

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



TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

WILTON PLANNING & ZONING COMMISSION MINUTES SEPTEMBER 13, 2010 REGULAR MEETING

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

ABSENT: Vice Chairman John Wilson (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#324A, Wilton Commons, 21 Station Road, Modifications to previously approved plans for senior housing

Ms. Poundstone called the Public Hearing to order at 7:15 P.M., seated members Ayers, Bayer, Nabulsi, Poundstone, Pratt, and Rudolph, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. She noted that the hearing was continued from a prior date.

Present were Jim Evans, architect; and Larry Kluetsch, Mutual Housing Association of Southwestern CT.

Mr. Evans referred to posted, revised site plans, noting that plans are now complete.

Ms. Gould arrived at 7:18 P.M. and was seated at 7:21 P.M.

Mr. Evans reviewed parking, noting that the proposed relocation of a portion of parking from the northwest area of the site to the front of the facility will result in considerably less impact on the site. He explained that subsurface drainage was sized with phase two

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construction in mind, noting that approximately 20-24 units may be added to the site in the future as part of a phase two construction process. He stated that interior layouts and elevator plans remain essentially unchanged from original plans for the site. He acknowledged that loading spaces are not officially marked on the current plans.

Mr. Nerney noted that a drainage analysis has been submitted by the applicant and is being reviewed by the Town's engineer. He advised the applicant that the aforementioned report needs to be stamped and signed.

Mr. Bayer referred for the record to a memorandum dated August 4, 2010 from Michael Ahern to Daphne White and Pat Sesto; a memorandum dated August 2, 2010 from Michael Ahern to Daphne White and Pat Sesto; and a one-page specifications sheet titled "Wilton Commons: Special Design Features for the Elderly".

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

Toni Boucher, 5 Wicks End Lane, Connecticut State Senator, expressed support for the project and for the dedicated group of citizens involved. She felt that the proposed facility and what it will provide is important to the community at large.

In response to further questions from the Commission, the applicant indicated that 1 two-bedroom and 50 one-bedroom apartments are proposed, with a total housing capacity of approximately 60-65 residents, taking into account a potential of 5-10 couples residing on the site. The applicant also acknowledged that due to steep grades there would not be any outside circulation from the back to the front of the building, noting that this represents no change from the original plan. However, the applicant referenced an on-site gazebo that will be available for tenants' use, as well as a terrace that could be accessed by the residents from the interior of the building.

It was the consensus of the Commission to leave the hearing open to allow time for the Town engineer to review the recently submitted drainage report. The Commission requested that staff prepare a draft resolution of approval for a possible vote at the next meeting.

Mr. Nerney noted that the applicant would need to grant an extension of the time to close the public hearing until September 27, 2010 per State Statutes, to which the applicant agreed.

There being no further comments from the Commission or the public, at 7:42 P.M. the Public Hearing was continued until September 27, 2010.

2. SP#190I, Teachers Insurance and Annuity Association of America, 10 Westport Road, To allow for the construction of 197 additional parking spaces

Ms. Poundstone called the Public Hearing to order at 7:42 P.M., seated members Ayers, Bayer, Gould, Nabulsi, Poundstone, Pratt, and Rudolph, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. She noted that the hearing was continued from a prior date.

Mr. Bayer referred for the record to a memorandum dated August 2, 2010 from Michael Ahern to Daphne White and Pat Sesto; and a 2-page response letter dated September 8, 2010 from Erik W. Lindquist (Tighe & Bond) to Planning and Zoning Commission.

Present were Clarissa Cannavino, attorney; Erik Lindquist, engineer; and Kate Throckmorton, landscape engineer.

Ms. Cannavino submitted a 6-page response letter dated September 13, 2010 from J. Casey Healy to Planning and Zoning Commission, noting that the applicant would postpone its formal presentation addressing comments/issues raised in the Staff Report until the next meeting on September 27, 2010. She submitted into the record a letter dated September 13, 2010 granting an extension of the time to close the public hearing until September 27, 2010.

Ms. Poundstone noted the Commission's concern regarding the necessity for an additional 197 parking spaces on the site. Ms. Cannavino stated that the applicant will be providing the Commission additional substantiation in that regard at the next meeting.

Mr. Lindquist briefly reviewed staff comments pertaining to engineering aspects of the application. He highlighted a 4-foot wide sidewalk proposed along the southeast curb line of the site, as well as an illuminated pedestrian walkway from the westerly parking areas to the Hansen House and the existing office building. He referenced a Steep Slope Analysis, noting that the applicant would be well below the allowable percentage of disturbance on slopes between 15% and 35%, and also on slopes over 35%.

With regard to storm water treatment and/or attenuation, Mr. Lindquist explained that additional improvements have been proposed for the site, driven by comments from the Town Engineer and Inland Wetlands Commission. It was his opinion that the proposed development would result in a reduction in runoff volumes and pollutant loads directed towards Chestnut Hill Brook.

With regard to proposed lighting, Mr. Lindquist felt that the 2.5 foot-candle lighting plan would likely be excessive for the site, noting that he recommended the 1 foot-candle lighting plan.

Regarding the feasibility of using pervious pavement on the site, Mr. Lindquist stated that such products are typically used on flatter sites and would not be appropriate for such a rocky location.

Regarding the possible utilization of structured parking for the site, Mr. Lindquist stated that the applicant conducted an analysis of such an option for the Inland Wetlands Commission and it was determined that a savings of only 8% of impervious surface would be attained due to the need to provide proper access/egress in connection with such a structure.

Mr. Rudolph questioned the applicant's slope analysis and the functional definition of the word "contiguous". He expressed concern that what the applicant is defining as separate and discrete non-contiguous sloped areas might be so close as to become a difference without a distinction, thus potentially placing the parcel in violation of Section 29-9.I.2 of Zoning Regulations. He requested that the applicant provide some type of statistical evidence that everything complies on all counts and, specifically, that the total disturbance of land in excess of 15% slope shall be no greater than 15,000 square feet overall.

Ms. Gould urged Commissioners to examine the site very carefully, both walking and riding it, paying particular attention to existing parking on the site and current utilization of same.

Mr. Bayer referenced a JRT Realty Letter submitted by the applicant as evidence of the difficulties it has experienced in marketing the premises due to lack of parking. He requested a more in-depth analysis, noting that he did not find the aforementioned letter to be very convincing.

Ms. Cannavino indicated that additional substantive documentation will be forthcoming in that regard, including a history of the leasing of the property.

Mr. Bayer also requested additional documentation that would highlight parking availability for similar properties in Town, including sites such as 40/60 Danbury Road, the Dunn and Bradstreet premises, etc. He asked for further clarification as to what the applicant means by "competitive disadvantage". Ms. Cannavino explained that the reference is in comparison to similar properties located in Norwalk.

Ms. Pratt questioned the applicant's assumptions regarding the number of employees that would likely be using alternative transportation for their daily commute to the site, referring in particular to options such as mass transit and carpooling. Ms. Cannavino stated that the applicant was not assuming that all employees would be driving individually to the site, noting her belief that the application represented a request for 3 parking spaces

per 1000 square feet where the current office market demand is 4 spaces per 1000 square feet.

Referencing Ms. Cannavino's comment that a large amount of tenant space is currently unoccupied, Mr. Bayer asked for clarification regarding the percentage of parking that is currently not being utilized as compared to the percentage of tenant space that is currently unoccupied. Ms. Cannavino stated that the applicant would look into that.

Mr. Nabulsi observed that generally the Commission is in the position of requiring applicants to meet minimum parking requirements as opposed to the current situation where the applicant is requesting approval for a greater than minimum required number of parking spaces on the subject site. He asked the applicant what it believes is the Commission's responsibility/role is in such a situation, i.e. is the Commission operating entirely within its discretion in such a matter or does the applicant believe the Commission is in some way bound to consider the current market situation when determining the amount of parking to permit on the site. Ms. Cannavino stated that the applicant could research case law on the matter.

Addressing Mr. Nabulsi's question more directly, Mr. Nerney referred to Section 29-10.A.5 of Zoning Regulations pertaining to Special Permit Requirements and Procedures. He explained that nothing in the regulations specifically sets forth an upper limit in such a situation, although he noted that a special permit application is required to take into account sensitive environmental features, and should be respectful of the land and character of the site in relation to the proposed use, as well as be consistent with the Plan of Conservation and Development.

Mr. Bayer asked why there is less parking on the site than is currently required by regulations. Mr. Nerney explained that the site dates back to the early to mid 1970s when zoning requirements were different.

With regard to the possible use of permeable materials on the site, Mr. Rudolph wanted to know if such materials could, in fact, work on the existing surface. Mr. Lindquist again noted that a large area of the site consists of rock outcroppings, but he stated that he would provide the Commission with additional data on the matter

Ms. Gould noted for the record that the original developers were very cooperative in their efforts to protect the character of the surrounding residential neighborhood and the site itself from too much development. She expressed concern that the current plans are not consistent with that vision. She referenced in particular the fragility of the site and the large amount of wetlands in the area.

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 8:19 P.M. the Public Hearing was continued until September 27, 2010.

3. SP#352, Wood, 104 Olmstead Hill Road, Accessory dwelling unit/pool house

Ms. Poundstone called the Public Hearing to order at 8:19 P.M., seated members Ayers, Bayer, Gould, Nabulsi, Poundstone, Pratt, and Rudolph, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Bayer read the legal notice dated August 26, 2010 and referred for the record to a 2-page Planning and Zoning Staff Report dated August 11, 2010; a memorandum dated August 6, 2010 from Michael Ahern to Daphne White; and a 12-page Storm Water Management Report for 104 Olmstead Hill Road dated February 23, 2010.

Present were Cheryl Russ and Matt Maki, on behalf of the applicant.

Ms. Russ briefly reviewed details of the application, noting that the applicant is seeking to install a full bath and a wet bar within a 328 square-foot cabana that is currently under construction, thus requiring special permit approval for an accessory apartment. She addressed all issues raised in the Staff Report of August 11, 2010, noting in particular that the applicant intends to restore the work area with lawn, and finished grading will not be greater than 2:1 when completed. She submitted into the record an affidavit indicating that the use will be maintained in accordance with Town zoning regulations and she confirmed that South Norwalk Electric and Water District was notified of the application via certified mailing.

In response to a question from Mr. Bayer, Mr. Nerney confirmed that the two lots have been merged.

Mr. Bayer felt that all conditions pertaining to Accessory Dwelling Units in Single-Family Residences must be clearly demonstrated to be met and the site must be shown to be compliant with all requirements of the regulations. He expressed concern that required information regarding parking adequacy for the accessory dwelling unit was not provided by the applicant on the submitted plans.

Mr. Nerney noted for the record that there is more than sufficient parking on the subject property. He also noted that while the subject premises, by zoning regulations definition, is considered an accessory apartment, its actual use will be that of a cabana and not a dwelling unit per se.

After a brief discussion, it was the general consensus of the Commission to close the public hearing and to deal with any minor outstanding items via conditions within the

resolution of approval.

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 closed.

4. SP#293A, Splash Wilton, LLC, 382 Danbury Road, Conversion of two detailing bays to oil change bays.

Ms. Poundstone called the Public Hearing to order at 8:30 P.M., seated members Ayers, Bayer, Gould, Nabulsi, Poundstone, Pratt, and Rudolph, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Bayer read the legal notice dated August 26, 2010 and referred for the record to a 2-page Planning and Zoning Staff Report dated August 17, 2010; a memorandum dated August 4, 2010 from Michael Ahern to Daphne White; and a 3-page response letter dated September 8, 2010 from J. Casey Healy to Planning and Zoning Commission.

Present were Clarissa Cannavino, attorney; and Mark Curtis, principal.

Ms. Cannavino briefly reviewed a history of the car wash facility which was approved in 2001, noting that the applicant now wishes to convert two existing detailing bays to oil change bays. She noted further that such a use is permitted in the General Business (GB) zone. She referenced a letter from Joseph Balskus, Director of Traffic and Parking, Tighe & Bond, noting that the proposed conversion of service operations will not significantly increase the volume of site traffic and therefore will not have a material impact on traffic in the area.

Ms. Cannavino distributed copies of floor plan revisions and a tank storage area enlargement dated September 13, 2010. She also distributed a 2-page response letter dated September 13, 2010 from Joseph Canas, Tighe & Bond, to Town Field Engineer Michael Ahern. Referring to the applicant's response letter from J. Casey Healy dated September 8, 2010, she addressed all issues raised in the aforementioned Planning and Zoning Staff Report.

Commissioners Poundstone and Rudolph expressed concerns regarding the potential environmental impacts/risks posed by the proposed storage of 2500 gallons of oil on the site. Mr. Rudolph also asked for clarification on traffic impacts.

Mr. Curtis explained that the proposed storage tanks are double-walled, above ground, non-flammable, and will be located in a contained area. He agreed with Mr. Rudolph's

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contention that oil is actually flammable in that it burns, but does not explode. Mr. Curtis noted further that there have not been any breaches, leaks or alarms activated in connection with any of his other similar businesses. He also confirmed that floor drains will be sealed off, so that in conjunction with the pitched floor, a sealed sump will essentially be created in the two oil bays.

