

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

WILTON PLANNING & ZONING COMMISSION MINUTES FEBRUARY 28, 2011 REGULAR MEETING

PRESENT: Chairwoman Sally Poundstone, Vice Chairman John Wilson, Commissioners Gardiner, Marilyn Gould, Chris Hulse, Bas Nabulsi, Dona Pratt, and Michael Rudolph

ABSENT: Doug Bayer (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

Ms. Poundstone called the meeting to order at 7:15 P.M. and welcomed new Commissioner John Gardiner.

Since the representative for Standard Petroleum of CT (SP#359) was not present in the audience, the agenda was scrambled to hear item #2 (SP#360).

2. SP#360, Plan B Retail Design, 920 Danbury Road, Expand existing shopping center

Ms. Poundstone called the Public Hearing to order at 7:15 P.M., seated members Gardiner, Gould, Hulse, Nabulsi, Poundstone, Pratt, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Wilson, acting as Secretary in the absence of Mr. Bayer, read the legal notice dated February 15, 2011. He also referred for the record to a 4-page Planning and Zoning Staff Report dated February 14, 2011; and an emailed letter, received February 28, 2011, from L. Dean to Robert

Nerney.

Present was Jennifer Viarengo, Appledore Engineering, on behalf of the applicant.

Ms. Viarengo distributed revised plans and a response memo dated February 28, 2011. She stated that she was filling in for Chuck Bomely of Plan B Retail Design & Project Management, LLC, since he was unable to attend the meeting this evening.

Referring to posted plans, Ms. Viarengo briefly reviewed details of the subject application, noting that the proposed addition at the rear of the supermarket would consist of a ground floor for additional supermarket space, and a mezzanine area for extra office space. She noted that the applicant has proposed façade improvements to the building as well as the addition of raised landscaped islands to the parking lot, to be planted with trees (where appropriate), low shrubbery and day lilies. She stated that there are currently storage containers and some miscellaneous items in the rear area, all of which will be removed to accommodate the proposed site modifications.

Referring to the proposed façade and parking lot improvements, Mr. Nerney explained that staff had suggested the applicant address some of the existing nonconformities on the site in proportion to the intensity of the new work being proposed. In response to questions from the Commission regarding retail parking requirements, Mr. Nerney explained that 1 parking space is required per 200 square feet of gross floor area. He noted further that the entire site provides 194 parking spaces where 183 are required.

Ms. Gould questioned whether any variances had been granted for the site, noting that gross floor area, building footprint and site coverage are all fairly significantly greater than what is permitted by zoning regulations. Ms. Viarengo stated that she believed the applicant had to go through the special permit process since the current use is existing, nonconforming. Mr. Nerney explained that while the site is currently at 89.4% site coverage where 80% is permitted, the applicant is not allowed to grow that nonconformity any further. In fact, he noted that the applicant is proposing to decrease site coverage by about 2% as a result of the proposed landscaped islands in the parking lot.

In response to a question from Ms. Poundstone regarding item #18 of the P&Z Staff Report pertaining to a possible enhanced rear setback requirement, Ms. White confirmed that no additional variances are required for the site.

Mr. Hulse referenced an emailed letter from L. Dean expressing concern over noise levels and anticipated additional delivery trucks in the area during early morning hours. He asked whether any sound protection is proposed or could be implemented to address these concerns.

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Ms. Viarengo stated that none is proposed. She indicated that she would look into the matter further, although she pointed out that additional retail space does not necessarily result in more truck deliveries; she explained that the delivery trucks may just be more fully packed/stocked.

Mr. Nabulsi addressed the issue of traffic flow in and throughout the site, and he asked if any thought had been given to improving the area's overall traffic flow (i.e. if the parking lot design, including the proposed addition of landscaped islands, is the best that can be accomplished in that regard).

Ms. Viarengo noted that the applicant is working within some existing constraints. She explained that the applicant is trying to maintain the existing number of parking spaces, noting that a minimum of 12 parking spaces would be lost if the site were redesigned from scratch. She noted further that the proposed islands will provide a greater degree of safety, acting somewhat as buffers when driving into the site, as will pavement markings and signage within the site itself.

Addressing a question regarding the possible use of wheel stops within the parking lot to restrict random vehicle movements around the lot, Ms. Viarengo explained that such devices often impede snow plowing efforts and are sometimes misused as shoppers straddle carts over them.

Ms. Gould noted that she has shopped at this location for the past 36 years and has never had any difficulties negotiating the parking lot. She preferred not utilizing wheel stops, noting that in her opinion the site currently functions well from a practical perspective.

Mr. Nerney briefly reviewed the applicant's response letter submitted into the record this evening. He addressed several items in particular including: 1) additional information concerning truck delivery routes and truck turning radii need to be shown on the plans; 2) a commitment is needed from the owner that the rear of the site will be maintained and kept clean in the future; 3) the applicant should attempt to contact the Fire Department regarding the possibility of installing more attractive bollards in front of the propane refueling station, and 4) the parking area needs an entire overlay of pavement from front to back.

Mr. Wilson stated that he would like to see an alternative parking plan, noting that there appears to be an excess of 11 spaces on the site which he felt should give the applicant some flexibility towards a possible redesign of the site. He expressed concern that traffic comes from everywhere and every entrance seems to direct traffic directly into a parking space/parked car.

Mr. Nerney suggested that the applicant visit the Caraluzzi's site in Newtown, CT, noting that parking was addressed very nicely on that particular site. Ms. Viarengo stated that

she would be happy to take a look at the site.

Addressing a question from Ms. Pratt, Ms. Viarengo noted that item #15 in the response letter incorrectly reads “regarded” when in fact it should read “regraded”.

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 7:59 P.M. the Public Hearing was continued until March 14, 2011.

1. SP#359, Standard Petroleum of CT, 287 Danbury Road, Modifications to existing service station and replacement of underground fuel storage tanks within an aquifer protection district

Ms. Poundstone called the Public Hearing to order at 7:59 P.M., seated members Gardiner, Gould, Hulse, Nabulsi, Poundstone, Pratt, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Ms. Poundstone noted that the hearing was continued from a previous date.

Since the applicant was not present in the audience, the Public Hearing was continued until March 14, 2011.

REGULAR MEETING

A. Ms. Poundstone called the Regular Meeting to order at 8:00 P.M., seated members Gardiner, Gould, Hulse, Nabulsi, Poundstone, Pratt, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. February 14, 2011 – Regular Meeting

MOTION was made by Ms. Gould, seconded by Ms. Pratt, and carried (6-0-2) to approve the minutes of February 14, 2011 as drafted. Commissioners Gardiner and Wilson abstained.

Ms. Gould referred to a letter dated February 18, 2011 to the Planning and Zoning Commission from Paula Belknap, owner of a veterinarian office at 481 Danbury Road, urging a revision of the Town’s adaptive use regulations to allow her to grow/expand her business via an addition beyond the 10% level that is currently permitted. Ms. Gould reminded the Commission that she had submitted a detailed proposal to deal with this type of issue two years ago. She asked that the Commission move forward to address these regulations in the near future.

Ms. Poundstone stated that the Commission will do so.

Ms. Gould left the meeting at 8:03 P.M.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

E. PENDING APPLICATIONS

1. SP#357, Rolling Hills Country Club, 333 Hurlbutt St, Lighting on four existing tennis courts

The Commission briefly reviewed draft Resolution #0211-5P.

MOTION was made by Mr. Rudolph, seconded by Mr. Hulse, and carried (4-0-3) to adopt as drafted Resolution #0211-5P for SP#357, effective March 18, 2011. Commissioners Gardiner, Pratt and Wilson abstained.

WHEREAS, the Wilton Planning and Zoning Commission has received Special Permit application (**SP#357**) from the Rolling Hills Country Club, Inc. to add lighting to four existing tennis courts, 333 Hurlbutt Street (a/k/a Assessor’s Map 33, Lot 2), owned by the Elizabeth Raymond Ambler Trust, and located in a Residential “R-2A” District; as shown on the plans entitled:

Vicinity Sketch-Prepared for Rolling Hills County Club
Prepared by Larry Edwards, land surveyor, dated October 27, 2010, scale 1”=200’.

Improvement Location Survey-Prepared for Rolling Hills County Club
Prepared by Larry Edwards, land surveyor, dated October 6, 2010, scale as noted.

Overall site Plan-Prepared for Rolling Hills County Club

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Prepared by Earl J. Goven Jr., landscape architect, dated December 8, 2010, scale 1"=40', sheet #L1.

Tennis Court Lighting Plan w/ Plant List-Prepared for Rolling Hills County Club

Prepared by Earl J. Goven Jr., landscape architect, dated December 10, 2010, revised February 8, 2011, scale 1"=50', sheet #L2.

Lighting Plan-Prepared for Rolling Hills County Club

Prepared by Techlight, lighting consultants, dated December 8, 2010, scale as noted.

Enlarged Lighting Spill Plan-Prepared for Rolling Hills County Club

Prepared by Techlight, lighting consultants.

WHEREAS, the Planning and Zoning Commission has conducted a public hearing on January 24, 2011 and February 14, 2011 to receive comment from the public and has fully considered all evidence submitted at said hearing; and

WHEREAS, the Planning and Zoning Commission has received and considered evidence from the applicant concerning the implementation of landscaping and light shielding so as to reduce potential lighting impacts associated the proposed application;

NOW THEREFORE BE IT RESOLVED effective March 18, 2011 that the Wilton Planning and Zoning Commission **APPROVES** Special Permit #357 to add lighting to four existing tennis courts 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 March 18, 2016.
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 the four tennis courts, so as to assure

that all lighting is extinguished by 10:00 p.m., unless an alternate shut-off plan is approved by the Planning and Zoning staff.

6. The applicant shall install additional vegetative screening as shown on the revised plan entitled Tennis Court Lighting Plan w/ Plant List-Prepared for Rolling Hills County Club Prepared by Earl J. Goven Jr., landscape architect, dated December 10, 2010, revised February 8, 2011, scale 1"=50', sheet #L2., so as to further reduce light spillage. Such screening and plan shall be submitted for review during the permitting process prior to the issuance of a zoning permit.

7. A bond estimate for all site work shall be provided by the applicant to the Commission's staff, which shall include, but not be limited to tree protection, new trees and installation, mulching and a 10% contingency. Such amount shall be approved by the Commission's staff. The bond shall be in a form and amount with proper surety satisfactory to the Commission's Land Use Counsel and shall be submitted prior to the issuance of a zoning permit.

8. No amplification shall be allowed in the tennis court area unless approved by the Planning and Zoning Commission.

9. In order to reduce light spillage, extended light cut-offs shall be installed on all perimeter light fixtures serving the four tennis courts. Such improvements shall be completed in accordance with submitted plans, prior to the issuance of a certificate of zoning compliance.

10. The applicant shall submit an as-built photometric plan prior to the issuance of zoning compliance.

Submittal of revised plans and application:

11. 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 March 18, 2016."

b. "For conditions of approval for Special Permit #357, see Resolution #0211-5P."

- 2. SP#359, Standard Petroleum of CT, 287 Danbury Road, Modifications to existing service station and replacement of underground fuel storage tanks within an aquifer protection district**

Tabled.

- 3. SP#360, Plan B Retail Design, 920 Danbury Road, Expand existing shopping center**

Tabled.

F. COMMUNICATIONS

Mr. Wilson referenced the recent Rolling Hills Country Club application, for which he had to recuse himself since his home is located in close proximity to the Club. He expressed frustration with not being able to speak to an application that may have a direct impact on a Commissioner's property and he asked that Town Counsel be consulted so that all Commissioners might have a better understanding as to how to deal with such issues going forward. Specifically, he questioned whether a Commissioner who is recused from an application might still have the right, as a resident of the Town, to express an opinion or voice a concern.

Ms. Poundstone asked Town Planner Nerney to obtain an opinion on the matter from Town Counsel.

G. REPORT FROM CHAIRMAN

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

1. CHZ#10329, Gueron, Overlay Cannon Crossing District (CXD) on underlying R-2A Zone for property known as Assessor's Map 34, Lot 42 [P.H. March 14, 2011]
2. REG#10330, Gueron, Amendments to Sections 29-2.B.13 and 29-6.E pertaining to Bed and Breakfast Accommodations [P.H. March 14, 2011]
3. SP#361, ROPO, LLC, 490 Danbury Road, Professional offices and residential apartments in Building #1, and professional office in Building #2 [P.H. March 28, 2011]

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4. SP#362, ROPO, LLC, 490 Danbury Road, Adaptive use of Building #2 for professional offices [P. H. March 28, 2011]
5. SP#363, Cugno/McMenamey, 67 Belden Hill Road, For additions/alterations within setbacks on a historically/architecturally significant residence per Section 29-5.C.8 of zoning regulations [P.H. April 11, 2011]

J. ADJOURNMENT

MOTION was made by Mr. Wilson, seconded by Mr. Rudolph, and carried unanimously (7-0) to adjourn at approximately 8:30 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary