

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

WILTON PLANNING & ZONING COMMISSION MINUTES OCTOBER 12, 2010 REGULAR MEETING

PRESENT: Chairwoman Sally Poundstone, Vice Chairman John Wilson, Secretary Doug Bayer, Commissioners Marilyn Gould, Chris Hulse, Dona Pratt, and Michael Rudolph

ABSENT: Commissioners Ayers and Nabulsi (notified intended absences)

ALSO

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

PUBLIC HEARINGS

- 1. 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 7:15 P.M., seated members Bayer, Gould, Hulse, Poundstone, Pratt, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. She noted that the hearing had been continued from a previous date.

Present were Clarissa Cannavino, attorney; and Eric Lundquist, engineer; on behalf of the applicant.

Ms. Cannavino briefly reviewed proposed parking, noting that the applicant plans to build in two phases, with Phase 1 including 101 parking spaces on the eastern portion of the site, and Phase 2 including 96 parking spaces in the rear area near the Hanson House, which would only be constructed if proved necessary. She noted that there are approximately 497 existing parking spaces on the site where the minimum number of spaces required per current zoning regulations is 718. In response to a question raised at

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the last hearing, Ms. Cannavino stated that there are approximately 460 employees working at 10 Westport Road, which she noted will be much higher when one of the three buildings and one floor of another building, currently vacant, are fully leased.

Ms. Poundstone asked staff to confirm the number of existing parking spaces on the site via an actual on-site count.

Ms. Gould stated that she had visited the site today between 3:45 P.M. and 4:15 P.M., at which time she counted the following vacant parking spaces – at 10 Westport Road, a total of 15 empty spaces under the building and approximately 200 empty spaces on the roof; at 20 Westport Road – approximately 53-54 empty spaces under the building and over 150 in the garage. Ms. Cannavino reminded the Commission that over 1/3 of the space available for leasing is currently vacant, thus the excess of parking availability.

Ms. Poundstone raised the possibility of approving the application as proposed, but perhaps maintaining some level of authority over if/when the 2nd phase of parking is ever built. Ms. Cannavino stated that she could discuss such an option with the applicant and with staff.

Mr. Wilson asked for further lighting details/information. Mr. Lundquist explained that the horizontal bulb drawing is the proposed lighting option, and he also noted that the applicant prefers the 1-footcandle plan over the 2.5-footcandle plan which was also submitted.

In response to a question from Ms. Gould, Ms. Cannavino stated that 10 Westport Road consists of 215,186 square feet; and 20 Westport Road consists of 335,912 square feet.

Ms. Cannavino noted for the record that Field Engineer Ahern has no further issues with the application as proposed.

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 7:30 P.M. the Public Hearing was continued until October 25, 2010.

Ms. Cannavino stated that she would provide a letter granting the Commission an extension of the time required to close the hearing until October 25, 2010.

2. 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 7:30 P.M., seated members Bayer, Gould, Hulse, Poundstone, Pratt, 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 3-page response letter dated September 28, 2010 from Scott A. Muska to Planning & Zoning Commission; and a memorandum dated October 7, 2010 from Michael Ahern to Daphne White.

Present were Scott Muska, attorney; and Tom Shevlin, HPC Development.

Mr. Muska briefly summarized the application. He referred to the applicant's response letter to the Planning and Zoning Staff Report, noting in particular that the application is consistent with the intent of the Town's Plan of Conservation and Development and will in no way be detrimental to the health and safety of the Town. He addressed in detail the issues of co-location, structural integrity, FCC compliance, and fall zone, noting that the application complies in all respects with zoning regulations.

In response to questions from the Commission, Mr. Muska confirmed that the antenna at 50 Danbury Road is 57 feet high, as compared to the 50-foot high antenna currently proposed at 40 Danbury Road. He confirmed that Metro PCS is technically responsible for maintenance of the flagpole and flag. Mr. Shevlin elaborated on that point, noting that MetroPCS employs field technicians to do routine maintenance such as replacing bulbs and/or worn flags.

In response to concerns raised by Mr. Wilson regarding potential negative impacts of the illuminated flag on nearby neighbors, Mr. Shevlin explained that only the American flag requires illumination at night, noting that if a State or any other flag is flown instead, then the issue of lighting becomes moot.

Mr. Nerney suggested that lighting could be angled in such a way as to be less visible to surrounding neighbors.

Mr. Muska stated that the applicant would comply with whatever the Commission desires.

Mr. Wilson requested additional information on lighting, referring in particular to page 14 of Exhibit 7 of the applicant's response package dated September 28, 2010 which referenced frequency range, occupational exposure and general public exposure.

