

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

WILTON PLANNING & ZONING COMMISSION MINUTES APRIL 11, 2011 REGULAR MEETING

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

ABSENT: Chris Hulse (notified intended absence)

ALSO

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

PUBLIC HEARINGS

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

Ms. Poundstone called the Public Hearing to order at 7:16 P.M., seated members Bayer, Gardiner, Gould, 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.

Present was Chuck Bomely, Plan B Retail Design.

Mr. Nabulsi arrived and was seated at 7:17 P.M.

Mr. Bomely distributed reduced copies of a reconfigured plan for the site. He addressed an issue raised at the last hearing regarding a 30,000 square foot limitation for retail business per Section 29-6.B.3.a of zoning regulations. Per the reconfigured plan, he stated that Caraluzzi's total square footage would now be 29,882, where the existing supermarket entity itself consists of 27,678 square feet and the proposed building addition

to the rear would consist of another 2,204 square feet (reduced from the original request of 3,500 square feet). He noted for the record that some future revisions to the site are anticipated in connection with an expected new bank tenant, but he noted that the site plan as currently proposed will be compatible with the needs of the new tenant.

Mr. Bomely referred to section 29-6.B.4.b of zoning regulations indicating that outside storage and displayed merchandise for sale on premises is permitted as an accessory use in the GB District “provided it shall be limited to a maximum of 25% of the lot area” and section 29-6.B.5.b indicating that for all retail businesses over 20,000 square feet “outside storage shall be limited to ten (10) percent of the building”. In light of the aforementioned regulations, Mr. Bomely felt that a pre-manufactured metal refrigerated space outside the building, in addition to the existing 250 square feet of seasonal outdoor display, would be permitted as accessory storage uses, with square footage not counting towards the maximum 30,000 square foot limitation.

Mr. Bayer cited section 29-6.B.3.a of zoning regulations requiring that outdoor display be included within the 30,000 square foot maximum limitation. He did not believe this square footage should be excluded from the total square footage number.

Mr. Bomely referenced a July 24, 1995 transcript of a Planning and Zoning Commission meeting involving discussion and eventual adoption of the aforementioned sections of the regulations. He felt that the concerns at the time were more focused on big-box stores such as Lowe’s, Wal-Mart, K-Mart, etc. where outdoor storage/display areas are often quite large, sometimes roof-enclosed as well as fenced-in. He did not feel that the Caraluzzi’s display area rose to that level of use intensity.

Mr. Nerney noted that he reviewed the same transcript, noting that the Commission at the time appeared to be concerned that a large supermarket might be built across the street from Town Hall and it was trying to avoid types of uses with large expanses of solid building area and no window space. He felt that the intent of the regulations adopted was to restrict much larger outdoor sales/display areas as opposed to small displays/sales of mums, flowers, Girl Scout cookies, etc.

In that regard, Mr. Wilson asked how the Commission could justify not including the outdoor display area as part of the maximum 30,000 square feet of retail business space permitted, referring in particular to section 29-6.B.3.a of zoning regulations.

Mr. Bayer felt that if this application involved a store such as a Wal-Mart, for example, then the discussion would likely be completely different and the Commission would be strictly holding the applicant to the 30,000 square foot maximum. He questioned why the Commission should struggle to interpret its regulations so as to be able to approve what this applicant is requesting.

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Ms. Gould felt that Mr. Nerney's interpretation of the 1995 discussion was correct, noting that she was a member of the Commission at that time. She felt that the outdoor storage space should be considered as grandfathered since Caraluzzi's has not changed its use in that regard for many years. She also felt that the subject application meets the spirit of the regulations as adopted in 1995.

Mr. Bayer felt that it is not clear that the subject application complies with the zoning regulations as written.

Mr. Bomely next addressed an issue regarding a mezzanine space within the supermarket; in particular, whether its square footage should be subject to the 30,000 square foot maximum. He referenced Section 505.1 of the 2003 International Building Code which states that a mezzanine "shall not contribute to either the building area or number of stories as regulated by Section 503.1". He entered a copy of the code into the record in support of not including the 680 square feet of mezzanine space towards the total retail business square footage.

Mr. Rudolph noted that the outside display area is an active retail sales spaces that is constantly being used and, as such, should be subject to the total retail square footage limitation. Mr. Bomely argued that the area consists of seasonal items that are sold during the summer and fall months and then resumes again in the spring.

In response to questions from Ms. Pratt, Mr. Bomely explained that the 29,882 square-foot total consists of Caraluzzi's current square footage, plus the former fireplace shop at 2,248 square feet, plus the proposed 2,204 square foot addition, and it excludes the refrigerated area of 736 square feet, the mezzanine area of 680 square feet and the outdoor display area of 250 square feet.

Addressing the mezzanine space, Mr. Nabulsi questioned the applicant as to how retail business space is specifically defined. As an example, he asked whether the applicant would still not count the mezzanine space as retail space even if the sale of coffee were permitted in that area. Mr. Bomely stated that he would fall back upon the International Building Code interpretation of mezzanine space, i.e. it would not be included as floor area and therefore it would not be counted toward the total retail business space.

Mr. Bomely next addressed the issue of access from School Street. He stated that the plan was reconfigured to allow for one-way traffic from School Street into the site and counter-clockwise around the landscaped island. He noted that this would allow for ease of use for the new bank space as well, although he acknowledged that two-way traffic would still be permitted at what was referred to as a "pinch point" near the southwest corner of the building where the aisle/roadway width narrows. He noted that plans would be updated and resubmitted prior to the next hearing reflecting all of the aforementioned site modifications.

Mr. Rudolph asked for clarification regarding the refrigerated unit, specifically as to whether the applicant considers it to be an appliance and whether it will be attached to the building. Mr. Bomely explained that it is a pre-manufactured item that is brought in on a truck and is attached to the building, with access available from the interior of the building.

Mr. Bomely stated that he would provide staff tomorrow with an extension of the deadline to close the hearing.

Ms. Pratt requested a copy of two items entered into the record this evening, namely the building code and the revised parking lot plan, prior to the next meeting.

Mr. Bayer also requested that the applicant lay out in writing how the retail business space/square footage number is being calculated, including the relevant sections of the regulations upon which the applicant is relying in its calculation methodology.

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 7:56 P.M. the Public Hearing was continued until April 25, 2011.

- 2. CHZ#11329, Gueron, Extend Cannon Crossing Overlay District (CXD) on underlying R-2A Zone for property known as Assessor's Map 34, Lot 42 and**
- 3. REG#11330, Gueron, Amendments to Sections 29-2.B.13 and portions of Section 29-6 to establish additional regulatory criteria for the Cannon Crossing (CXD) District**

Ms. Poundstone called the Public Hearing to order at 7:56 P.M., seated members Bayer, Gardiner, Gould, Nabulsi, 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 the previous meeting. Mr. Bayer referred for the record to a memorandum dated March 31, 2011 from Robert Nerney to Planning and Zoning Commission with attached map; a memorandum dated March 28, 2011 from Robert Nerney to Planning and Zoning Commission, with attached map; a memorandum dated April 11, 2011 from Michael Ahern to Daphne White for REG#11330; and a memorandum dated April 11, 2011 from Michael Ahern to Daphne White for CHZ#11329.

Mr. Bayer noted for the record that he had listened to the recording of the prior public hearing for the subject applications.

With respect to the previous application (**SP#360**), Mr. Nabulsi noted for the record that he was a tenant of the applicant in 2000 for approximately 9 months, but he stated that this would have no effect on his thoughts for the application.

Present were Clarissa Cannavino, attorney; Kate Throckmorton, landscape architect; and Bill Richter, planning consultant; on behalf of the applicant.

Ms. Cannavino submitted into the record a 4-page response letter dated April 11, 2011 from J. Casey Healy to Planning and Zoning Commission. She read through each of the responses, addressing in particular issues of coverage, density and Village character as raised in the Planning and Zoning Staff Report of March 10, 2011.

Ms. Throckmorton of Environmental Land Solutions addressed the issue of developable/buildable area on the site. She distributed copies of a plan depicting square footages for upland areas, wetlands, and the 100-year flood plain for both the “Village” area (where the existing buildings are currently located) and the “Residential” portion to the north (where development would presumably occur). She briefly reviewed the relative square footages noting that the total area for computation amounts to 6.4 acres of which approximately 5.0 acres fall into the Residentially defined portion. She noted that the conservation area located along the eastern boundary of the entire parcel was not included in the square footage numbers.

In response to a question from Mr. Nabulsi, Ms. Cannavino acknowledged that although the afore-referenced plan depicts a vertical line of demarcation between the Village and Residential portions of the parcel, the line itself is arbitrary and therefore a developer could develop the site according to his own plans/vision (assuming compliance with regulations).

In response to questions from the Commission, Ms. Cannavino stated that the applicant plans no changes to the existing historic buildings on the site other than restoration type work, noting in particular that there is no intent to add a third story to the historic buildings. She explained further that the buildings are located within the floodplain and are therefore restricted by numerous floodplain and wetlands regulations.

Ms. Gould noted for the record that if the Commission adopts regulations that permit a third story, then it is not unreasonable to expect that such construction might occur in the future, irrespective of the current owner’s intent. Mr. Nerney explained that the Commission cannot speculate on what will or will not be done on the site since the subject application is not a site development plan; however, he stated that the Commission can look at the land in terms of its potential carrying capacity (considering aspects such as wetlands, topography, etc.).

Mr. Nabulsi felt that the Commission must also consider the potential impact on other properties of adopting the proposed regulations, particularly the residential parcels located across the railroad tracks to the west of the subject site.

Mr. Nerney expressed concern with the overlay, as proposed by the applicant with its defined bulk and area requirements, morphing into its own distinct zoning district and the potential impacts of essentially a zoning change on surrounding properties. Ms. Cannavino reminded the Commission that it, too, had put forth bulk and area requirements in connection with the Cannon Crossing District (CXD) originally, but since a consensus could not be reached in that regard, such restrictions were not adopted at that time.

In response to further questions from Mr. Bayer, Ms. Cannavino stated that the applicant is specifically not proposing a new zoning district because the CXD overlay is currently in place on the site. As a result, she noted that the applicant is giving up rights to more intense uses that would normally be permitted in the underlying GB and DRB zones since bulk and area requirements of the CXD overlay district would control.

Mr. Nabulsi noted that the applicant has made offers throughout its presentation and within its response letter to accept less aggressive parameters if the Commission so prefers. He questioned whether the Commission even has the ability to modify the current application as submitted. Ms. Cannavino felt that the Commission has authority to modify such an application as long as the modifications result in less intensive use and the applicant is in agreement. Mr. Nerney felt that the Commission could make modifications as long as they are very minor and not substantive in nature; he felt that bulk and area requirements are more substantive type modifications and, given the strict statutory guidelines of the legal notice/public hearing process, should not be made by the Commission.

Mr. Rudolph raised the issue of bed and breakfast facilities, noting that the applicant's proposed allowance of 12 guest rooms represents a big difference from the currently permitted 5 guest rooms. He referred in particular to resulting increases in guests, cars, bathrooms, etc. associated with such a modification. In that regard, Ms. Pratt questioned whether the number 5 was arbitrary or if it represents a sort of break point between what constitutes a bed and breakfast facility versus a hotel.

Mr. Nerney referenced the definition of "bed and breakfast accommodations" as defined in section 29-2.B.13 of zoning regulations. He felt that the Town would not want to encourage greater densities in areas that are not served by public utilities, although he noted that building, health and fire codes would all have their respective areas of oversight in connection with such establishments.

Ms. Pratt noted her ongoing concerns about the viability of building on the subject parcel.

Ms. Gould acknowledged that floodplain and wetland areas have additional protections imposed upon them, but she expressed concern that when total acreage of the site is considered/massed together, there would likely be greater density impact on the uplands area since it would be the primary carrying area for potential development.

Referencing floodplain regulations recently adopted by the Town, Mr. Nerney noted that such regulations are applicable to properties in which the cumulative cost of any/all improvements within a ten year period “equals or exceeds 50% of the market value of the structure as determined at the beginning of such ten year period”, unless the buildings are considered historic. Ms. Gould noted for the record that this area has no official designation for historic significance so it does not fall under the oversight of the Historic District Commission, and thus is afforded no real protection in that regard..

Mr. Bayer returned to the issue of adjoining property owners and questioned the appropriateness of the proposed regulations for properties located across the railroad tracks to the west along Route 7. Mr. Richter stated that the regulations as proposed would not extend to those properties although he did acknowledge that in his personal opinion it would seem to make sense for the proposed changes to be extended to that area as well. Ms. Cannavino stated that the applicant could provide an analysis of that area as well if the Commission so desires.

Mr. Nerney noted for the record that staff completed an analysis of the protest vote/petition submitted by surrounding neighbors and, as a result, determined that a 2/3 affirmative vote of the Commission would be required, per State statutes, to approve both applications (CHZ#11329 and REG#11330).

Mr. Nabulsi referenced the applicant’s response to comment #10 of the Planning and Zoning Staff Report and specific statements/references made by the applicant that its proposal is consistent with the goal of the Town Plan of Conservation and Development “to restore and revitalize the area now known as the Cannon Crossing District.” He asked the applicant to clarify its interpretation of the Town Plan of Conservation and Development since he was unable in his reading of the document to locate such a reference. He noted that the document seems to speak more about drawing upon the character of Cannondale as opposed to revitalizing the area.

Ms. Cannavino stated that the applicant would respond in writing to the request, although she noted that the application’s purpose is to develop a walking village by pulling pedestrians in from the train station area to utilize the retail uses of the village.

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

David Kahal, 43 Cannon Road, stated that it is difficult to determine the appropriateness

of the intended development since one cannot actually look at a site plan. He referenced conversations that had occurred some time ago in connection with the Commission's adoption of the CXD overlay district. He felt that the applicant's current proposal represents more of an attempt to modify the underlying zoning regulations as opposed to modifying the regulations of the overlay district. He felt that the upland area would likely bear the impact of a 70-unit development in light of the development restrictions inherent in the floodplain/wetland areas of the site. He did not feel that the regulations as proposed would result in the creation of any type of transition zone from the historic portion to the residentially zoned properties. He offered Commissioners an opportunity to walk his property before the leaves bloom to better feel the full potential impact of what the applicant is proposing.

Mr. Bayer asked Mr. Kahal what, if any, level of development he would find acceptable for the area. Mr. Kahal stated that he is not anti-development, but he felt that some protections should be provided to existing residential property owners. He added that he would need to see a proposal in order to determine if it is appropriate for the area.

Amy Quigley, 37 Cannon Road, stated that as a 50-year resident of the Town she was grateful for the opportunity to speak. She acknowledged that Mr. Gueron is in a difficult situation with the subject properties, but she felt that the plan as proposed is too big and covers too much open space. She felt that a more modest application, consistent with the rest of the community, would be more appropriate.

Sally Hasted, 5 DeForest Road, stated that she was stunned by the proposed development plans which she felt were unconscionable. She expressed concerns with traffic impacts from bed and breakfast guests; impacts on the floodplain, the aquifer across the street and the Norwalk River; as well as potential noise impacts. She considered the subject site to be the "heart" of Wilton and she urged the Commission not to change its zoning laws for the area.

Jim Johnston, 18 Cannon Road, expressed concern for the properties to the west of the subject site and the potential impacts that approval of the subject application would have on those properties. He noted that there are seven properties in total, four of which are residential, his property being one of those four. He welcomed Commissioners to walk his property as well.

Mark Gueron, applicant/owner of the subject site, stated that there are many misunderstandings and misinterpretations of facts being circulated among surrounding neighbors. He felt that his vision for the area is essentially the same as the neighbors'. He reviewed a history of his ownership of the site, noting that the properties are commercially obsolete and economically not viable, currently requiring a capital infusion of about \$2 million for proper upgrades/reconstruction. He reviewed his plans for the site, noting that he wishes to create a "living village" including 25 dwelling units, which

is what he feels is needed to make all of the area viable. He stated that building height would be 35', not 42; dwelling unit size would be 2400 square feet, not 3000 square feet; there would be two stories and an unfinished attic, not three full stories; and the number of total units would not be 70, as believed by surrounding neighbors, since the inherent limitations of the site would restrict the maximum number of units to 25. He noted that neighbor concerns regarding potential development being inconsistent with the character of the village were unfounded since architect Bob Faesy has designed cottages that would be, in his opinion, wonderfully harmonious with the area.

Addressing the issue of bed and breakfasts in the area, Mr. Gueron explained that residents encouraged him to provide for the possibility of a larger bed and breakfast in the area, an establishment that could provide country-style accommodations to real estate shoppers and overnight visitors using the nearby train station. He stated that he has no plan to tear down existing structures, although he noted that the area could support an office building as it is currently zoned. He felt that the impact on home values would probably be positive. He concluded by questioning what exactly the neighbors are opposed to, given their apparent agreement with him on the many bulk and area requirements he just cited.

Jennifer Longmire, 49 Cannon Road, took issue with Mr. Gueron's assumptions about what the neighbors would accept since she noted that he has not yet met or talked with the neighbors. She noted further that while Mr. Gueron may not be planning to develop the area to the maximum bulk and area requirement levels as set forth in the proposed regulations, the fact that his proposed regulations allow for such development means that a future owner/developer could build to that level of intensity.

Harry Clark, 68 Cannon Road, clarified for the record that an easement granted to the Town by Mr. Gueron in 1993 along the eastern portion of the site was essentially in exchange for a zone change from Residential (R-2A) to Design Retail Business (DRB) for one of his other parcels in the area. He also noted that the northernmost parcel was recently purchased by Mr. Gueron in 2007. He questioned why the applicant would purchase another parcel if he considered the area to be commercially obsolete and economically unviable.

Ms. Pratt requested a copy of the minutes from the Planning and Zoning meetings that dealt with adoption of the CXD overlay district some years ago.

Ms. Cannavino stated that she would provide a letter tomorrow granting an extension of the deadline to close the hearing.

There being no further comments from the Commission or the public, at 9:25 P.M. the Public Hearing was continued until April 25, 2011.

The Commission took a break at 9:25 P.M.

The Commission returned from break at 9:31 P.M.

- 4. SP#361, ROPO, LLC, 490 Danbury Road, Professional offices and residential apartments in Building #1, and professional office in Building #2 and**
- 5. SP#362, ROPO, LLC, 490 Danbury Road, Adaptive use of Building #2 for professional offices**

Ms. Poundstone called the Public Hearing to order at 9:31 P.M., seated members Bayer, Gardiner, 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 March 29, 2011. He referred for the record to a 3-page Planning and Zoning Staff Report dated April 6, 2011.

Present was Clarissa Cannavino, attorney; and Kate Throckmorton, landscape architect; on behalf of the applicant.

Ms. Cannavino requested that the two hearings be heard concurrently. She briefly reviewed details of the applications, noting that the Commission during its review of a previous application for the site had exhibited a greater degree of comfort with approving certain uses for building #2 (the older structure) under the auspices of adaptive use and thus the current application for adaptive use of building #2 for professional offices. She explained that the previous application for building #2 had requested approval for professional offices in addition to two apartments, but she noted that the apartments are no longer included as part of the current application.

Ms. Cannavino submitted into the record a response letter dated September 27, 2010 from J. Casey Healy to Planning and Zoning Commission, which she noted was the same response letter submitted in connection with the applicant's previous application for the site. Addressing a new comment included in the most recent Planning and Zoning Staff Report dated April 6, 2011 regarding a missing fence section, she stated that Mr. Polito had replaced the portion of fencing in question.

Ms. Throckmorton briefly reviewed two alternate plans for the site, noting that the plans essentially reflect existing conditions, with no changes proposed to either of the buildings. She explained that the only difference between the plans is parking, where one plan provides for nineteen spaces (three more than required by zoning regulations), almost all of which are located in the front yard, and the alternate plan provides for the required sixteen spaces, only six of which would be located in the front yard, with seven located behind building #1 (the newer building) and three spaces located inside the garage of building #1 itself. She explained that per Section 29-8.B.8.c of zoning regulations, if a new driveway's grade is greater than 7% then off-street parking must be readily

accessible from the front, which she noted is the configuration reflected in the first plan. However, she explained that the applicant also designed the alternate plan (with much of the parking in the rear), which it believes is also compliant with regulations since the driveway on the site is not “new” but rather pre-existing. She noted further that the Fire Department has reviewed the alternate plan and does not have any problems with it. She indicated that the applicant would be fine with either plan.

In response to additional questions, Ms. Cannavino assured the Commission that all issues raised in the Staff report would be addressed and the site would be fully compliant.

A question arose as to the width of the driveway as it curves around the historic structure. Ms. Throckmorton indicated that the width of the driveway is actually now at 25 feet, although the plan shows it as 22 feet, since trees were moved to enlarge the radius and three parking spaces were relocated.

Ms. Poundstone stated that the alternate plan, with more parking spaces located in the rear, seems to be preferable.

Ms. Cannavino stated that the Commission could condition the 25-foot width accessway, as previously discussed, if it wishes.

Ms. Gould referenced a large storage area indicated on the second floor plans of the large new structure, expressing concern that a fourth apartment could possibly be created in that space in the future. Ms. Cannavino stated that a fourth unit is not permitted, noting further that the Zoning Enforcement Officer will be going out to inspect the premises to ensure full compliance. Ms. Gould also questioned the applicant’s intended use of the large garage located under the new structure. Ms. Cannavino stated that the garage would be used for parking and storage for tenants and for the office, noting in particular that it would not be used for storage of construction equipment.

Mr. Nabulsi asked if Ms. Cannavino felt that an adaptive use approval for the older structure would result in the imposition of greater restrictions on the applicant for the future. Ms. Cannavino believed that would be a correct assumption.

Ms. Cannavino addressed the issue of photometrics for the site, noting that although the plan indicates 2.5 foot-candles of illumination, the applicant is requesting a waiver to permit 1.75 foot-candles. In response to a question from Mr. Nabulsi as to whether the site would still be considered safe with the requested lower level of illumination, Ms. Throckmorton stated that she could represent that the site would be safe with the amount of lighting proposed. She felt that 2.5 foot-candles is very large and is really more appropriate for commercial type parking lots.

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 9:51 P.M. the Public Hearing was closed.

6. SP#363, Cugno/McMenemy, 67 Belden Hill Road, For additions/alterations within setbacks on a historically/architecturally significant residence per Section 29-5.C.8 of zoning regulations

Ms. Poundstone called the Public Hearing to order at 9:51 P.M., seated members Bayer, Gardiner, 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 March 29, 2011. He referred for the record to a 2-page Planning and Zoning Staff Report dated April 7, 2011; a response letter dated April 8, 2011 from Joseph R. Cugno to Planning and Zoning Commission; and a memorandum dated April 11, 2011 from Michael Ahern to Daphne White.

Present was Joe Cugno, architect; on behalf of the applicant.

Mr. Cugno distributed into the record three photos of the residence for review by the Commission. He reviewed a posted site plan, noting that the applicant is seeking relief for additions/alterations on the 1800s residence for a setback line that cuts right through the structure. He explained that some additions were constructed in the late 1800s/early 1900s, noting that the applicant would like to remove a kitchen expansion completed in that timeframe (which is incompatible with the character of the historic home) and replace it with a small kitchen/eat-in area. He stated that the applicant would also like to restore some exterior and interior details of the historic structure. He noted that the home is very modest, with no basement (due to large outcroppings of rock on the property) and no attic, and the applicant wishes to maintain it as a 3-bedroom home.

Mr. Cugno referenced a Planning and Zoning Staff Report dated April 7, 2011, noting that he recently submitted into the record a letter dated April 8, 2011, responding to comments/issues raised in the Staff Report. He noted in particular that exterior trim details would be designed to match the existing house, and he stated that there would not be any blasting on the site, but rather a large excavator would be employed for chipping in order to achieve the clearance space required.

In summary, Mr. Cugno stated that the existing floor plan is not compatible for modern family living, citing the successive additions that were constructed over the years. He noted that the applicant has tried to keep the proposed renovation areas small in order to maintain many of the historic/architectural details of the structure. He noted further that there is no plan to remove any plantings; in fact, the applicant will probably add some

additional landscaping for screening purposes.

In response to further questions from the Commission, Mr. Cugno stated that fencing will all match up nicely when the project is complete and he noted that sight lines at the driveway are now much better as a result of a previous driveway realignment project.

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 10:06 P.M. the Public Hearing was closed.

REGULAR MEETING

- A.** Ms. Poundstone called the Regular Meeting to order at 10:06 P.M., seated members Bayer, Gardiner, Gould, Nabulsi, Poundstone, Pratt, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. March 28, 2011 – Regular Meeting

MOTION was made by Ms. Gould, seconded by Mr. Wilson, and carried (8-0) to approve the minutes of March 28, 2011 as drafted.

C. SITE DEVELOPMENT PLAN REVIEW

1. SDP, Nash/Logan (Signature Style), 134 Old Ridgefield Road, Front wall signage

Mr. Nerney explained that the proposed signage has been reviewed by the Village District Consultant Committee (VDCC) (as required for Wilton Center District) and comments were provided to the applicant and staff.

Ms. Gould left the meeting at 10:08 P.M.

Ms. Nash, present at the meeting, passed out revised signage drawings, consistent with the revisions requested by the VDCC. In particular, she noted that the width of the sign would be consistent with the width of the window and would also be framed with a border trim to provide texture and shadowing. She noted further that the proposed sign is

actually smaller than what is permitted by regulations. She added that she would be happy to comply with whatever the Commission prefers.

MOTION was made by Mr. Nabulsi, seconded by Mr. Wilson, and carried unanimously (7-0) to approve the proposed signage subject to compliance with VDCC recommendations/guidelines.

2. SDP, Wilton Shopping Center, LP, 5 River Road, Signage changes for Wilton Fencing Academy, Happy Panda Mandarin School and Cosmetique Boutique [To be accepted and discussed]

Ms. Poundstone referred to Village District Consultant Committee minutes from April 6, 2011 regarding proposed signage for 5 River Road.

Present was Larry Bourque, ABC Signs, on behalf of the applicant.

Mr. Bourque passed around photos of proposed signage and proposed site locations. He briefly reviewed signage details for Cosmetique Boutique and Happy Panda, noting that the applicant has agreed to VDCC recommendations for individual letters for both signs as opposed to the panel sign originally proposed for Happy Panda. Mr. Bourque also stated that the applicant wishes to include both store names on the awning over the entrance to Building “C”. However, Mr. Nerney explained that the VDCC was not privy to that proposal and had approved only the Happy Panda logo on the awning. Mr. Bourque agreed to leave the awning signage as agreed to by the VDCC.

The Commission was in agreement with the signage as proposed for Cosmetique Boutique and Happy Panda as long as it was in compliance with zoning regulations.

Mr. Bourque next addressed signage for Wilton Fencing Academy. He explained that signage was originally proposed on the second story stone work facing River Road, but the VDCC did not approve that proposal. He stated that it was the consensus of the VDCC to locate the signage on the opaque panel over the building’s north entrance, positioned on the first mullion just above the level of the Campus Jewelers ceiling. However, Mr. Bourque explained that the applicant prefers to position the signage higher up, on the second mullion and centered on the glass panel frontage facing the parking lot, so that there will be less confusion with the Campus Jewelers location. Mr. Bourque also explained that the applicant wishes to utilize the same lighting as was approved for Athlete’s Foot, but is concerned that the lighting would shine directly down onto the Jewelers sign/store if the Fencing Academy sign is located as preferred by the VDCC.

Ms. Poundstone suggested that the Commission approve the proposed signage for Happy Panda and Cosmetique Boutique, and she requested that staff consult further with the

VDCC regarding the Fencing Academy signage. Mr. Nerney explained that he did send a copy of the applicant's proposed location change to the VDCC and three Committee members had already reported back that it was not what they envisioned for the area.

Mr. Bourque noted that the only problem the VDCC had with the Academy signage was the placement and he felt that the applicant's proposed placement is the more logical choice.

Mr. Wilson noted the location of the existing Fairfield Stationers sign on the eastern façade of the brick building and suggested a compromise location for the Academy's signage whereby it would be horizontally aligned with the Stationers' sign, placing it approximately midway between the applicant's requested location on the north face and what the VDCC prefers. Ms. Poundstone felt that Mr. Wilson's suggestion was a good one and Mr. Bourque stated that he was agreeable to it as well.

Mr. Nerney requested that the applicant email him revised drawings reflecting the proposed location change so that he could forward same to the VDCC.

With respect to lighting, Mr. Bourque stated that the applicant prefers to shine the lighting upward but would utilize downward lighting if that is the preference of the VDCC.

It was the general consensus of the Commission for staff to move forward with approval of the signage as discussed as long as the VDCC approves of the proposed modifications.

It was the consensus of the Commission to hold the meeting open until 11 P.M. to address the remaining items on the agenda.

D. ACCEPTANCE OF NEW APPLICATIONS

- 1. REG#11331, Greyrock of Wilton, Amendments to Section 29-5.B.10 of zoning regulations pertaining to affordable housing**
- 2. SP#366, Teachers Insurance and Annuity Association of America, 10 Westport Road, Construction of 202 surface parking spaces**

MOTION was made by Ms. Poundstone, seconded by Mr. Wilson, and carried unanimously (7-0) to accept and set a public hearing date for both applications for May 23, 2011.

E. PENDING APPLICATIONS

1. **SP#360, Plan B Retail Design, 920 Danbury Road, Expand existing shopping center**
Tabled.
2. **CHZ#11329, Gueron, Overlay Cannon Crossing District (CXD) on underlying R-2A Zone for property known as Assessor's Map 34, Lot 42**
Tabled.
3. **REG#11330, Gueron, Amendments to Sections 29-2.B.13 and portions of Section 29-6 to establish additional regulatory criteria for the Cannon Crossing (CXD) District**
Tabled.
4. **SP#361, ROPO, LLC, 490 Danbury Road, Professional offices and residential apartments in Building #1, and professional office in Building #2**
Tabled.
5. **SP#362, ROPO, LLC, 490 Danbury Road, Adaptive use of Building #2 for professional offices**
Tabled.
6. **SP#363, Cugno/McMenemy, 67 Belden Hill Road, For additions/alterations within setbacks on a historically/architecturally significant residence per Section 29-5.C.8 of zoning regulations**

The Commission reviewed draft resolution of approval RES#0411-8P.

MOTION was made by Mr. Bayer, seconded by Mr. Rudolph, and carried unanimously (7-0) to adopt as drafted Resolution **#0411-8P** for **SP#363**, effective April 14, 2011.

WHEREAS, the Wilton Planning and Zoning Commission has a received Special Permit application (**SP#363**) from Joseph R. Cugno, architect for additions and alterations to a historically and architecturally significant residential building pursuant to Section 29-5.C.8 of the zoning regulations for property located at 67 Belden Hill Road, located in a Residential "R-2A" zoning district, Assessor's Map #88, Lot #26, comprising 1.465 acres; owned by Shawn P. McMenemy and shown on the plans entitled:

Property Survey, prepared for Shaun P. McMenemy, prepared by Thomas J. Carpenter, property located at 67 Belden Hill Road, dated November 3, 2010, revised November 14, 2010, scale 1"=30';

First Floor Plan, prepared for McMenemy Residence, prepared by Joseph R. Cugno, property located at 67 Belden Hill Road, dated December 27, 2010, revised December 30, 2010, scale

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1/4"=1', sheet #A1;

Second Floor Plan, prepared for McMenamey Residence, prepared by Joseph R. Cugno, property located at 67 Belden Hill Road, dated December 27, 2010, revised December 30, 2010, scale 1/4"=1', sheet #A2;

Front and Left Side Elevations, prepared for McMenamey Residence, prepared by Joseph R. Cugno, property located at 67 Belden Hill Road, dated December 27, 2010, revised December 30, 2010, scale 1/4"=1', sheet #A3;

Rear and Ridge Side Elevations, prepared for McMenamey Residence, prepared by Joseph R. Cugno, property located at 67 Belden Hill Road, dated December 27, 2010, revised December 30, 2010, scale 1/4"=1', sheet #A4;

(Existing) First Floor Plan, prepared for McMenamey Residence, prepared by Joseph R. Cugno, property located at 67 Belden Hill Road, dated December 27, 2010, revised December 30, 2010, scale 1/4"=1', sheet #EX1;

(Existing) Second Floor Plan, prepared for McMenamey Residence, prepared by Joseph R. Cugno, property located at 67 Belden Hill Road, dated December 27, 2010, revised December 30, 2010, scale 1/4"=1', sheet #EX2;

(Existing) Front and Left Side Elevations, prepared for McMenamey Residence, prepared by Joseph R. Cugno, property located at 67 Belden Hill Road, dated December 27, 2010, revised December 30, 2010, scale 1/4"=1', sheet #EX3;

(Existing) Rear and Ridge Side Elevations, prepared for McMenamey Residence, prepared by Joseph R. Cugno, property located at 67 Belden Hill Road, dated December 27, 2010, revised December 30, 2010, scale 1/4"=1', sheet #EX4;

WHEREAS, the Planning and Zoning Commission has conducted a public hearing on April 11, 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 determined that the application is in substantial compliance with the Wilton Zoning Regulations;

NOW THEREFORE BE IT RESOLVED effective April 14, 2011 that the Wilton Planning and Zoning Commission **APPROVES** Special Permit SP #363 for additions and alterations to a historically and architecturally significant residential building pursuant to Section 29-5.C.8 of the zoning regulations for property located at 67 Belden Hill Road subject to the following conditions:

1. This Resolution does not replace requirements for the applicant to obtain any other permits or licenses required by law or regulation by the Town of Wilton, such as, but not limited to: Zoning Permit, Sign Permit, Building Permit, Certificate of Zoning Compliance; or from the State of Connecticut or the United States Government. Obtaining such permits or licenses is the responsibility of the applicant.
2. In accordance with Section 8-3.(i) of the Connecticut General Statutes, all work or physical improvements required and/or authorized by the approved Special Permit site plan shall be complete within five years of the effective date of this resolution. This five-year period shall expire on April 14, 2014.
3. All work shall be completed in a manner consistent with plans submitted to and approved by the Wilton Planning and Zoning Commission.
4. Construction shall be performed in a manner so as to avoid tree cutting.
5. Pursuant to Section 29-5.C.8.e.1 of the zoning regulations, proposed building additions cannot be expanded or modified in any manner unless otherwise approved by the Commission.
6. All exterior building materials including but not limited to roof shingles, molding, window treatments, siding, etc. shall be reviewed by the Planning and Zoning Department staff prior to the issuance of a zoning permit. Staff reserves the right to review samples of such materials prior to the issuance of a zoning permit.
7. The Commission has made a positive finding that the application meets the provisions of Section 29-5.C.8.d.(4) of the Zoning Regulations.
8. The Commission finds that the property in question possesses historic merit.
9. Pursuant to Section 29-5.C.8.e.7 of the zoning regulations, no adaptive business use (other than an eligible home business occupation) shall be permitted on the premises.

Submittal of revised plans and application:

10. 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 site plan shall be completed within five years after the approval of the plan. Said five-year period shall expire on April 14, 2014
 - b. "For conditions of approval for Special Permit #363, see Resolution #0411-8P."

- END RESOLUTION -

F. COMMUNICATIONS

1. Discussion pertaining to appointment of PZC's SWRPA representative

Ms. Poundstone advised Commissioners that Richard M. Murphy was nominated SWRPA representative by the Democratic Town Committee. She stated that he has a fabulous resume, noting further that she spoke with him over the weekend and invited him to come to the Commission's May 9th meeting to meet/talk with Commissioners.

MOTION was made by Mr. Bayer, seconded by Mr. Nabulsi, and carried unanimously (7-0) to approve Mr. Murphy's appointment as PZC's SWRPA representative.

Mr. Nerney stated that he would send a letter to SWRPA to advise them of the appointment.

G. REPORT FROM CHAIRMAN

1. Reports from Committee Chairmen

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

- 1. SP#364, ECS Transportation, 390-392 Danbury Road, Restaurant use (coffee shop) [P.H. May 9, 2011]**
- 2. SP#365, Building Blocks Early Learning Center, LLC, 59 Danbury Road, Refitting of portion of interior for child day care center [P.H. May 9, 2011]**

J. ADJOURNMENT

MOTION was made by Mr. Wilson, seconded by Mr. Nabulsi, and carried unanimously (7-0) to adjourn at 10:48 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary