

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

## WILTON PLANNING & ZONING COMMISSION MINUTES SEPTEMBER 27, 2010 REGULAR MEETING

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

**ABSENT:**

**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 Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. She noted that the hearing was continued from a previous date.

Commissioners Wilson and Ayers indicated that they had reviewed all of the materials and listened to the tapes of the prior hearings.

Present was Louis Contadino, architect, on behalf of the applicant.

Mr. Contadino noted that the applicant had addressed all outstanding issues, noting in particular that a stamped, sealed drainage report had been submitted to the Department of Public Works as requested at the previous hearing.

Mr. Nerney noted that the Assistant Engineer had some minor recommended changes which were addressed in the draft resolution that the Commission had asked staff to prepare for review this evening.

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

MOTION was made by Ms. Ayers, seconded by Ms. Pratt, and carried (6-0) to close the hearing.

There being no further comments from the Commission or the public, at approximately 7:20 P.M. the Public Hearing was closed.

**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 approximately 7:20 P.M., seated members Ayers, Bayer, Nabulsi, Poundstone, Pratt, 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 were Clarissa Cannavino, attorney; and Eric Lundquist, engineer; on behalf of the applicant.

Ms. Cannavino referenced a response letter dated September 13, 2010 from J. Casey Healy to Planning and Zoning Commission, as well as a letter from Tighe & Bond confirming compliance with steep slope regulations, and a Parking Narrative, both dated September 24, 2010.

Ms. Cannavino reviewed all responses to the Planning and Zoning Staff Report. She noted in particular that 1) construction of surface parking would result in less disturbance to the site (e.g. blasting, grading, tree removal, etc.); 2) peak volume of stormwater runoff from the site will be reduced following construction of the proposed surface parking; 3) proposed landscaping is far greater than what is required under zoning regulations; and 4) a Steep Slope Analysis was prepared by Tighe & Bond confirming compliance of the site with slope regulations.

Mr. Rudolph was seated at 7:25 P.M.

Ms. Cannavino next addressed comments/questions raised at the July 26, 2010 public hearing. She referenced a JRT Realty letter indicating that companies minimally seek a ratio of 4-5 parking spaces per 1000 square feet to be competitive in the leasing market. She explained that use of pervious pavement for the eastern parking location would not be feasible due to the slope and ledge rock in the area. She also briefly reviewed commuter bus service currently available to the site.

Ms. Gould was seated at 7:28 P.M.

Ms. Cannavino reviewed details of a Parking Narrative submitted on September 24, 2010. She explained that the applicant's intention is to construct proposed parking in 2 phases, where Phase 1 would involve construction of 101 spaces adjacent to Buildings A, B and C, and Phase 2 (which would be built at a future date if determined to be necessary) would involve construction of an additional 96 spaces west of Phase 1 parking in the vicinity of the Hansen House. She stated that under current parking regulations 10 Westport Road would require 718 spaces (1/300 square feet of gross floor area), noting that Phase 1 would provide a ratio of 1/360 square feet and completion of Phase 2 would provide 1/311 square feet, both still below current day requirements.

In response to questions from the Commission, Ms. Cannavino stated that 10 and 20 Westport Road are owned by the same parties, but not the same legal entity. She noted further that the easement granted to 10 Westport Road (which is only for about 15 spaces) will not in fact be terminated.

Mr. Bayer questioned the necessity for the requested parking on the site. He referenced the applicant's response letter of September 13, 2010, indicating that parking at 20 Westport Road is not sufficient to meet tenant and market demands, and therefore the existing easement granted to 10 Westport Road was to be terminated. He noted, however, that the Parking Narrative actually demonstrates an excess of parking at 20 Westport Road as compared to zoning requirements and the applicant has now indicated that the easement will not be terminated, thus freeing up additional parking for 10 Westport Road.

Ms. Cannavino stated that 20 Westport Road feels it still does not have enough parking, and 10 Westport Road requires additional parking to give the building a more marketable advantage. She explained that other office buildings in Wilton are parked at the zoning-required ratio of 1/300 square feet, referring in particular to the Davis Marcus buildings located on Route 7, which represent the applicant's main competition. She noted that 10 Westport Road is currently 1/3 vacant and current leases will be expiring shortly, referring in particular to IBM, which leased space in the building almost 10 years ago but never actually moved into the premises; thus the apparent excess of parking availability currently noted on the site.

Mr. Rudolph asked for clarification regarding the basis of the application, noting that the original basis for the applicant's request was termination of the existing parking easement, which is no longer the case. Ms. Cannavino stated that the basis for the application is the lack of sufficient parking on the site.

Mr. Bayer referenced the aforementioned JRT Realty letter which he felt did not provide convincing evidence as to the applicant's lack of competitiveness, due to parking insufficiency, in the commercial leasing market. He asked if the applicant was able to obtain additional documentation as requested by the Commission at the previous hearing.

Ms. Cannavino referenced privacy issues in connection with obtaining such information from Cushman and Wakefield, although she was able to advise that Bridgewater Associates (who agreed to release such information) had considered leasing the premises but its primary reason for rejecting the site was parking insufficiency, eventually selecting a site in Norwalk that provided 1 space/300 square feet. She stated that she could try to provide additional examples although she felt that privacy issues could hamper her search efforts.

Citing the Town's Plan of Conservation and Development, Ms. Cannavino noted that the Commission is charged with promoting the commercial tax base. She stated that the applicant is trying to be more compliant with zoning regulations and minimum parking requirements for the site, noting that all other buildings constructed in Wilton since 1994 are parked at 1/300 square feet.

Mr. Nabulsi asked for clarification as to how much parking is being allocated toward the future conference use of the Hansen House. Ms. Cannavino stated that none of the proposed parking is allocated to the Hansen House. Mr. Nabulsi asked for the applicant's view of how the Hansen House will be supported in that regard.

Ms. Cannavino explained that Phase 2 parking could be constructed to address the needs of the Hansen House, if the parking provided in Phase 1 proves to be insufficient to address the overall needs of the site.

Addressing the applicant's previous comparisons to the Norwalk commercial leasing market, Mr. Wilson did not feel it is necessarily in Wilton's best interests to compete with the Norwalk real estate market. He also expressed concern about the potential for clear-cutting in the proposed construction areas and the effect that would have on the surrounding neighborhood.

Ms. Cannavino noted that the area is well screened from the neighborhood. She also noted that the applicant is proposing only 17.4% site coverage as compared to the 40% that is permitted by zoning regulations.

Ms. Gould asked if the applicant was able to provide information previously requested by the Commission regarding numbers of employees working in each of the buildings on the site. Ms. Cannavino stated that obtaining such information was not easy. She was able to provide a number of 4.92 Deloitte employees per 1000 square feet in the 10 Westport Road building.

Addressing the Phase 1/Phase 2 construction proposal, Mr. Rudolph asked whether a condition of approval could be crafted so as to condition the Commission's permission for Phase 2 parking upon the applicant's presentation of a signed offer to lease. Mr. Nerney explained that a reverse type of option actually exists within the zoning regulations whereby an applicant demonstrates that all required parking can be built on a site, but then the Commission is permitted to waive up to one-third of the required spaces upon determination that the immediate parking need is actually less than required by regulations.

Ms. Pratt asked how the applicant balances its purported need for additional parking with the fact that times are changing and many employees are now working out of their homes rather than commuting to work each day. Ms. Cannavino explained that the individual needs of different businesses vary. She again emphasized that minimum parking requirements of the Town are one parking space per 300 square feet.

In response to a question from Ms. Gould regarding what tenants look for in a potential lease, Ms. Cannavino stated that tenants look at actual parking ratios for a site as opposed to what is required under zoning regulations.

Commissioners Pratt and Wilson both questioned whether the marketability provided by the beautiful wooded setting of the subject site would be diminished by construction of all the parking that is proposed. Ms. Cannavino explained that the additional parking is required to be competitive in the commercial leasing market.

Referring to posted plans, Mr. Lundquist briefly reviewed proposed parking, explaining again the Phase 1/Phase 2 construction plans. Ms. Gould recalled her impression that the Hansen House would primarily be a weekend venue when office space was not also in use, although other Commissioners recalled it differently. She felt that the site would be significantly over-parked if the proposed parking is intended primarily for the Hansen House. She questioned the distance from the office building to the farthest proposed parking space. Mr. Lundquist stated that it was approximately 720 feet. Ms. Gould questioned the practical viability of such parking for the office building use. Ms. Cannavino explained that if there is not a need for Phase 2 parking it will not be built, noting that parking spaces are expensive to build at approximately \$5000-6000 per space.

Ms. Poundstone questioned whether emergency vehicles would have adequate access along the elbow turn of the proposed roadway along the eastern portion of the site. Mr.

Lundquist stated that he was fairly sure it would provide adequate access as proposed. Ms. Cannavino pointed out further that the application was forwarded to the Fire Department for its review and the Fire Department had not submitted any comments into the record.

Mr. Nabulsi referred to the Parking Narrative submitted by the applicant. He asked if staff could confirm for the record that the gross floor area and total existing parking spaces as submitted by the applicant are in fact correct. He felt that the Commission should not rely solely on the information as submitted, referring to a recent application where parking data submitted by an applicant proved to be incorrect. Mr. Nerney stated that staff could visit the site, as well as confirm submitted data through the Assessor's office and available aerial photography.

Mr. Bayer referred for the record to a letter dated September 24, 2010 from J. Casey Healy to Planning and Zoning Commission with attached Parking Narrative, and Tighe Bond letter confirming compliance with Section 29-9.I.2 of zoning regulations for protection of slopes.

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 8:11 P.M. the Public Hearing was continued until October 12, 2010.

Mr. Nerney noted for the record that Attorney Cannavino agreed to grant an extension of the time to close the public hearing until October 12, 2010 and would be providing a letter regarding same.

**3. SP#294C, MetroPCS NY, LLC, 40 Danbury Road, Antenna installation in stealth flagpole housing, and telecom equipment cabinets on roof of existing building**

Ms. Poundstone called the Public Hearing to order at 8:12 P.M., seated members Ayers, Bayer, Gould, Nabulsi, Poundstone, Pratt, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Bayer read the legal notice dated September 14, 2010 and referred for the record to a 2-page Planning and Zoning Staff Report dated September 23, 2010.

Present were Scott Muska, attorney; Ignacio Artaiz, architect; and Harbir Singh, radio frequency engineer; representing the applicant.

Mr. Muska briefly reviewed details of the application, noting that the proposed equipment

will be installed on the southern portion of the building roof.

Mr. Artaiz explained further that the proposed roof top equipment would be mounted on a platform measuring 10 x 20 feet, which would be surrounded by a screen. He stated that the proposed stealth flagpole (capable of supporting several telecommunication carriers) would rise 50 feet above the height of the building, and the proposed equipment cabinetry would rise 10 feet above roof level. He noted that the fall line of the 50-foot flagpole would be completely contained within the roof itself.

Addressing the issue of noise, Mr. Artaiz explained that it would be equivalent to a window air conditioner, noting that a decibel (db) level of 65 would be registered at the source itself and a db level of less than 50 would be registered at the closest property line, approximately 90 feet away. He noted for the record that a 50 db level is comparable to the sound of traffic on Route 7.

In response to questions from the Commission regarding the selection of the subject building as the proposed location, Mr. Muska explained that there are already three antennae on the building at 50 Danbury Road. He noted further that the applicant tried to site the proposed equipment as far away as possible from the edge of the roof, and for this reason 40 Danbury Road was chosen. He explained that such equipment serves the telecommunication needs of approximately one square mile, noting the alternative of installing higher antennae but with greater visual impact on an area. In response to further questions, he stated that MetroPCS is not planning to cover the entire 28+ square miles of Wilton.

Mr. Bayer asked for clarification regarding jurisdiction, Mr. Nerney explained that the proposed co-location roof top equipment does not fall under the jurisdiction of the Siting Council (which generally addresses full cell tower installations) and therefore the Commission has more authority over the subject application.

Ms. Poundstone asked the applicant to provide more information about its company and to address the issue of non-existent coverage in certain parts of the Town. Mr. Muska explained that the company is one of the top five voice/data carriers in the country and has been in existence for about 10 years, although it is relatively new to this geographic area. He noted that its telecommunication plans are targeted more towards fixed fee plans. He explained that the more rural areas of Town would probably require cell tower installations because of the lack of large buildings in those areas.

In response to further questions from the Commission, Mr. Muska posted a map depicting the applicant's other facilities in Town and their resulting areas of coverage. He also explained that a balloon was floated to simulate the approximate location of the proposed antenna and he distributed a photo of the balloon as well as a photosimulation of the site with equipment installed as proposed.

In response to a question from Mr. Rudolph regarding justification for the 50-foot flagpole height proposed, Mr. Muska explained that it is an issue of balancing the need for coverage in the area (which shrinks as the antenna height is reduced) with the impact that such an installation has on the immediate surrounding community. He noted further that such installations are required to accommodate the needs of other carriers as well.

Tom Shevlin, in the audience, explained that the flagpole currently located at Caraluzzi's, north on Danbury Road, is approximately 89-99 feet tall with a diameter larger than the 18-inch diameter proposed in the subject application.

In response to the issue of visibility from residential properties, Mr. Artaiz explained that because of the steep elevation change and the significant vegetative buffer, visibility of the facility would be greatly reduced as one moves away from Route 7.

Regarding the size of the flag to be hung, Mr. Artaiz stated that generally the depth of the flag is equal to 25% of the overall height of the pole (i.e. about 10-12 feet in this example), although he noted that it can be less. He stated that the flag will be illuminated at night as required, and such illumination will be provided from the bottom of the platform. Mr. Muska noted for the record that the elevation of the subject flag would actually be lower than the flag at 50 Danbury Road, which is also illuminated at night, and which has not proved to be a problem for the surrounding community.

Mr. Rudolph requested that the applicant provide financial background, installation history, and any other information/history that could be helpful to the Commission's assessment of the application.

Mr. Bayer requested a written response to the Planning and Zoning Staff Report dated September 23, 2010, which the applicant agreed to provide.

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 8:51 P.M. the Public Hearing was continued until October 12, 2010.

**4. 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**

Ms. Poundstone called the Public Hearing to order at 8:52 P.M., seated members Ayers, Bayer, Gould, Nabulsi, Poundstone, Pratt, Rudolph, and Wilson, and referred to



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Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Bayer read the legal notice dated September 14, 2010 and referred for the record to a 3-page Planning and Zoning Staff Report dated September 22, 2010.

Present was Clarissa Cannavino, attorney, on behalf of the applicant.

Ms. Cannavino submitted into the record a 5-page response letter dated September 27, 2010 from J. Casey Healy to Planning and Zoning Commission, with attached 4-page letter dated December 7, 2009 from Peak Engineers, LLC to Jennifer Zbell; and a 2-page memorandum dated January 27, 2010 from Jennifer Zbell to Ropo Nine.

She requested a continuance of the public hearing until the next meeting on October 12, 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 8:55 P.M. the Public Hearing was continued until October 12, 2010.

**REGULAR MEETING**

A. Ms. Poundstone called the Regular Meeting to order at 8:55 P.M., seated members Ayers, Bayer, Gould, Nabulsi, Poundstone, Pratt, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

**B. APPROVAL OF MINUTES**

**1. September 13, 2010 – Regular Meeting**

MOTION was made by Mr. Rudolph, seconded by Ms. Gould, and carried (7-0-1) to approve the minutes of September 13, 2010 as drafted. Mr. Wilson abstained.

**2. 2011 Meeting Schedule**

MOTION was made by Mr. Wilson, seconded by Ms. Ayers, and carried (8-0) to approve as drafted the Planning and Zoning Commission Meeting Schedule for 2011.

**C. SITE DEVELOPMENT PLAN REVIEW**

**D. ACCEPTANCE OF NEW APPLICATIONS**

- 1. SP#354, MetroPCS New York, LLC, 187 Danbury Road, Antenna installation in stealth flagpole housing, and telecom equipment cabinets on roof of existing building**

MOTION was made by Ms. Poundstone, seconded by Ms. Gould, and carried unanimously (8-0) to accept the application and set a public hearing date for Tuesday, October 12, 2010.

**E. PENDING APPLICATIONS**

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

The Commission briefly discussed draft Resolution #0910-16P. It was the consensus of the Commission that the resolution should clearly note that the previously approved plan (SP#324) is precluded by this approved plan.

MOTION was made by Ms. Gould, seconded by Mr. Bayer, and carried unanimously (8-0) to adopt as amended Resolution **#0910-16P** for **SP#324A**, effective September 30, 2010.

**WHEREAS**, the Wilton Planning and Zoning Commission has received Special Permit application (**SP #324A**) from Mutual Housing Association of SW CT for Wilton Commons, Inc. to allow the construction of a congregate housing facility with 51 dwelling units for property at 21 Station Road, in a Design Enterprise (DE-5) District and a Single Family Residence (R-1A) District; part of Assessor's Map #74, part of Lot #24, Lot #25 and Lot #26, 4.80± acres; owned by the Town of Wilton and shown on the plans entitled:

Property Survey, Prepared for Wilton Commons, Inc., Prepared by Paul A. Brautigam, surveyor, dated June 30, 2004, scale 1"=40', no sheet #.

Wilton Commons Cover Sheet, Prepared for Wilton Commons, Prepared by Louis Contadino, architect, dated April 27, 2010, revised September 8, 2010, not to scale, sheet #C.

Site Plan-Grade Slope, Prepared for Wilton Commons, Prepared by Louis Contadino, architect, dated July 14, 2010, scale 1"=60'.

Site Plan, Prepared for Wilton Commons, Prepared by Louis Contadino, architect, dated April 27, 2010, revised September 8, 2010, scale 1"=30', sheet #SP.

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First Floor Plan, Prepared for Wilton Commons, Prepared by Louis Contadino, architect, dated April 27, 2010, revised September 8, 2010, scale as noted, sheet #A1.1a.

First Floor Plan, Prepared for Wilton Commons, Prepared by Louis Contadino, architect, dated April 27, 2010, revised September 8, 2010, scale as noted, sheet #A1.1b.

Second Floor Plan, Prepared for Wilton Commons, Prepared by Louis Contadino, architect, dated April 27, 2010, revised September 8, 2010, scale as noted, sheet #A1.2a.

Second Floor Plan, Prepared for Wilton Commons, Prepared by Louis Contadino, architect, dated April 27, 2010, revised September 8, 2010, scale as noted, sheet #A1.2b.

Third Floor Plan, Prepared for Wilton Commons, Prepared by Louis Contadino, architect, dated April 27, 2010, revised September 8, 2010, scale as noted, sheet #A1.3a.

Third Floor Plan, Prepared for Wilton Commons, Prepared by Louis Contadino, architect, dated April 27, 2010, revised September 8, 2010, scale as noted, sheet #A1.3b.

Roof Plan, Prepared for Wilton Commons, Prepared by Louis Contadino, architect, dated April 27, 2010, revised September 8, 2010, scale 1/16"=1'-0", sheet #A1.4.

Attic Plan, Prepared for Wilton Commons, Prepared by Louis Contadino, architect, dated July 20, 2010, revised September 8, 2010, scale 3/32"=1'-0", sheet #A1.4A.

Typical Unit Plans, Prepared for Wilton Commons, Prepared by Louis Contadino, architect, dated April 27, 2010, revised September 8, 2010, scale 1/4"=1'-0", sheet #A1.5.

Exterior Elevations, Prepared for Wilton Commons, Prepared by Louis Contadino, architect, dated April 27, 2010, revised September 8, 2010, scale 3/32"=1'-0", sheet #A2.0.

Exterior Elevations, Prepared for Wilton Commons, Prepared by Louis Contadino, architect, dated April 27, 2010, revised September 8, 2010, scale as noted, sheet #A2.1.

Building Elevations, Prepared for Wilton Commons, Prepared by Louis Contadino, architect, dated April 27, 2010, revised September 8, 2010, scale as noted, sheet #A3.0.

Abbreviations, Notes, Legend and Location Map, Prepared for Wilton Commons, Prepared by Daniel R. Lawrence, engineer, dated August 5, 2010, scale as noted, sheet #C-1, Sheet 1 of 16.

Existing Conditions and Demolition Plan, Prepared for Wilton Commons, Prepared by Daniel R. Lawrence, engineer, dated August 5, 2010, revised September 2, 2010, scale 1"=30', sheet #C-3, Sheet 3 of 16.

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Proposed Civil Site Plan, Prepared for Wilton Commons, Prepared by Daniel R. Lawrence, engineer, dated August 5, 2010, revised September 2, 2010, scale 1"=30', sheet #C-4, Sheet 4 of 16.

Landscaping and Grading Plan, Prepared for Wilton Commons, Prepared by Daniel R. Lawrence, engineer, dated August 5, 2010, revised September 2, 2010, scale 1"=30', sheet #C-5, Sheet 5 of 16.

Details, Prepared for Wilton Commons, Prepared by Daniel R. Lawrence, engineer, dated August 5, 2010, revised September 2, 2010, scale as noted, sheet #C-9, Sheet 9 of 16.

Details, Prepared for Wilton Commons, Prepared by Daniel R. Lawrence, engineer, dated August 5, 2010, revised September 2, 2010, scale as noted, sheet #C-10, Sheet 10 of 16.

Details, Prepared for Wilton Commons, Prepared by Daniel R. Lawrence, engineer, dated August 5, 2010, revised September 2, 2010, scale as noted, sheet #C-12, Sheet 12 of 16.

Details, Prepared for Wilton Commons, Prepared by Daniel R. Lawrence, engineer, dated August 5, 2010, scale as noted, sheet #C-13, Sheet 13 of 16.

Soil Erosion and Sediment Control Notes, Prepared for Wilton Commons, Prepared by Daniel R. Lawrence, engineer, dated August 5, 2010, scale as noted, sheet #C-14, Sheet 14 of 16.

Location Map, Test Data and Sewer and Drainage Improvements Summary, Prepared for Wilton Commons, Prepared by Weston & Sampson, engineers, dated April 26, 2010, scale as noted, sheet #C-2, Sheet 2 of X.

Existing Conditions Site Plan, Prepared for Wilton Commons, Prepared by Weston & Sampson, engineers, dated April 26, 2010, scale 1"=30', sheet #C-3, Sheet 3 of X.

Proposed Civil Site Plan, Prepared for Wilton Commons, Prepared by Weston & Sampson, engineers, dated April 26, 2010, scale 1"=30', sheet #C-4, Sheet 4 of X.

Landscaping and Surface Improvements Plan, Prepared for Wilton Commons, Prepared by Weston & Sampson, engineers, dated April 26, 2010, scale 1"=30', sheet #C-5, Sheet 5 of X.

Details, Prepared for Wilton Commons, Prepared by Weston & Sampson, engineers, dated April 26, 2010, scale as noted, sheet #C-11, Sheet 11 of X.

Details, Prepared for Wilton Commons, Prepared by Weston & Sampson, engineers, dated April 26, 2010, scale as noted, sheet #C-13, Sheet 13 of X.

Soil Erosion and Sediment Control Notes and Details, Prepared for Wilton Commons, Prepared by Weston & Sampson, engineers, dated April 26, 2010, scale 1"=40' (nts), sheet #C-14, Sheet

14 of X.

Mechanical Typical Units Partial Plan, Prepared for Wilton Commons, Prepared by Donald C. Peterson, engineer, dated July 21, 2010, revised September 2, 2010, scale 1/4"=1', sheet #M3.1.

Plumbing Typical Unit Partial Plan, Prepared for Wilton Commons, Prepared by Donald C. Peterson, engineer, dated July 21, 2010, revised September 2, 2010, scale 1/4"=1', sheet #P3.1.

Fire Protection Typical Unit Partial Plan, Prepared for Wilton Commons, Prepared by Donald C. Peterson, engineer, dated July 21, 2010, revised September 2, 2010, scale 1/4"=1', sheet #FP3.1.

Electrical Typical Unit Partial Plan, Prepared for Wilton Commons, Prepared by Donald C. Peterson, engineer, dated July 21, 2010, revised September 2, 2010, scale 1/4"=1', sheet #E3.1.

Site Lighting Plan, Prepared for Wilton Commons, Prepared by Donald C. Peterson, engineer, dated July 21, 2010, revised September 2, 2010, scale 1"=20', sheet #SLT1.1.

Site Lighting Plan, Prepared for Wilton Commons, Prepared by Donald C. Peterson, engineer, dated July 21, 2010, revised September 2, 2010, not to scale, sheet #SLT2.1.

**WHEREAS**, the Planning and Zoning Commission has conducted a public hearing on June 14, 2010, June 28, 2010, July 12, 2010, July 26, 2010, September 13, 2010, and September 27, 2010 to receive comment from the public and has fully considered all evidence submitted at said hearing; and

**WHEREAS**, an Inland Wetland application was approved by the Inland Wetlands Commission and the Planning and Zoning Commission has given due consideration to the decision of the Inland Wetlands Commission; and

**WHEREAS**, the Planning and Zoning Commission has determined that the application is in substantial compliance with the Wilton Zoning Regulations;

**NOW THEREFORE BE IT RESOLVED** effective September 30, 2010 that the Wilton Planning and Zoning Commission **APPROVES** the Special Permit to allow the construction of a congregate housing facility with 51 dwelling units and is subject to the following conditions:

**GENERAL 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 completed within five years of the effective date of this resolution. This five-year period shall expire on September 30, 2015.

3. The previous Special Permit #324, Resolution #0207-2P is hereby deemed null and void by way of this approval.
4. In approving this application, the Commission hereby grants the following waiver:
  - a). A waiver to allow for the establishment of more than one principal building on a lot when located in a design enterprise zone.
5. The applicant shall provide copies of approval from Aquarion Water Company and the Wilton Water Pollution Control Authority granting approval for the provision of water and sewer. Said authorization shall be submitted to the Wilton Planning and Zoning Department staff prior to the issuance of the initial zoning permit.
6. The applicant shall meet with the Wilton Police Department to determine the need for a stop sign at the intersection with Station Road prior to the issuance of any zoning permit. If deemed necessary and authorized by the Wilton Police Commission, the applicant shall pay for said stop sign if requested.
7. The applicant shall meet Wilton Fire Department safety standards including but not limited to sprinklers and fire lanes and shall obtain all necessary permits and approvals from the Wilton Fire Department required for the proposed development prior to receiving a zoning permit.
8. The submitted document entitled “Affordability Plan for Wilton Commons” shall be recorded in the Wilton land records and incorporated by reference in the condominium documents. The plan shall be reviewed and approved by Town Counsel prior to its recording. No zoning permit shall be issued for any affordable-restricted unit until such time that the affordability plan has been recorded.
9. Prior to the issuance of any zoning permit, all proposed 6” PVC sanitary sewer pipe between Sanitary Manhole D and the public sewer connection shall be changed to 8” Ductile Iron Pipe. In addition, the doghouse manholes at the connections to the public sanitary and storm sewers on Station Road shall be changed to standard manholes. These changes shall be so noted on final applicable plans, particularly on sheets C-2, C-4, and C-13.
10. The applicant’s engineer shall coordinate the final connection point to the public sanitary sewer with Wilton’s Department of Public Works, and shall submit any additional plans or details requested by the Town’s engineers. Said information shall be provided prior to the issuance of any zoning permit and shall be subject to the satisfaction of the Town’s engineers and the WPCA.
11. A guardrail, suitable to withstand vehicular impact, shall be installed in front of planned parking spaces located along the easterly portion of the property. Said guardrail shall be established in addition to the specified safety fence, as deemed needed by the Planning and Zoning Dept. This information shall be added to the final plans and shall be subject to approval by Wilton’s Department of Public Works and Wilton’s Planning and Zoning Department staff prior to receiving a zoning permit.
12. A bond estimate for all site work shall be provided by the applicant to the Town Planner,

which shall include, but not be limited to sedimentation and erosion controls, grading, drainage, paving, landscaping, seeding, retaining walls, lighting, and sidewalks. The applicant shall furnish to the Town a bond with proper surety, in form and amount satisfactory to the Commission's land use counsel and Wilton's Town Planner, prior to the issuance of any zoning permit.

13. The applicant shall submit documentation that the three parcels on which this development shall be located shall be merged. This documentation shall be satisfactory to the Commission's land use counsel and Wilton's Town Planner, prior to the issuance of any zoning permit.
14. All electric, telephone and other cable supplied services shall be installed underground.
15. All light fixtures shall be installed so as to comply with specifications and requirements outlined in Section 29-9.E of the Zoning Regulations.
16. One elevator, at minimum, shall be of such size so as to accommodate a medical stretcher in a full horizontal position. The size and location of the elevator shall be approved by the Planning and Zoning Department's staff and shall be shown on the final set of plans.
17. The applicant's proposed plant list shown on Sheet #C-5, Sheet 5 of 16 shall be modified to relocate trees so as not to be too close to the building. The exact location, size and species of trees, shrubs and perennials shall be approved by the Planning and Zoning Department's staff prior to receiving a zoning permit.
18. Erosion control plans shall be strictly enforced. Public roads shall be swept clean of all dirt and debris at the end of each day.
19. There shall be no construction activities on the site on Sundays or major holidays. All construction related activities shall only be performed between 7:30 A.M. and 6:00 P.M. Monday through Friday and between 8:00 A.M. and 6:00 P.M. on Saturdays. This condition does not apply to interior finish work performed within a fully-enclosed building.
20. A copy of this resolution shall be given to the construction manager and shall be available on site during construction.
21. The applicant shall submit an as-built plan of the subsurface drainage prior to receiving a zoning compliance certificate.
22. All signage shall comply with Section 29-8.A. of the Zoning Regulations.
23. Any sewer improvements located within the Station Road right-of-way shall be dedicated as a public sewer. The applicant shall grant the Town all necessary easements on, under and over the site for all utilities.
24. Mechanical equipment and refuse containers shall be screened from view on all sides.

#### **BUILDING RELATED ITEMS**

25. There shall be no mechanical equipment, except solar collectors on the roofs.

#### **SUBMITTAL OF REVISED PLANS AND APPLICATION:**

26. Four (4) 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 plan shall be completed within five years after the approval of the plan. Said five-year period shall expire on September 30, 2015."
- b. "For conditions of approval for Special Permit, see Resolution **#0910-16P.**"

- END RESOLUTION -

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

Tabled.

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

The Commission briefly reviewed draft Resolution #0910-17P.

Mr. Bayer noted that he planned to oppose the application because he felt it did not meet all the requirements of zoning regulations, referring in particular to a required parking plan that was not submitted into the record.

It was the consensus of the Commission to incorporate into the draft resolution of approval that, prior to the issuance of a zoning permit, the final site plan shall be amended to depict four parking spaces as required by zoning regulations.

**MOTION** was made by Ms. Gould, seconded by Ms. Ayers, and carried (6-1-1) to adopt as amended Resolution **#0910-17P** for **SP#352**, effective September 30, 2010. Mr. Bayer opposed. Mr. Wilson abstained.

**WHEREAS**, the Wilton Planning and Zoning Commission has received a Special Permit application (**SP#352**) from Glen Gate Company for approval of a detached accessory dwelling unit, for property located at 104 Olmstead Hill Road; in an R-2A (Single-Family Residence District), Assessor's Map#77, Lot #7, and 4.029 acres; owned by Catherine D. Wood and shown on the plans entitled:



Map of Property- Prepared for Catherine D. Wood, Prepared by Roland H. Gardner, Jr., land surveyor, dated November 16, 2009, revised December 4, 2009, at a scale of 1"=40', no sheet#.

Site Drainage and Soil Erosion Control Plan- Prepared for Catherine D. Wood, Prepared by Holt W. McChord, engineer, dated February 25, 2010, last revised September 2, 2010, at a scale of 1"=30', sheet#SE-1.

Soil Erosion Control Notes and Details- Prepared for Catherine D. Wood, Prepared by Holt W. McChord, engineer, dated February 25, 2010, issued/revised February 25, 2010, not to scale, sheet#SE-2.

Site Plan- Prepared for Wood Pool House, Prepared by Peter G. Marchetti, Jr., engineer, dated January 5, 2010, scale as noted, sheet#A-0.

Notes- Prepared for Wood Pool House, Prepared by Peter G. Marchetti, Jr., engineer, dated January 5, 2010, scale as noted, sheet#A-1.

Foundation and Floor Plans- Prepared for Wood Pool House, Prepared by Peter G. Marchetti, Jr., engineer, dated January 5, 2010, scale as noted, sheet#A-2.

Front and Left Side Elevations- Prepared for Wood Pool House, Prepared by Peter G. Marchetti, Jr., engineer, dated January 5, 2010, scale as noted, sheet#A-3.

Right Side and Rear Elevations- Prepared for Wood Pool House, Prepared by Peter G. Marchetti, Jr., engineer, dated January 5, 2010, scale as noted, sheet#A-4.

**WHEREAS**, the Wilton Planning and Zoning Commission has conducted a public hearing on September 13, 2010 to receive comment from the public and has fully considered all evidence submitted at said hearing; and

**WHEREAS**, the Wilton Planning and Zoning Commission has determined that the application is in substantial compliance with the Wilton Zoning Regulations;

**NOW THEREFORE BE IT RESOLVED** that the Wilton Planning and Zoning Commission **APPROVES** Special Permit #352 effective September 30, 2010 subject to the following conditions:

1. This Resolution does not replace requirements for the applicant to obtain any other permits or licenses required by law or regulation by the Town of Wilton, such as, but not limited to: Zoning Permit, Sign Permit, Building Permit, Certificate of Zoning Compliance; or from the State of Connecticut or the Government of the United States. Obtaining such permits or licenses is the responsibility of the applicant.

2. In accordance with Section 8-3.(i) of the Connecticut General Statutes, all work or physical improvements required and/or authorized by the approved Site Plan shall be completed within five years of the effective date of this resolution. This five-year period shall expire on September 30, 2015.
3. Prior to issuance of a zoning permit, the applicant shall submit documentation of approval from the Wilton Health Department concerning the adequacy of the existing septic system to accommodate both the principal residence and the proposed accessory dwelling unit.
4. The final site plan shall be amended so as to depict 4 parking spaces. Such plan shall be amended prior to the issuance of a zoning permit.
5. Prior to issuance of a zoning permit, this resolution of approval shall be filed in the Office of Land Records (Wilton Town Clerk).
6. The finish slope on the westerly (Street's Pond) side of the pool/pool house shall not exceed a 2:1 slope.
7. The owner of the property has submitted to the Planning and Zoning staff, in the form of an affidavit that the owner is in residence in one of the dwelling units on the property. Certification of owner occupancy shall subsequently be made to the Planning and Zoning Department on an annual basis.

**Submittal of revised plans and application prior to the issuance of a zoning permit:**

8. Three (3) completed revised sets, (collated and bound) shall be submitted to the Commission's office for endorsement as "Final Approved Plan" by the Town Planner. Said plans shall include all revisions noted above and shall bear an ORIGINAL signature, seal and license number of the professional responsible for preparing each plan or portion of it. Said plans shall include the following notes:
  - a. "According to Section 8-3.(i) of the Connecticut General Statutes, all work in connection with this Special Permit shall be completed within five years after the approval of the plan. Said five-year period shall expire on September 30, 2015."
  - b. "For conditions of approval for Special Permit #352, see **Resolution #0910-17P.**"

- END RESOLUTION -

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

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The Commission briefly discussed draft Resolution #0910-18P. It was the consensus of the Commission to include a condition that floor drains in the oil change bays shall be sealed and measures taken to prevent seepage/penetration of petroleum products into the flooring.

MOTION was made by Mr. Nabulsi, seconded by Ms. Ayers, and carried (7-0-1) to adopt as amended Resolution #0910-18P for SP#293A, effective September 30, 2010. Mr. Wilson abstained.

**WHEREAS**, the Wilton Planning and Zoning Commission has received a Special Permit application (SP#293A) from Splash Wilton, LLC/Gregory and Adams, P.C. for approval to convert two existing detailing bays in the car wash facility to oil change bays, for property located at 382 Danbury Road; in an GB, General Business District, Assessors Map #46, Lot #8, and 1.342 acres; owned by Stephen and Lauren Ruttkamp and shown on the plans entitled:

Improvement Location Plan- Prepared for Splash Hand Car Wash

Prepared by Robert Weaver L.S., Land Surveyor, dated April 3, 2002, last revised April 11, 2010, at a scale of 1"=20', no sheet #.

Proposed Oil Change- Prepared for Splash Management Group

Prepared by MGD, Splash Management Group, dated July 2, 2010, at a scale of 1/8"=1', no sheet #.

Tank Storage Area Layout Plan- Prepared for Splash Car Wash

Prepared by Tighe&Bond, Engineers, dated September 9, 2010, at a scale as noted, sheet # LO-01.

Overall Site Plan- Prepared for Splash Car Wash

Prepared by Tighe&Bond, Engineers, dated September 13, 2010, at a scale of 1"=20', sheet # SK-1.

Tank Storage Area Enlargement- Prepared for Splash Car Wash

Prepared by Tighe&Bond, Engineers, dated September 13, 2010, at a scale of 1"=5', sheet # SK-2.

**WHEREAS**, the Wilton Planning and Zoning Commission has conducted a public hearing on September 13, 2010 to receive comment from the public and has fully considered all evidence submitted at said hearing; and

**WHEREAS**, the Wilton Planning and Zoning Commission has determined that the application is in substantial compliance with the Wilton Zoning Regulations;

**NOW THEREFORE BE IT RESOLVED** that the Wilton Planning and Zoning Commission

**APPROVES** Special Permit #293A effective September 30, 2010 subject to the following conditions:

1. This Resolution does not replace requirements for the applicant to obtain any other permits or licenses required by law or regulation by the Town of Wilton, such as, but not limited to: Zoning Permit, Sign Permit, Building Permit, Certificate of Zoning Compliance; or from the State of Connecticut or the Government of the United States. Obtaining such permits or licenses is the responsibility of the applicant.
2. In accordance with Section 8-3.(i) of the Connecticut General Statutes, all work or physical improvements required and/or authorized by the approved Site Plan shall be completed within five years of the effective date of this resolution. This five-year period shall expire on September 30, 2015.
3. All conditions of SP#293, Resolution #201-1P, shall remain in effect, including condition #6 requiring that the exit chambers be cleaned every six months. Verification papers shall be submitted to the Director of Public Works at each cleaning.
4. The applicant shall adhere to the revised interior layout plan entitled Tank Storage Area Enlargement, dated September 13, 2010, drawn by Tighe&Bond, sheet number SK-2. All construction shall be in accordance with submitted plans.
5. The floor drains in the oil change bays shall be sealed and measures shall be taken so as to prevent seepage or penetration of petroleum products into the flooring.
6. The applicant's engineer shall certify in writing that all improvements associated with the fuel storage area have been developed in accordance with submitted plans and requirements. In addition, the applicant's engineer shall certify in writing that all the floor drains within the oil change bays have been properly sealed as per the engineer's testimony. The engineer's certification shall be submitted prior to receiving a certificate of zoning compliance.

**Submittal of revised plans and application prior to the issuance of a zoning permit:**

7. Three (3) completed revised sets, (collated and bound) shall be submitted to the Commission's office for endorsement as "Final Approved Plan" by the Town Planner. Said plans shall include all revisions noted above and shall bear an ORIGINAL signature, seal and license number of the professional responsible for preparing each plan or portion of it. Said plans shall include the following notes:

- a. "According to Section 8-3.(i) of the Connecticut General Statutes, all work in

connection with this Special Permit shall be completed within five years after the approval of the plan. Said five-year period shall expire on September 30, 2010."

b. "For conditions of approval for Special Permit, see **Resolution #0910-18P.**"

- END RESOLUTION -

5. **SP#294C, MetroPCS NY, LLC, 40 Danbury Road, Antenna installation in stealth flagpole housing, and telecom equipment cabinets on roof of existing building**

Tabled.

6. **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**

Tabled.

#### **F. COMMUNICATIONS**

1. **Discussion pertaining to allowable size of temporary signs**

It was the consensus of the Commission to continue the discussion until the next meeting on October 12, 2010.

#### **G. REPORT FROM CHAIRMAN**

1. **Reports from Committee Chairmen**

#### **H. REPORT FROM PLANNER**

#### **I. FUTURE AGENDA ITEMS**

1. **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 [P.H. October 12, 2010]**
2. **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**

[P.H. October 12, 2010]

- J. ADJOURNED TO EXECUTIVE SESSION AT 9:22 P.M. 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

DRAFT