Ms. Gould noted for the record that she was in favor of flying the American flag on the

pole, which she felt would be more attractive, noting further that the flag would be 1000+/- feet to the closest residences on Whipple Road.

Ms. White asked if the applicant could look into lighting that might also provide dark sky protection.

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 7:51 P.M. the Public Hearing was continued until October 25, 2010.

3. 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 7:51 P.M., seated members Bayer, Gould, Hulse, Poundstone, Pratt, 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 letter dated September 28, 2010 from Clarissa H. Cannavino to Planning and Zoning Commission, with attached Parshield Glare Visor information sheet

Present were Clarissa Cannavino, attorney; and Kate Throckmorton, landscape architect.

Ms. Cannavino briefly reviewed details of the application, noting that three apartments and professional office space are proposed for Building 1 (the large structure), and two apartments and professional office space are proposed for Building 2 (the smaller historic structure). She noted that formal responses were submitted into the record at the last meeting, and she also noted that Field Engineer Ahern had no issues with the application as proposed.

Ms. Throckmorton briefly reviewed two alternative site plans, the only differences being in the proposed parking. She explained that the preferred plan disperses parking throughout the site, as compared to the alternative which sites all parking in the front area of the site. She stated that the application meets all landscaping and lighting requirements, noting in particular that the applicant is proposing more landscaping than is required by regulations.

Ms. Throckmorton stated that the applicant is trying to retain as much of a residential feel as possible on the site, referring to the use of bollards and garden-type fixtures leading up to the building, as well as the proposed retrofitting of existing floods with proper light

shields.

A brief discussion ensued regarding Section 29-8.B.8.c of zoning regulations pertaining to driveway slopes for other than single-family dwellings. Ms. Cannavino was of the opinion that the Commission had interpreted the aforementioned slope restrictions to apply only to the driveway entrance area (i.e. the actual connection of the site to the street), thus allowing the alternative dispersed parking plan to be implemented. She noted that Fire Marshal Kohn had no issues with the parking as proposed in that plan. She stated that the applicant is willing to build either plan although the dispersed parking alternative is preferred since it is more aesthetically pleasing.

In response to a question from Ms. Gould, Ms. Cannavino stated that the floor plans have not changed since the previous submission to the Commission, which was subsequently withdrawn.

In response to questions raised by the Commission, Ms. Cannavino explained that the current application is being submitted under Section 29-5.C.5 (Adaptive Use of Historic Buildings) for Building 2, the small historic house; and under Section 29-5.C.6 (Professional Offices for Nonresident Occupants) for Building 1, the larger, new structure. Addressing an issue raised by Mr. Bayer regarding the number of principal buildings on the site, Ms. Cannavino explained the applicant's position that each of the buildings is considered principal, noting that there are many such similar situations along Route 7.

Ms. Gould noted that the large building is not historic, whereas other adaptive use structures in Town are historic. Ms. Cannavino did not understand the distinction, noting that the applicant is not applying under adaptive use regulations for the larger structure.

Mr. Bayer asked if the applicant could cite any other examples in Town of apartments in multiple buildings on one site. Mr. Cannavino could not cite specific examples at this time, but she noted that there are multiple principal buildings on lots in Town where neither building is accessory to the other. Mr. Bayer called the applicant's attention to the regulations' specific reference to the phrase "principal building".

Ms. Gould expressed concern that the primary purpose of the application appears to be the establishment of multiple residences on the site, with just very small office spaces located in the basements of both structures.

Mr. Bayer recalled a property at 436 Danbury Road which has an apartment in the main house as well as in the cottage, although he speculated that it may predate zoning regulations.

Ms. Cannavino referenced Section 29-5.C.5.c of zoning regulations which limits square

footage of *each* residence apartment to a certain number of square feet, which she felt by its very wording implied permission for more than one apartment. She noted further that such smaller apartments could qualify as affordable housing-type units for the Town.

In response to a request from Mr. Bayer, Ms. Throckmorton stated that she would clarify the different grades on the driveway, and she indicated that the applicant would compile a list of other similarly configured properties.

Ms. Cannavino confirmed that the square footage of the new house on the site is approximately 7700 square feet, which she believed included garage space. She noted that the applicant is only proposing three apartments for that space.

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 8:17 P.M. the Public Hearing was continued until October 25, 2010.

4. 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

Ms. Poundstone called the Public Hearing to order at 8:17 P.M., seated members Bayer, Gould, Hulse, 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 28, 2010 and referenced into the record a 2-page Planning and Zoning Staff Report dated September 29, 2010 with attached Planning and Zoning Staff Report dated June 16, 2008; and a response letter dated October 6, 2010 from Clarissa Cannavino to Planning and Zoning Commission with attached Resolution #0908-3REG.

Present was Clarissa Cannavino, attorney.

Ms. Cannavino briefly reviewed the application. She explained that a similar application was submitted in 2008, but was denied by the Commission since it was considered premature at that time in light of the pending rewrite of the Town's Plan of Conservation and Development. She stated that the application was submitted again in 2009 but at that time the Regulations Subcommittee was focusing on drainage and package store issues, although she recalled that the Commission did at that time look favorably on the language proposed.

Ms. Cannavino noted for the record that the applicant has no objection to the language

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modifications proposed by staff in the Planning and Zoning Staff Report dated September 29, 2010.

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

The Commission was inclined to refer the application to the Regulations Committee for review/comment, but Town Planner Nerney felt that would not be an advisable course of action since the application is active and issues of ex parte communication could result. It was determined that the application would be continued until November 8, 2010 so that Commissioners Ayers and Nabulsi, absent from this evening's meeting, could have an opportunity to participate in the discussion and provide input.

Ms. Cannavino submitted into the record her letter dated October 12, 2010 to the Planning and Zoning Commission, providing a sampling of 33 undersized properties in Town, all of which are located in subdivisions approved by the Commission at a time when lot averaging was permitted and thus potentially impacted by the proposed regulation amendment.

There being no further comments from the Commission or the public, at 8:26 P.M. the Public Hearing was continued until November 8, 2010.

5. 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

Mr. Wilson recused himself due to a possible conflict of interest.

Ms. Poundstone called the Public Hearing to order at 8:28 P.M., seated members Bayer, Gould, Hulse, Poundstone, Pratt, and Rudolph, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Bayer read the legal notice dated September 28, 2010 and referenced into the record a 2-page Planning and Zoning Staff Report dated October 1, 2010 with two attachments; a memorandum dated October 7, 2010 from Michael Ahern to Daphne White; and a 2-page letter of opposition dated October 12, 2010 from Owen and Marylen McEvoy to The Wilton Planning and Zoning Commission.

Present was Philip Florio, applicant.

Mr. Florio stated that he and his wife currently reside on a 2.02-acre parcel at 87 Kent Road and wish to gift an acre to their son so that he can construct a home on the site.

Mr. Bayer asked whether the applicant had checked with an engineer to determine the feasibility of subdividing the subject parcel. Mr. Florio stated that he had not yet spoken with an engineer, but he noted that most of the surrounding properties in the area are

zoned R-1A (one-acre residential) and there are no wetlands on his property.

Ms. Gould referenced the sloping topography of the site and questioned whether significant earth moving would be necessary to build a second home on the parcel. Mr. Florio felt that a home could probably be constructed with a garage built underneath into the hill and with the living quarters above ground in the rear.

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

Michael Florio, Philip Florio's son, stated that he is currently a teacher, having grown up in Wilton, and would very much like to be able to own a home in Wilton. He explained that he and his wife have been looking extensively for a home but without any success. He indicated that they would just like the opportunity to look at this option and see if the subject parcel could possibly be subdivided.

Mr. Bayer encouraged the applicant to speak to an engineer to determine the feasibility of the proposal and the type of house, if any, that could possibly be constructed on the site.

There being no further comments from the Commission or the public, at approximately 8:38 P.M. the Public Hearing was continued until October 25, 2010.

6. SP#354, MetroPCS New York, LLC, 187 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 approximately 8:38 P.M., seated members Bayer, Gould, Hulse, 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 28, 2010 and referenced into the record a 2-page Planning and Zoning Staff Report; and a memorandum dated October 7, 2010 from Michael Ahern to Daphne White.

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

Mr. Muska reviewed details of the subject application, noting that the proposed equipment will be installed on the roof of an existing three-story office building located at the northwest corner of Danbury and Wolfpit Roads. He explained that a 30-foot antenna mast (carrying two antenna slots to be used solely by MetroPCS), plus an equipment platform, will be positioned above an existing penthouse structure, bringing the topmost point of the antenna to 47'10" above the top of the building, where the height of the building is approximately 39 feet. He noted that three other carriers are presently on the roof and their antennae are about 20 feet shorter than the proposed.

Mr. Muska reviewed responses to the Planning and Zoning Staff Report, noting in particular that the proposed equipment would not be visible from adjacent residential properties due to distance considerations (ranging anywhere from 500 to 1000 feet away) and due to existing dense vegetative buffer. He explained that the proposed height is necessary to avoid signal interference and to obtain the desired coverage levels.

Mr. Rudolph requested more information on why it is necessary to locate the antenna as high as is being proposed by the applicant. Mr. Wilson asked for clarification regarding constructive and destructive interference with this type of energy wave.

