning and Zoning Staff Report dated July 7, 2010.

Present was Joe Cugno, architect; and Mark Piazza, applicant.

Mr. Cugno reviewed details of the application, noting that a bagel shop consisting of 1405 square feet is proposed for the southern end of the building. He explained that the

bagels would be made at a site in Ridgefield and then delivered to the subject site early each morning. Referring to item #2 of the Planning and Zoning Staff Report dated July 7, 2010, Mr. Cugno distributed signage information, noting that proposed signage would fit the previously approved 13” high x 9’ long panel, with letters totaling approximately 9” in height.

In response to item #4 of the Staff Report, Mr. Piazza stated that deliveries would be made in box/panel trucks, similar in size to soda delivery trucks. In response to questions from the Commission, he explained that there would be a range and small oven on the site, but he noted that prepared salads/foods would be offered for sale in the “merchandise” area noted on the submitted plans, all of which would be brought in from the Ridgefield site.

Mr. Cugno stated that no outdoor eating area is proposed. In response to item #5 of the Staff Report, he felt that the existing dumpster on the site is sizable enough so that additional dumpsters or recycling areas would not be necessary. He stated that deliveries would be made very early in the morning (around 3 A.M.) from the driveway side of the site, and he noted that hours of operation would be from 6 A.M. to 5 P.M.

In response to concerns expressed by the Commission regarding adequate garbage/waste disposal and the potential for attracting rodents/flies, Mr. Cugno stated that the applicant would be amenable to a condition requiring more frequent trash pick-up if the Commission so desired. Mr. Rudolph suggested double-bagging the trash to further address such concerns.

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

There being no further comments from the Commission or the public, at 9:00 P.M. the Public Hearing was closed.

5. REG#10322, O’Brien Design, 118 Old Ridgefield Road, Amendment to Zoning Regulations Section 29-6.B.3.i to allow more residential units in GB zoning district within 1000 ft from a train station

Ms. Poundstone called the Public Hearing to order at 9:00 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. Mr. Bayer read the legal

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notice dated June 29, 2010 and he referred for the record to a memorandum dated July 7, 2010 from Planning and Zoning Department Staff to Planning and Zoning Commission, with 2 attached maps.

Present were Kevin O'Brien, applicant; Holt McChord, engineer; Bob Faesy, architect; and Kate Throckmorton, landscape architect.

Mr. O'Brien briefly described the proposed amendment to allow 8 residential units in a General Business (GB) Zone property (instead of the currently permitted 3) when the property is located within 1000 feet of a train station. Referring to the aforementioned memo from Staff dated July 7, 2010, he indicated that the applicant would have no objection to excluding the Cannondale station from the amendment, limiting it to only GB properties within 1000 feet from the Wilton train station.

Mr. O'Brien noted that only 5 properties in Town would be impacted by the proposed amendment, including a convenience store (0.18 acre), a gas station (0.38 acre) and a deli (0.59 acre) (all located on the western side of Route 7 south of the Route 7/Ridgefield Road intersection), the Crossways parcel (2.4 acres) located on the east side of the same intersection, and a possible retail site (0.6 acre) on the northwest corner of the intersection. He explained that the total area affected would be 4.15+/- acres, and at 8 units per acre the total number of permitted units would be 33, as opposed to 12 units under existing zoning regulations. He noted further that such use, per his proposed amendment, would be by Special Permit only and thus would be subject, by definition, to Commission review.

Mr. O'Brien also distributed pages 53, 59 and 96 of the Town's recently revised plan of Conservation and Development, highlighting transit use-related portions, with an attached definition of "Transit Oriented Development" as the creation of compact, walkable communities centered around high quality train systems.

Mr. O'Brien explained that he primarily represents the interests of the Crossways site owners and although the subject application is for a zoning regulation modification and is not site-specific, he wanted to give the Commission a brief overview of the site plan that would be proposed for the Crossways parcel should the Commission decide to approve the subject application. He explained further that Crossways was originally the site of a boarding house which contained many living units, but by the 1980s there were only 10 residential units on the site since by that time it had become easier to market retail space than residential space.

Mr. McChord next reviewed the existing Crossways site plan, noting that the owners have been negotiating with the Connecticut Department of Transportation (DOT) for the past 10 years in connection with construction of a new exit on the northern portion of the site. He also referred to a proposed site plan, explaining that the owners' intention is to

eventually create a village atmosphere and improve pedestrian and vehicular circulation. He noted that the site would be divided into two parcels, where one parcel would have 8 dwelling units and the second would have 4 dwelling units, as compared to the 10 dwelling units that currently exist on the site but which are not compliant. He felt that the proposed regulation change makes sense in order to promote housing near a railroad station, which is also consistent with the intent of the Plan of Conservation and Development.

Mr. Bayer felt that the application really comes down to determining the proper density for residential units in the GB zone. He did not feel that the Crossways site plan was germane to this discussion.

Mr. Osterberg asked why 3 units per acre was chosen as the correct density originally, and why the applicant was now choosing 8 units per acre.

Mr. O'Brien explained that 5 units per acre are permitted in the Wilton Center zone, 3 units per acre are permitted in the GB zone, and the number of such units permitted in the Design Retail Business (DRB) zone is not specified. He noted that in the case of the DRB zone, floor area ratios and minimum unit sizes (approximately 500 square feet) are the limiting factors, but he estimated that it would probably equate to about 11 dwelling units per acre. He noted further that the regulation permitting 3 residential units in the GB zone was added in 1995 and, prior to that, no such units were permitted.

Mr. Nerney explained that south of Wilton Center is the Center Residence Apartments (CRA) zone which permits approximately 10 units per acre, and further south approximately 7 units per acre are permitted. He thought that the concept of strategically adding density around the train station could be of some benefit to Wilton Center.

Mr. Osterberg stated that he disagreed philosophically with this type of approach to modifying the Town's zoning regulations. He feared that making modifications in this manner essentially creates a set of zoning regulations composed of "little exceptions". He questioned whether the Commission would find itself revisiting the same issues again for the Cannondale train station area and possibly coming up with a different number of permitted residential units in that train station vicinity.

Ms. Gould felt that the Commission should never let an applicant write its regulations. She stated that the Commission should determine what it wants in its regulations and it should never be site-specific.

Mr. Rudolph felt that the Commission should consider this as part of its overall plan for Route 7 and not employ a piecemeal approach to amending regulations, based on the needs of a particular applicant.

Mr. Bayer felt that there was merit to the application in general. He did not feel it was fundamentally flawed because it only affects 5 parcels in Town.

Mr. Wilson thought that it was appropriate for the Commission to have this discussion, but he feared that such a regulation change could be viewed as spot zoning.

Mr. Nabulsi asked how such a modification would tie in with existing parking requirements. Mr. O'Brien stated that parking regulations would stay the same (i.e. 2.5 spaces per unit). Using that calculation, Mr. Nabulsi thought that the Crossways site (with 12 potential residential units) would require a large number of spaces to be compliant with parking regulations. Mr. O'Brien felt that the overall change would not be great. Since the site currently has 10 pre-existing units, he questioned whether the owners would be able to keep them even if the site is redesigned. Mr. Nabulsi felt that the more relevant question is how the Commission would want to see the site developed if it were currently an undeveloped site. In that regard, Mr. O'Brien questioned whether the Commission would want to see the existing buildings destroyed or whether it would prefer to preserve the historic building(s).

Mr. Osterberg asked for the zoning regulation citations pertaining to residential units in other commercial zones in Town. Mr. Nerney cited the following: 1) Section 29-6.B.3.i (page 112) for General Business Zone; 2) Section 29-6.C.4.b (page 116) for Wilton Center Zone; and 3) Section 29-6.A.3.h (page 109) for Design Retail Business Zone. He noted that all are regulated via the Special Permit process.

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

There being no further comments from the Commission or the public, at 9:41 P.M. the Public Hearing was continued until July 26, 2010.

6. SP#324A, Wilton Commons, 21 Station Road, Modifications to previously approved plans for senior housing

Ms. Poundstone called the Public Hearing to order at 9:41 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. Mr. Bayer read the legal notice dated June 29, 2010 and he referred for the record to a 4-page Planning and Zoning Staff Report dated July 8, 2010; and an emailed memorandum dated July 9, 2010 from Fire Marshal David Kohn to Daphne White, with attached follow-up emails dated July 9, 2010 from Daphne White to David A. Kohn, and dated July 12, 2010 from David A.

Kohn to Daphne White.

Present were Larry Kluetsch, Executive Director, Mutual Housing Association of Southwestern CT; Jim Evans and Lou Contadino, architects.

Mr. Kluetsch reviewed details of the application, noting that the applicant is requesting approval to reduce the number of units in the Wilton Commons development to 51 from the 77 units which were originally approved in 2007. He explained that the applicant has been pursuing funding over the past few years and has received preliminary approval from the Housing Finance Authority for 51 units in connection with a \$2.2 million grant. He noted that a second phase of development might be considered in the future if funds permit, at which time the applicant would come back before the Commission for additional approvals.

Mr. Kluetsch explained that the subject application is essentially a modification of the original plan, noting that the applicant tried to stay within the same footprint (except for the elimination of one wing), with much of the drainage remaining the same.

Mr. Evans compared the revised site plan with the original plan, noting that a row of parking was doubled in the front area of the facility to bring available parking in closer for the residents. He reviewed renderings and elevations of the proposed housing facility, noting that the top floor would be for mechanical equipment only and not living quarters. He stated that there would be 50 one-bedroom units averaging about 600-610 square feet and 1 two-bedroom unit. He noted that 11 units would be fully handicapped-accessible and the remaining units could easily be converted into handicapped units as necessary.

Ms. Poundstone suggested that the applicant meet with staff to review all issues raised in the Planning and Zoning Staff Report dated July 8, 2010. Mr. Evans stated that the applicant has assembled answers to all of the aforementioned issues/questions. Mr. Nerney felt that it would be beneficial for the applicant to meet with staff as soon as possible, particularly regarding the engineering work, so that staff and the Commission might have a better feel for the project prior to the next PZC meeting on July 26, 2010.

Mr. Wilson recalled that an issue was raised during the original hearing process regarding the ability of fire engines to have proper access to the site. Mr. Nerney indicated that the Fire Marshall had reviewed the plan and is comfortable with it at this stage of the design. Mr. Bayer recalled that emergency access to one corner of the building was also raised as an issue during the previous application process.

Mr. Bayer stated that it would be helpful at the next meeting if the applicant could clearly delineate the differences between the previously approved and the currently proposed parking plans since it appears that parking represents the most significant difference between the two plans.

Mr. Nabulsi stated that he would like to see the resolution, along with its conditions, that was approved by the Commission in connection with the original 2007 application. He also questioned how additional units would be added to the site if the applicant were able to obtain additional funding.

Mr. Kluetsch stated that a future addition to the site would probably consist of a 17-22 - unit stand-alone building that would include some form of easy access to the main building, possibly via a first floor connection. He noted that most of the common elements are being built into the main structure on the first floor.

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

George Ciaccio, Chairman of Wilton Commons, explained that the Wilton Commons development was modeled after The Marvyn senior community in Norwalk, Connecticut. He explained that their group has had two 3-year leasing options approved by the Town, the last one slated to expire in December of this year. He stated that they would prefer not to have to come back to the Town to request another 3-year option since they are now so close to finalizing all plans. He briefly reviewed the number of residents in Town who are living at or below the poverty level, noting that the proposed senior development currently has 119 people on its waiting list for rentals that will range between \$500 and \$1100 per month.

Ms. Poundstone recalled that she made a modest contribution to the Wilton Commons fund but she noted for the record that it would not influence her vote on the matter in any way.

There being no further comments from the Commission or the public, at 10:06 P.M. the Public Hearing was continued until July 26, 2010.

REGULAR MEETING

- A.** Ms. Poundstone called the Regular Meeting to order at 10:06 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. June 28, 2010 – Regular Meeting**

MOTION was made by Mr. Nabulsi, seconded by Mr. Rudolph, and carried (7-0-1) to approve the minutes of June 28, 2010 as modified. Mr. Wilson abstained.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

- 1. SP#352, Wood, 104 Olmstead Hill Road, Accessory dwelling unit/pool house**
- 2. SP#293A, Splash Wilton, LLC, 382 Danbury Road, Conversion of two detailing bays to oil change bays**

MOTION was made by Ms. Poundstone, seconded by Mr. Wilson, and carried unanimously (8-0) to accept applications SP#352 and SP#293A, and set a public hearing date for both on September 13, 2010.

E. PENDING APPLICATIONS

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

Tabled.

- 2. SP#258D, Wilton Retirement Housing, 435 Danbury Road, 16 additional congregate housing units**

The Commission requested that staff draft a resolution of approval for vote at the next meeting including, but not limited to, the following conditions: 1) newly proposed/reconfigured parking in the southeast portion of the site shall be designated for staff use; 2) the proposed elevator shall be modified/enlarged per emergency personnel recommendations; 3) affordable housing documents shall be subject to review/approval by Town Counsel.

Referring to the two larger third-floor units and the question of whether such units could potentially be divided into two units each in the future, Commissioners Gould and Ayers stated that they would confirm, prior to the next meeting, what the actual number of

bedrooms per acre will be on the site as compared to what is permitted in the zone.

It was the consensus of the Commission that any floor plan alterations shall require the approval of the Commission.

3. SP#223E, Zackiewicz, 39 Danbury Road (Unit #11), Operation of package store

The Commission briefly reviewed Resolution #0710-11P.

Mr. Nabulsi stated that he was troubled about relying on an old traffic study conducted prior to the tenancy of Moore Rehabilitation Center at the site.

Mr. Bayer felt that the Commission should be concerned with the practical implications of parking on the site. He did not feel it was realistic to consider all that parking in the rear towards making a determination that the site is over parked (i.e. having excess parking available).

Referring to her frequent personal experiences with the site, Ms. Gould did not have any concerns regarding adequacy of parking on the site.

Ms. Ayers felt that parking near Dunkin' Donuts is difficult, referring in particular to the many automobile accidents that have occurred in that vicinity per Police Department records. She thought that it might be okay if customers utilize parking that is located on the northern side of the site.

MOTION was made by Ms. Poundstone, seconded by Ms. Gould, to adopt as drafted Resolution #0710-11P. The motion did not carry (3-4-1). Commissioners Ayers, Bayer, Nabulsi and Osterberg opposed. Commissioner Wilson abstained.

Addressing concerns regarding adequate parking, Mr. Wilson noted that if the existing internal staircase and rear lower level door were to be utilized for access to the store, customers might be more inclined to utilize parking spaces in the rear of the lot.

Mr. Bayer expressed concern that the applicant is requesting a permanent waiver of parking spaces without providing evidence that it is entitled to such a waiver.

Mr. Nabulsi stated that if the applicant brought in proper evidence to support the

requested parking waiver, he could then be comfortable approving the application.

It was the consensus of the Commission that staff should have both a resolution of denial and a resolution of approval available for vote at the next meeting.

- 4. SP#45P, The Lake Club, Inc., 175 and 195 Thayer Pond Road, Add lighting to tennis courts 7 & 8**

Tabled.

- 5. SP#351, Kim & Song Properties, LLC and Song Wilton Properties, LLC, 151 Old Ridgefield Road, Take-out restaurant**

The Commission requested that staff prepare a draft resolution of approval for vote at the next meeting.

- 6. REG#10322, O'Brien Design, 118 Old Ridgefield Road, Amendment to Zoning Regulations Section 29-6.B.3.i to allow more residential units in GB zoning district within 1000 ft from a train station**

Tabled.

- 7. SP#324A, Wilton Commons, 21 Station Road, Modifications to previously approved plans for senior housing**

Tabled.

F. COMMUNICATIONS

- 1. MR#129, 8-24 Mandatory Referral, Widening of driveway at 480 Nod Hill Road**

Mr. Nerney explained that the application involves a request to modify a driveway

entrance/exit on Nod Hill Road, which is a scenic road, and therefore the Board of Selectmen requires input from various Town commissions/departments via the 8-24 mandatory referral process. He noted that the Planning and Zoning Commission acts in an advisory capacity with respect to such a referral and it has 35 days to provide a response to the Board of Selectmen regarding the matter.

Mr. Nerney referred to his memorandum dated July 7, 2010 to the Planning and Zoning Commission, highlighting staff recommendations in connection with the matter. He noted in particular that he had spoken with Bruce Beebe of the Wilton Land Trust since it appears that the proposed grading would impact and possibly extend onto Land Trust property.

After a brief discussion, it was the consensus of the Commission that Mr. Nerney should respond to the Board of Selectmen, with copy/notification to the Wilton Land Trust as well, specifically referencing the concerns expressed in his memorandum of July 7, 2010. The Commission felt strongly that the Board of Selectmen should take the aforementioned memorandum very seriously when it considers the subject application.

G. REPORT FROM CHAIRMAN

1. Reports from Committee Chairmen

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

- 1. SP#190I, Teachers Insurance and Annuity Association of America, 10 Westport Road, To allow for the construction of 197 additional parking spaces [P.H. July 26, 2010]**

J. ADJOURNMENT

MOTION was made by Mr. Bayer, seconded by Mr. Wilson, and carried unanimously (8-0) to adjourn at 10:35 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary

DRAFT