Regarding traffic impacts, Mr. Curtis stated that the majority of their oil change business is drawn from the existing car wash customer base, with about only 1-2% of traffic volume generated by new business customers.

In response to a question from Mr. Bayer regarding signage, Mr. Curtis stated that if there is any sign change, the overall size of the signage will not be altered.

Mr. Rudolph asked if the applicant could look into CO2 suppression systems to suppress any fire that might develop. Ms. Cannavino stated that they could look into that. She noted for the record that the safeguards currently proposed for the site are typically required protections. She noted further that alarms are 24/7 and are in operation 365 days of the year.

Mr. Nerney explained that the applicant's proposed use of more, and smaller, tanks is desirable, noting that no tank will be greater than 500-gallon capacity.

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 8:53 P.M. the Public Hearing was closed.

REGULAR MEETING

- A. Ms. Poundstone called the Regular Meeting to order at 8:53 P.M., seated members Ayers, Bayer, Gould, Nabulsi, Poundstone, Pratt, and Rudolph, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

Ms. Poundstone scrambled the agenda to first hear Communications Item #2.

F. COMMUNICATIONS

2. Wilton YMCA, Presentation of “A Community Collaboration to Prevent Childhood Obesity”

Present were Stephanie Barksdale, Executive Director of the Chamber of Commerce, and Karen Strickland, Wilton YMCA Development Director.

Ms. Barksdale conducted a power-point presentation entitled “A Community Collaboration to Prevent Childhood Obesity”. She reviewed the economic and social costs of childhood obesity in our country, which she noted is becoming a national epidemic, costing approximately \$11 million per day and resulting in a shorter life expectancy for our children. She explained that the Town has been awarded a \$52,000 grant to improve the health and wellness of the children in our community.

As one of the co-chairs of the Wilton Alliance for a Healthier Community, she outlined proposed measures, including increased physical activity/infrastructure, access to healthy foods, and long-term initiatives including working with Town officials to form a Wellness Commission to focus on longer term policies. She referenced plans for Town bike racks, loanable bikes, as well as programs such as “Wellness Wednesday” and “Fitness Fridays”.

Ms. Poundstone applauded the efforts of the Alliance and thanked them for their presentation.

B. APPROVAL OF MINUTES

1. July 26, 2010 – Regular Meeting

MOTION was made by Mr. Rudolph, seconded by Mr. Bayer, and carried (6-0-1) to approve the minutes of July 26, 2010 as drafted. Ms. Ayers abstained.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

1. SP#294C, Wilton 40/60, LLC, 40 Danbury Road, Antenna installation in stealth flagpole housing, and telecom equipment cabinets on roof of existing building

Application was accepted and a public hearing scheduled for September 27, 2010.

2. **SP#353, Polito/ROPO, LLC, 490 Danbury Road, To allow professional offices for non-resident occupants and residential apartments in Building #1 and to allow for adaptive use in Building #2**

Application was accepted and a public hearing scheduled for September 27, 2010.

3. **REG#10323, Gregory & Adams, To amend Section 29-4.D.1.g, regarding minimum lot size and yard requirements in connection with accessory dwelling units in R-2A single family residential districts for lots that were created by way of approved subdivisions in which undersized lots were created due to lot averaging**

Application was approved and a public hearing scheduled for Tuesday, October 12, 2010.

4. **CHZ#10324, Florio, Request to change zoning at 87 Kent Road from a Residential “R-2A” zoning district to a Residential “R-1A” zoning district**

Application was approved and a public hearing scheduled for Tuesday, October 12, 2010.

E. PENDING APPLICATIONS

1. **SP#334A, Polito, 490 Danbury Road, To allow professional offices for non-resident occupants and residential apartments**

Withdrawn.

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

The Commission briefly reviewed draft Resolution **#0910-15P**.

The resolution was modified to include a condition requiring installation of a seasonal speed bump near the exit of the property, pursuant to the applicant’s stated intentions during the public hearing.

MOTION was made by Mr. Nabulsi, seconded by Mr. Bayer, and carried unanimously (7-0) to adopt, as amended, Resolution **#0910-15P** for **SP#45P**, effective September 16, 2010.

WHEREAS, the Wilton Planning and Zoning Commission has received Special Permit

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application (**SP#45P**) from the The Lake Club, Inc. to add lighting to two existing tennis courts known as courts 7 & 8 at the The Lake Club, 175-195 Thayer Pond Road (a/k/a Assessor's Map 139, Lots 47 and 48), owned by the The Lake Club, Inc. and located in a Residential "R-2A" District; as shown on the plans entitled:

MAP OF PROPERTY-Prepared for The Lake Club, Inc.

Prepared by Roland H. Gardner, land surveyor, submitted May 19, 2010, scale 1"=100'.

Sketch-Prepared for The Lake Club, Inc.

Prepared by Lawrence R. Rizzo, land surveyor, dated June 19, 2008, last revised May 17, 2010, scale 1"=20'.

Sketch-Prepared for The Lake Club, Inc.

Prepared by Lawrence R. Rizzo, land surveyor, dated June 19, 2008, last revised July 7, 2010, scale 1"=30'.

2008 Aerial Photography-Prepared for The Lake Club, Inc.

submitted July 8, 2010.

RLS-TE-2000 Installation-Prepared for The Lake Club.

Prepared by RLS Lighting, Inc., lighting company, dated July 5, 2010.

WHEREAS, the Planning and Zoning Commission has conducted a public hearing on June 28, 2010, July 12, 2010 and July 26, 2010 to receive comment from the public and has fully considered all evidence submitted at said hearing; and

NOW THEREFORE BE IT RESOLVED effective September 16, 2010 that the Wilton Planning and Zoning Commission **APPROVES** Special Permit #45P to add lighting to two existing tennis courts for property located at 175-195 Thayer Pond Road 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 United States Government. 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 Special Permit site plan shall be complete within five years of the effective date of this resolution. This five-year period shall expire on September 16, 2015.
3. Tennis courts shall not be illuminated between the dates of October 15th

and May 1st.

4. Tennis court lighting shall be turned off no later than 10:00 p.m. during periods of permissible use.
5. The applicant shall install timers on the lighting for tennis courts 7 and 8, so as to assure that all lighting is extinguished by 10:00 p.m.
6. Amplification associated with use of the tennis courts shall be restricted to “Pro Night” only.
7. In order to reduce light spillage extended, light cut-offs shall be installed on all light fixtures serving tennis courts 7 and 8. Such improvement shall be completed prior to the issuance of a certificate of zoning compliance.
8. The applicant shall, as testified, install additional vegetative screening so as to further reduce light spillage. Such screening shall be subject to the review and approval of the Commission’s staff.
9. The applicant shall re-install a seasonal speed bump near the exit of the property. The speed bump shall remain in place during the non-winter season.
10. All conditions of Special Permit #45O shall remain in effect.
11. All conditions Special Permit #45N shall remain in effect, including the condition limiting the number of family memberships to 300 unless otherwise modified by the Town of Wilton Planning and Zoning Commission.

Submittal of revised plans and application:

12. Three (3) completed revised sets, (collated and bound) shall be submitted to the Commission's office for endorsement as "Final Approved Plan" by the Town Planner prior to receiving a zoning permit. 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 plan shall be completed within five years after the approval of the plan. Said five-year period shall expire on September 16, 2015."
 - b. "For conditions of approval for Special Permit #45P, see Resolution #0910-15P."

3. 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

The Commission briefly reviewed draft Resolution **#0910-4REG**.

Mr. Nabulsi expressed concern that the number of permitted residential units proposed in the subject application, as well as the number proposed in a recent Regulations Committee draft of the same regulation, felt arbitrary. He questioned the logic/justification behind each proposal. However, a majority of Commissioners preferred to deny the subject application in favor of refining the Regulations Committee draft in the near future.

MOTION was made by Mr. Rudolph, seconded by Ms. Gould, and carried (4-2-1) to **DENY** as drafted Resolution **#0910-4REG** for application **#10322**. Commissioners Bayer and Nabulsi opposed. Commissioner Pratt abstained.

WHEREAS, the Wilton Planning and Zoning Commission accepted application **#10322** amendments to the Wilton Zoning Regulations of the Town of Wilton to amend Section 29-6.B.3.i. to allow more residential units in a GB zoning district within 1,000 feet from a train station; and

WHEREAS, the Planning and Zoning Commission has conducted public hearings on July 12, 2010, and July 26, 2010 to receive comment from the public and has fully considered all evidence submitted at said hearings;

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission **DENIES** application **#10322** for the following reasons:

1. The legislation, as drafted, seeks to modify existing policy pertaining to residential apartment units located above street level businesses in the General Business “GB” zoning district. The Commission is of the opinion that the proposed legislation lacks comprehensiveness by failing to consider Wilton’s two other commercial districts. The Commission also finds a number of inconsistencies with respect to density allowances within each of the three commercial zoning districts. In conclusion, the Commission believes these deficiencies should be addressed by way of a more thorough and carefully coordinated policy.
2. The proposed legislation complies with certain objectives of the 2010 Plan of Conservation and Development, but if adopted, would create a number of inconsistencies which run counter to the plan. Again, it is the Commission’s opinion that such drawbacks can be addressed by way of comprehensive policy review.

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

While the Commission acknowledged that the hearing remained open, it determined that the application could nonetheless be closed at the next meeting and a vote subsequently taken during the deliberations portion of the same meeting. The Commission therefore requested that staff prepare a draft resolution of approval for vote at the next meeting.

5. SP#190I, Teachers Insurance and Annuity Association of America, 10 Westport Road, To allow for the construction of 197 additional parking spaces

Tabled.

6. SP#352, Wood, 104 Olmstead Hill Road, Accessory dwelling unit/pool house

The Commission discussed details of the application.

Mr. Bayer felt that the application was not handled properly by the Commission, referring in particular to the fact that the hearing was closed although a formal parking plan was not submitted by the applicant as required. He expressed concern that the application was not handled with the same level of scrutiny as has been applied by the Commission to applications of a similar nature in the past.

Mr. Nerney pointed out that, given the small size of the subject pool house, the possibility of renting the premises is extremely remote.

The question was raised as to whether the application could be handled differently, i.e. as other than an accessory apartment. Mr. Nerney explained that under current zoning regulations the proposed site modifications are required to be addressed under the special permit process for an accessory dwelling unit, although he suggested that a condition could be included in a resolution of approval restricting the applicant “to those improvements as shown on the submitted plans.”

Ms. Pratt raised the possibility of modifying current zoning regulations in the future so that a proposed space of this nature would not be considered an accessory apartment for purposes of zoning regulations if it is less than a specified number of square feet.

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

7. SP#293A, Splash Wilton, LLC, 382 Danbury Road, Conversion of two detailing bays to oil change bays

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

F. COMMUNICATIONS

1. Discussion pertaining to allowable size of temporary signs

It was the consensus of the Commission to continue the matter until a later date.

Mr. Rudolph requested that staff send out the latest iterations of all proposed legislation on the matter to date.

3. MR#130, 8-24 Mandatory Referral, Proposed sale of .12-acre Town-owned parcel to Wilton Retirement Housing, LLC

Mr. Bayer stated that he was recused from the application.

Mr. Nerney briefly reviewed details of the application. He explained that pursuant to Section 8-24 of CT General Statutes, the Commission is being asked to provide input concerning the proposed sale of the .12-acre Town-owned parcel, on the corner of Olmstead Hill Road and Route 7, to Wilton Retirement Housing. He stated that the parcel was looked at by the Department of Public Works and determined not to be of much value to the Town, noting that it was originally larger but was compromised during the State's widening of Route 7. He explained further that Wilton Retirement Housing has agreed to dedicate a utility easement to memorialize a sewer line lateral connection that currently encumbers the property.

Ms. Gould questioned the value of the parcel to Wilton Retirement Housing. She felt that if the purpose of the acquisition is to gain greater density of housing on Wilton Retirement Housing's existing parcel, then she would oppose the proposed sale.

Mr. Nerney noted that Wilton Retirement Housing would have to come back before the Commission if it decided to alter/develop its site in any way as a result of acquiring the subject parcel. He also noted for the record that the subject parcel is a legal lot of record and, as such, could be subject to some type of development in the future. In that regard, he speculated that the proposed sale and possible consolidation of the parcel into an existing adjacent property might be a preferable option from the Town's perspective.

The Commission voted (5-1), with Ms. Gould opposing, to render a positive referral to the Board of Selectmen regarding the proposed sale.

G. REPORT FROM CHAIRMAN

1. Reports from Committee Chairmen

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

J. ADJOURNED TO EXECUTIVE SESSION AT 9:45 PM TO DISCUSS PENDING LITIGATION INVOLVING THE CASE OF GRUMMAN HILL MONTESSORI VS. TOWN OF WILTON PLANNING AND ZONING COMMISSION

Respectfully submitted,

Lorraine Russo
Recording Secretary