Mr. Singh reviewed maps of existing and proposed coverage areas. He explained that the proposed height is necessary to avoid signal obstruction from the other antennae currently located on the roof. He noted that because the other antennae are located within the same plane and have proper clearance, they do not interfere with each other. In response to a question from Mr. Hulse regarding the minimum incremental height necessary for a new antenna to have proper clearance, Mr. Singh explained that at least 4 feet at a minimum are necessary if located within the same plane but since the proposed antenna will be set back and outside of that plane, additional height is necessary for proper clearance and for the additional coverage levels desired. He referenced a minimum 7-degree angle that is also necessary to avoid signal interference with installations in a different plane.

In response to a question from Mr. Bayer regarding the alternative option of installing more antennae but at lower elevation levels, Mr. Singh explained that there are no other structurally sound locations available that could provide the coverage required in this area.

In response to a comment from Mr. Hulse, Mr. Muska noted that it is not uncommon for the height of the antenna to be greater than the height of the building itself. He cited 50 Danbury Road as a current example of that situation.

Mr. Bayer expressed concern with the view as one drives down Wolfpit Road, questioning whether the antenna might be visible above the tree line from that perspective. He noted that the submitted perspectives are from the bottom of the hill, and were all taken in the middle of summer when foliage is full.

Mr. Muska explained that photos are taken where the 3-foot diameter balloon can be seen, starting at the first perspective where it is actually visible.

It was the consensus of the Commission that it would be most helpful to know when the balloon is being flown so that Commissioners may personally observe the area and the relative perspectives.

Mr. Wilson asked for a graphic representation of the degrees of interference, referencing in particular the 7-degree angle cited earlier by the applicant.

The applicant agreed to fly another balloon prior to the next meeting on October 25th, preferably during a weekend, as requested by the Commission. Mr. Muska stated that he would coordinate the anticipated fly date with staff.

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 9:23 P.M. the Public Hearing was continued until October 25, 2010.

REGULAR MEETING

- A. Ms. Poundstone called the Regular Meeting to order at 9:23 P.M., seated members Bayer, Gould, Hulse, Poundstone, Pratt, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. September 27, 2010 – Regular Meeting

MOTION was made by Mr. Bayer, seconded by Mr. Wilson, and carried (6-0-1) to approve the minutes of September 27, 2010 as drafted. Mr. Hulse abstained.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

- 1. CHZ#10325, TBS Partners, LLC, 251, 255, 257, 259 Danbury Road, Request to change zone from R-1A and GB to DRB**
- 2. SUB#904, Vollmer, 137 Olmstead Hill Road, 4-lot subdivision**

MOTION was made by Ms. Poundstone, seconded by Mr. Wilson, and carried unanimously (7-0) to accept the above applications and set a public hearing date for both for November 8, 2010.

E. PENDING APPLICATIONS

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

Tabled.

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

Tabled.

3. **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.

4. **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**

Tabled.

5. **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**

Tabled.

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

Tabled.

F. COMMUNICATIONS

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

It was the consensus of the Commission to defer discussion until November 8, 2010. Ms. Poundstone requested that staff re-circulate its memo of September 28, 2010 pertaining to the relevant proposed regulation changes.

2. Mandatory Referral (MR#131) pertaining to the lease of land located at 21 Station Road to Wilton Commons, LLC for congregate housing

It was the consensus of the Commission to recommend approval. Staff was instructed to advise First Selectman Brennan accordingly.

G. REPORT FROM CHAIRMAN

1. Reports from Committee Chairmen

Ms. Poundstone advised Commissioners of her recent attendance at a “Route 7 Corridor Gap Study: Access Management” meeting on October 7, 2010. She felt that the meeting was productive, noting that they had an opportunity to demonstrate areas where the Planning and Zoning Commission had worked with property owners to reduce the number of curb cuts along Route 7. She noted that the results of the study will be a tool/guidance document that will be useful to the Commission in its ongoing efforts in this regard. She stated that the next meeting will be held on Tuesday, October 27, 2010 from 2-8 P.M. at the Wilton Library and all are welcome to attend. She noted that the next tentatively scheduled meeting after that is November 18, 2010, with another meeting scheduled for just the Planning and Zoning Commission sometime in 2011.

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

- 1. CHZ#10325, TBS Partners, LLC, 251, 255, 257, 259 Danbury Road, Request to change zone from R-1A and GB to DRB [P.H. November 8, 2010]**
- 2. SUB#904, Vollmer, 137 Olmstead Hill Road, 4-lot subdivision [P.H. November 8, 2010]**

J. ADJOURNMENT

MOTION was made by Mr. Wilson, seconded by Ms. Pratt, and carried unanimously (7-0) to adjourn at 9:41 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary