

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

## **WILTON PLANNING & ZONING COMMISSION MINUTES MAY 23, 2011 REGULAR MEETING**

**PRESENT:** Chairwoman Sally Poundstone, Vice Chairman John Wilson, Secretary Doug Bayer, Commissioners John Gardiner, Marilyn Gould, Chris Hulse, 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. CHZ#11329, Gueron, Extend Cannon Crossing Overlay District (CXD) on underlying R-2A Zone for property known as Assessor's Map34, Lot 42**  
  
**and**
- 2. 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 7:15 P.M. She referenced a letter dated May 9, 2011 from J. Casey Healy to Planning and Zoning Commission requesting a continuance of applications CHZ#11329 and REG#11330 until June 13, 2011. She 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 7:16 P.M. the Public Hearing was continued until June 13, 2011.

**3. SP#365, Building Blocks Early Learning Center, LLC, 59 Danbury Road, Refitting of portion of interior for child day care center**

Ms. Poundstone called the Public Hearing to order at 7:15 P.M., seated members Bayer, Gardiner, Hulse, Nabulsi, 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. Mr. Bayer referred for the record to a 3-page response letter dated May 18, 2011 from J. Casey Healy to Planning and Zoning Commission, with four attachments as indicated.

Present were J. Casey Healy, attorney; Steve Wise, owner; and Mitch Hoffman, Operator, Building Blocks.

Mr. Healy reviewed a posted site plan, noting that there are two condominiumized buildings on the site (Units A and B). He stated that the southernmost building (Unit B) is the subject of this application and would be the location for the proposed Building Blocks Early Learning Center. He explained that access to the Learning Center (i.e. drop-off and pick-up) would be from the rear, with appropriate signage indicating same. He noted that the only changes to current conditions would be an addition of an outdoor play area south of the building and some additional landscaping. He noted that all Planning and Zoning Staff Report comments were addressed in a response letter dated May 18, 2011, and additional required documents/site plan details were provided at that time.

Ms. Gould arrived and was seated at 7:20 P.M.

In response to questions from Mr. Nabulsi, Mr. Healy explained that while access will be available from the front for emergency purposes, the lease agreement will stipulate that regular access for enrollees and staff will be from the rear. He explained that Building Blocks will be leasing approximately half of the building (on the south side), and there will likely be a tenant leasing the northern half who will have access from the front, although only temporary parking has been approved for the front. He noted that this northern tenant would also have a separate door/access from the rear into space that will be segregated from the Building Blocks space.

Mr. Wise, owner/landlord, emphasized his and Building Blocks' sensitivity to the issue of complementary uses that will function well together on the site. He felt that it is everyone's intent to work together in a safe and organized manner.

Mr. Healy confirmed that no trees would be removed and, in fact, additional landscaping would be installed around the outdoor play area. Regarding the issue of signage, he noted that an Alternative Signage permit was previously approved for the site and all proposed signage would comply with the previously approved plan.

Mr. Bayer noted the proximity of the play area to the property line, questioning whether it is considered to be a structure and therefore constrained by setback regulations. Mr. Nerney noted that a similar play area was approved some years ago in connection with Bright Horizons, a child day care facility in Wilton Center, and he explained that setbacks did not arise as an issue at that time, so he felt there was precedence for not viewing it as a structure.

Addressing concerns regarding potential flooding due to the property's proximity to the river in the rear, Mr. Healy stated that it is approximately 500 feet from the rear of the building to the river and he noted that a front entrance is available for emergency access/egress if necessary. Mr. Wise confirmed that the building, as well as the parking area in the back, has never experienced any ponding/flooding issues over the 3+ years that he has owned the property.

Mr. Rudolph asked the applicant to address the issue of queuing in connection with pick-up/drop-off times. Mitch Hoffman, operator of Building Blocks, explained that the average pick-up/drop-off time runs approximately 5-8 minutes. He noted that there is no queuing problem in the Stamford day care facility which has approximately 100 enrollees. He noted further that a strict security system will be in place with license/photograph IDs required to be kept on file for any person authorized to pick up a child.

Regarding staff to enrollee ratios, Mr. Hoffman explained that the State requires a ratio of 4:1 for children under three years old and a ratio of 10:1 for older children, although he noted that Building Blocks actually requires a slightly lower ratio (i.e. greater supervision), particularly in connection with outside playground activities.

In response to questions regarding hours of operation, Mr. Hoffman indicated that the facility would operate from 7:30 A.M. until 6 P.M., with hours extended to 7A.M. for morning drop-off and 6:30 P.M. for evening pick-up.

Mr. Nabulsi asked for clarification from a safety perspective regarding operation of the public bus stop located in front of the building on Route 7, questioning specifically whether there is a defined wait area for bus riders. Mr. Healy stated that he has observed riders waiting on the left side of the entrance drive. Ms. Gould noted that there are no designated bus drop-off locations in Town, either in Wilton Center or along Danbury Road, noting that bus service is fairly flexible in that regard, but she added that there is generally substantial grass space between the edge of pavement and the actual properties themselves. Mr. Wise stated that he would report back to the Commission with additional bus stop/wait area specifics.

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

It was the general consensus of the Commission that the hearing could be closed, with the understanding that the applicant would report back to staff with additional details regarding operation of the bus stop as requested.

There being no further comments from the Commission or the public, at 7:39 P.M. the Public Hearing was closed.

**2. REG#11331, Greyrock of Wilton, Amendments to Section 29-5.B.10 of zoning regulations pertaining to affordable housing**

Ms. Poundstone called the Public Hearing to order at 7:39 P.M., seated members Bayer, Gardiner, Gould, Hulse, 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 May 10, 2011. He also referred for the record to a memorandum dated April 19, 2011 from Michael Ahern to Daphne White; a 2-page Planning and Zoning Staff Report dated May 13, 2011; an emailed memorandum dated May 23, 2011 to Lorraine Russo from Barbara Holdridge; and a letter dated May 23, 2011 from Gerald R. Holdridge to Wilton Planning & Zoning Commission.

Present were Jerry Effren, Greyrock of Wilton, applicant; and Steve Rushkin, attorney.

Mr. Rushkin briefly reviewed affordable housing in the Town of Wilton, noting that three zoning districts (Design Residence, Townhouse Residence and Center Residence Apartment Multi-Family) require a 20% minimum affordable housing component. He stated that a problem arises when the average cost of construction within certain types of developments (e.g. cluster housing, conservation, planned unit development, etc.) is substantially higher than the permitted selling price of an affordable unit within such developments. Using the approved Greyrock site as an example, he noted that the average cost of construction would be greater than \$800,000 while the required selling price of an affordable unit within the development would be less than \$400,000. He stated that in such cases there is no synergy between the affordable housing component and the rest of the development.

Mr. Rushkin explained that the basic premise of the subject application is to give the Commission the authority to allow a developer to purchase off-site housing (either single family or condominium) to satisfy the affordable housing component of the regulations when it is determined that a lack of synergy exists between affordable housing requirements and the development of certain types of developments. He stated that such off-site housing would be restricted in perpetuity when sold, and for 30 years when rented, which he noted is not the situation with a large proportion of Wilton's existing affordable housing stock. He noted that without such an opportunity, developers might

be tempted to build much larger affordable housing developments in compliance with Section 8-30(g) of State Statutes which allows maximum density for affordable housing, and which would likely result in a greater net profit for the developer in the end. He stated that affordable housing units need not have the amenities offered in some of the more up-scale developments (e.g. pool, 4-5 bedrooms, granite countertops, etc.) but they should offer good 1, 2 and 3-bedroom housing opportunities.

Mr. Nerney noted that many of the affordable units gained by the Town 10-12 years ago will start to disappear as time goes on due to 20-year sunset provisions. He referenced the Town's Plan of Conservation and Development which encourages exploration of off-site affordable locations where reasonable and practical.

Ms. Gould stated that she fully supports off-site alternatives for affordable housing, noting that she was one of the persons involved in drafting the original affordable housing regulations for the Town in 1981. She noted that there was a wide range of affordable homes in the Town over the past 30 years although many have since been torn down and lost to that generic category of affordable homes in Wilton. As part of the basic concept of affordable housing, she felt that developers should also have the option of contributing an agreed amount of funding into a Town-managed fund for alternative housing options (e.g. senior housing, etc.). It was Ms. Gould's opinion that affordable housing regulations should be rewritten to encompass many of the aforementioned concepts, citing in particular the "in perpetuity" feature.

In response to a question from Mr. Wilson, Mr. Nerney explained that the State has set an affordable housing goal of 10% of total housing units, noting that the Town is currently at approximately 2.65%, not including 30 units under construction at Avalon on Route 7 and 51 units at Wilton Commons (to be developed) and 4 units at The Greens (to be developed).

Mr. Rudolph raised the practical issue of administration of off-site affordable housing units if approved. Ms. Poundstone suggested that perhaps this should be administered through Wilton Social Services.

Mr. Nerney explained that Assistant Planner White and he have been involved in the past with reviewing affordable housing applications and coordinating the required lottery selections, but he noted that their expertise/formal education is not in housing. He stated that "Fairfield 2000", a non-profit organization, currently handles at least half of the restricted units in Town, while organizations such as Avalon and certain congregate housing facilities are well-equipped to vet prospective tenants and handle all of the administrative details involved.

Mr. Rudolph noted that the applicant had obtained approval for the Greyrock development based on the affordable housing component of the application and he felt

that the applicant was now requesting an amendment to the existing affordable housing regulations primarily because of the current economic situation. He also stated that he did not understand the meaning of the phrase “lack of synergy”, as posited by the applicant, and he requested further explanation in that regard.

Mr. Rushkin stated that while this applicant may be the catalyst for change to the current affordable housing regulations, this application was not submitted for the purpose of the subject site alone, although he noted again that the subject parcel does lend itself to the provisions of Section 8-30(g) of Connecticut Statutes. He further stated that affordability in the context being discussed is a price range issue, not an issue of style, noting that what is being proposed is not sub-standard housing by any definition. He stated that it is not fair to the developer and also to the taxpayers to require affordable housing units within a development where housing is selling for \$1 million or more.

Mr. Effren explained that the calculated affordable housing rental rate for the type of high-end house he would be building, with all of its associated amenities, would be approximately \$1700/month, whereas an Avalon type apartment with only two bedrooms would rent for approximately \$2,000/month. Similarly, an affordable housing selling price would be \$300,000-400,000, depending on mortgage rates at the time, where regular construction in his new development would be selling for \$1.2 – \$1.3 million and where an average home in Wilton a couple of years ago sold for approximately \$850,000.

Addressing the issue of administrative handling of the proposed affordable housing revisions, Mr. Rushkin stated that an applicant would be required to provide proper documentation of the acquired off-site units as the project progresses. As an example, he explained that if four affordable units were required in a twenty-unit development, then proof of purchase of one affordable housing unit would be required before the next four market-rate units could be built, and so on as the project progresses. He noted that all other restrictions/provisions of the existing affordable housing regulations would remain the same whether on-site or off-site units are involved.

Mr. Nerney asked whether the previously approved 20-unit Greyrock development would result in a total of 16 units on site with 4 affordable units located elsewhere in Town, should the subject application be approved. Mr. Rushkin stated that the Greyrock development would remain at the approved 20 units, but under the proposed affordable housing revisions the applicant would agree to purchase 4 affordable units, either single-family or condominium, elsewhere in Town to satisfy the 20% affordable housing component.

In response to a question from Ms. Gould as to how a value for the 4 required units would be determined, Mr. Rushkin stated that it would be up to the Commission each time to make that determination. As an example of the types of affordable units that could be required by the Commission, he suggested that 50% could be required to be 3-bedroom

units and 25% each could be required to be 2-bedroom and 1-bedroom units, respectively. In connection with the Greyrock site, Ms. Gould questioned what the applicant would be providing in return for the density bonus that it received because of the affordable housing component of the application.

Mr. Bayer felt that the applicant's suggested approach would place a burden on the Commission each time to determine the suitability of the affordable housing being proposed. He noted that each time an affordable housing application is submitted, the Commission would want to know the specifics of the type of affordable housing that it would get in return, leading to logistical problems since the Commission/staff would be dealing with these issues after the fact (e.g. type of construction, size, equivalency to the market-rate units being built, etc.). He felt that while certain amenities would not necessarily have to be provided for an affordable housing unit, there should be some correlation with respect to what the developer is building, perhaps in the number of bedrooms or the amount of square footage, for example.

Mr. Rushkin disagreed, stating again that it goes back to the basic definition/concept of affordable housing. He stated that there is nothing that says it has to be comparable to the market rate housing being developed.

Mr. Bayer disagreed, calling the applicant's attention to Section 29-5.B.10 of zoning regulations which states that "affordable housing units shall be of a construction quality and size that is equivalent to market-rate units within the development".

Mr. Nabulsi expressed concern with the effect that off-site affordable housing might have on a particular street or neighborhood. He noted that once a unit is purchased as affordable housing then the next time it is placed on the market it would be listed at a reduced cost relative to other homes on the street, thus having the potential to bring down overall real estate values in an area.

Mr. Rushkin felt that if such a premise is true, then it would be equally true within a development under the current regulations.

Mr. Nabulsi felt that a person buying into such a development is aware of the existence of a specific number of affordable housing units prior to purchase, which would not be the case if developers are allowed to go out into the community at large to purchase/convert such units. Mr. Rushkin felt that as long as a house is kept up, property values in the area should not be affected.

Mr. Hulse stated that he would like to see how affordable housing is being addressed elsewhere in other communities.

Ms. Pratt questioned how the Town could have a less restrictive regulation than the State.

Mr. Nerney stated that it would not necessarily be less restrictive but rather it would provide additional options if such amendments to the regulations were approved.

Ms. Pratt also expressed concerns with how such a proposal would work logistically, referring to the issues of available housing stock that could be purchased/converted to affordable units, and to the kinds of timeframes that would be involved to satisfy such requirements.

Mr. Effren stated that it would be up to the developer to provide the necessary deeds for the affordable housing units in order to get certificates of occupancy on the market-based units. With respect to housing stock availability, if a developer had to pay \$700,000 in order to satisfy an affordable housing requirement then that would essentially be the developer's problem.

Mr. Wilson expressed concerns similar to Mr. Nabulsi's regarding the impact of such units on local real estate values, referring in particular to comparative market analyses that are prepared by agents when determining asking prices for homes in Town. Mr. Rushkin stated that an affordable housing status is noted clearly on the tax card and therefore would be available to any real estate agent researching comparative market prices.

Mr. Bayer reminded the applicant that when the Greyrock development was approved some years ago the affordable housing component was a part of the application and part of the applicant's business decision at that time. In light of that fact, he felt that it was disingenuous for the applicant to now argue that the affordable housing aspect of the application no longer works.

Mr. Rushkin stated that the Town's existing affordable housing regulations are not good for the future of this community, referring in particular to the 20-year sunset provision currently in effect.

Mr. Bayer felt that the Town's affordable housing stock should be more varied than what is being proposed, particularly in light of the fact that the applicant is receiving the benefit of a density bonus.

Mr. Effren felt that the proposed "in perpetuity" clause would be a huge value to the Town as well as the occupant.

Ms. Gould stated that her concern was not with the economics of the subject application, but rather with improving the Town's regulations to provide greater opportunities for more affordable housing options. She felt that it is the responsibility of the Commission to draft revised regulations and then to take it to a public hearing.



It was the general consensus of the Commission that further thought needs to be given to the issues presented this evening. In response to a request from Ms. Pratt for a copy of the State Statutes pertaining to affordable housing, Mr. Nerney stated that copies could be provided but he did not believe it would be helpful since it would not get into the level of specificity that the Commission is seeking.

Ms. Poundstone referenced Mr. Hulse's comment that it would be helpful to know in which communities proposals of this sort have been successful, noting that it need not be an in-State comparison only. Mr. Bayer felt that it would be more helpful if the area of comparison is somewhat similar to Wilton, as opposed to a city such as Stamford where the dynamics are very different. Mr. Nerney noted that he had a conversation with a representative from the State who was unaware of similar type regulations in Connecticut.

Mr. Bayer thought it would be helpful if properties that could potentially be affected by the proposed regulation changes could be identified, although it was subsequently determined that such an endeavor would be difficult to accomplish. Mr. Nerney stated that he could not at this time think of any vacant areas in any multi-family districts in Town that could potentially be impacted.

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

Eva Gronek, Dudley Road, opposed the application. She stated that she and her husband made sacrifices and paid the necessary price to move into the community and she questioned why the Town has to provide help to others so that they can move into the community.

There being no further comments from the Commission or the public, at 8:56 P.M. the Public Hearing was continued until June 13, 2011.

**5. SP#366, Teachers Insurance and Annuity Association of America, 10 Westport Road, Construction of 202 surface parking spaces**

Ms. Poundstone called the Public Hearing to order at 8:56 P.M., seated members Bayer, Gardiner, Gould, Hulse, 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 May 10, 2011. He also referred for the record to a letter dated May 19, 2011 from J. Casey Healy to Planning and Zoning Commission; a 3-page Planning and Zoning Staff Report dated May 16, 2010 [sic]; and a memorandum dated March 24, 2011 from Michael Ahern to Pat Sesto.

Ms. Poundstone noted that the applicant had requested a continuance of the subject

hearing until June 13, 2011.

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 8:58 P.M. the Public Hearing was continued until June 13, 2011.

## **REGULAR MEETING**

- A.** Ms. Poundstone called the Regular Meeting to order at 8:58 P.M., seated members Bayer, 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. May 9, 2011 – Regular Meeting**

**MOTION** was made by Mr. Bayer, seconded by Mr. Hulse, and carried (8-0-1) to approve the minutes of May 9, 2011 as amended. Ms. Pratt abstained.

## **C. SITE DEVELOPMENT PLAN REVIEW**

## **D. ACCEPTANCE OF NEW APPLICATIONS**

## **E. PENDING APPLICATIONS**

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

The Commission reviewed draft resolution #0511-11P.

Mr. Nerney referred to a letter dated May 17, 2011 from Joseph F. Paola (Georgetown Fire Marshal) to Daphne White indicating a turning radius issue in the south end of the parking lot that could be addressed by relocating a portion of curbing in that area. He noted that the applicant had agreed to the proposed site modification and a condition (#15) had been added to the resolution of approval to address the matter.

Ms. Pratt noted for the record that she had listened to the CD of the last meeting.

Mr. Rudolph suggested a revision to condition #3 to clearly attribute some of the findings made by the Commission, in particular that the mezzanine and cooler/freezer unit do not constitute gross floor area, to “the specific facts of this application”, and thus prevent any precedent from being set for future interpretations of this nature. Mr. Bayer suggested referencing the International Building Code as the supporting documentation for these findings, but Mr. Rudolph was adamant that the International Building Code not be referenced in connection with a Planning and Zoning resolution as such code does not constitute controlling authority for the Planning and Zoning Commission.

Revisions as suggested and agreed upon by the Commission were incorporated into the draft resolution of approval.

MOTION was made by Mr. Nabulsi, seconded by Ms. Gould, and carried (7-2) to adopt as amended Resolution **#0511-11P** for **SP#360**, effective May 26, 2011. Commissioners Bayer and Rudolph opposed.

**WHEREAS**, the Wilton Planning and Zoning Commission has received Special Permit application (**SP #360**) from Charles Bomely w/ Plan B Retail Design to allow for the expansion of existing shopping center and to renovate the parking lot, for property located at 920 Danbury Road, in a General Business District (GB), Assessor's Map #12, Lot #98, 3.77± acres; owned by Remo Tartaglia and shown on the plans entitled:

Boundary & Topographic Survey -Prepared for 920 Danbury Road  
Prepared by Joseph E. Romano, land surveyor, dated November 10, 2010, scale: 1”=30’, no sheet #.

Shopping Center Expansion Title Sheet and Location Map -Prepared for Plan B Retail Design  
Prepared by George M. Mikolaities, engineer, dated January 10, 2011, last revised April 18, 2011, scale: 1”=1,000’, no sheet #.

Existing Conditions/Demolition Plan -Prepared for Shopping Center Expansion  
Prepared by George M. Mikolaities, engineer, dated January 10, 2011, last revised April 18, 2011, scale: 1”=30’, sheet #C-1.

Site Plan -Prepared for Shopping Center Expansion  
Prepared by George M. Mikolaities, engineer, dated January 10, 2011, last revised May 9, 2011, scale: 1”=30’, sheet #C-2.

Grading, Drainage and Utility Plan -Prepared for Shopping Center Expansion  
Prepared by George M. Mikolaities, engineer, dated January 10, 2011, last revised April 18,

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2011, scale: 1"=30', sheet #C-3.

Erosion Control Notes & Details-Prepared for Shopping Center Expansion

Prepared by George M. Mikolaities, engineer, dated January 10, 2011, revised February 28, 2011, scale: as shown, sheet #C-4.

Details Sheet-Prepared for Shopping Center Expansion

Prepared by George M. Mikolaities, engineer, dated January 10, 2011, revised February 28, 2011, scale: as shown, sheet #C-5.

Landscape Plan-Prepared for Shopping Center Expansion

Prepared by George M. Mikolaities, engineer, dated February 28, 2011, revised April 18, 2011, scale: as shown, sheet #C-6.

Truck Turning Plan-Prepared for Shopping Center Expansion

Prepared by Appledore Engineering a division of Tighe&Bond, engineers, dated March 10, 2011, scale: as shown, sheet #1 of 1.

Luminaire Schedule/Photometric Plan-Prepared for Caraluzzi's Georgetown Market

Prepared by Michael Miceli, light designer, dated December 8, 2010, scale: 1"=30', sheet #1 of 1.

Exterior Elevations-Prepared for Caraluzzi's Georgetown Market

Prepared by Plan B Retail Design & Project Management, LLC, land planners, dated February 16, 2011, scale: as noted, sheet #A3.

Exterior Elevation Sketch-Prepared for Caraluzzi's Georgetown Market

Submitted April 20, 2011.

Existing Fixture Plan-Prepared for Caraluzzi's Georgetown Market

Prepared by Plan B Retail Design & Project Management, LLC, land planners, dated February 16, 2011, scale: as noted, sheet #EX.

Fixture Plan-Prepared for Caraluzzi's Georgetown Market

Prepared by Plan B Retail Design & Project Management, LLC, land planners, dated February 16, 2011, revised April 20, 2011, scale: 1/8"=1', sheet #FP.1.

Mezzanine Fixture Plan-Prepared for Caraluzzi's Georgetown Market

Prepared by Plan B Retail Design & Project Management, LLC, land planners, dated February 16, 2011, scale: 1/8"=1', sheet #FP.2.

Fixture Plan-Prepared for Caraluzzi's Georgetown Market

Prepared by Plan B Retail Design & Project Management, LLC, land planners, dated May 9,

2011, scale: 1/8"=1', sheet #FP.3.

**WHEREAS**, the Planning and Zoning Commission has conducted a public hearing opening on February 28, 2011 and extending to March 14, 2011, March 28, 2011, April 11, 2011, April 25, 2011 and May 9, 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 May 26, 2011, the Wilton Planning and Zoning Commission **APPROVES** Special Permit #360 to allow a 2,204 square foot expansion to the footprint of an existing retail building for the purpose of enlarging a grocery store (Caraluzzi's) and conducting miscellaneous improvements throughout the site, 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 completed within five years of the effective date of this resolution. This five-year period shall expire on May 26, 2016.
3. Based on the specific facts of this application, the Commission is of the opinion that the planned mezzanine and freestanding cooler/freezer unit serving the grocery store does not constitute "gross floor area" for retail business. Such areas shall not be accessible to the general public unless otherwise approved by the Planning and Zoning Commission. The cooler/freezer unit shall be permanently removed from the site in the event the grocery store use is abandoned and replaced with a different use.
4. The grocery store shall be limited to a gross floor area of 29,998 square feet which includes the store's existing floor space, an outdoor sale area, gross floor area presently occupied by an adjacent tenant and the proposed expanded footprint area; but excludes the planned mezzanine and the freestanding cooler/freezer unit.
5. The applicant shall provide the Planning and Zoning Department with a letter of approval from Aquarion Water Company attesting to the availability of water service. Said authorization shall be provided to the Planning and Zoning Department prior to the issuance of a zoning permit.
6. The applicant shall secure approval of the Town of Wilton Health Department prior to the issuance of a zoning permit.
7. If deemed acceptable to the Planning and Zoning Department and the Georgetown Fire

Department, the applicant shall remove the existing Jersey barrier separating the parking lot area from the propane dispensing facility and replace said barrier with an aesthetically more attractive barrier.

8. The proposed light fixture and curbing located in the island at the south end of the site shall be relocated so as to satisfy concerns of the Georgetown Fire Department, as noted in correspondence dated May 17, 2011.
9. 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.
10. Erosion control plans shall be strictly enforced. All driveway and park lot areas shall be swept clean of all dirt and debris at the end of each day or as deemed necessary by the Town.
11. 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.
12. A copy of this resolution shall be given to the construction manager and shall be available on site during construction.
13. All new or additional signage shall be subject to compliance with the Town of Wilton Zoning Regulations and shall be subject to the issuance of permits from the Zoning Enforcement Officer.
14. Any new rooftop mechanical equipment shall be screened from view on all sides.

**Submittal of revised plans and application:**

15. 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 May 26, 2016."
- b. "For conditions of approval for Special Permit, see Resolution #0511-11P."

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**

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#365, Building Blocks Early Learning Center, LLC, 59 Danbury Road, Refitting of portion of interior for child day care center**

The Commission briefly reviewed draft resolution #0511-12P.

MOTION was made by Mr. Wilson, seconded by Mr. Bayer, and carried unanimously (9-0) to adopt as amended Resolution **#0511-12P** for **SP#365**, effective May 26, 2011.

**WHEREAS**, the Wilton Planning and Zoning Commission has received a Special Permit application (**SP #365**) from Building Blocks Early Learning Center, LLC c/o. Atty. J. Casey Healy, Esq. for improvements to property at 59 and 65 Danbury Road to allow a child day care center; located in a Design Enterprise "DE-5" zoning district, known as Assessor's Map #68, Lot #36, Unit #A, Assessor's Map #68, Lot #36, Unit #B, and Assessor's Map #68, Lot #36, Unit #C, comprising 11.7865 acres of land; owned by The Caroline Apt. Co. and Wilton Project, LLC and shown on the plans entitled:

Cover Sheet – Westy Storage Centers, 59 Danbury Road, Wilton, CT, prepared for Wilton Project, LLC, prepared by John W. Block, engineer, dated December 29, 2006;

Existing Site Plan, Westy Storage Centers, 59 Danbury Road, Wilton, CT, prepared by Tighe & Bond (John Block-engineer), dated December 29, 2006, and drawn at a scale of 1" = 40', Page C1.1;

Site Plan, Westy Storage Centers, 59 Danbury Road, Wilton, CT, prepared by Tighe & Bond (John Block-engineer), dated May 15, 2006, last revised April 4, 2007, and drawn at a scale of 1" = 40', Page C1.2;

Grading and Utility Plan, Westy Storage Centers, 59 Danbury Road, Wilton, CT, prepared by Tighe & Bond (John Block-engineer), dated May 15, 2006, last revised April 4, 2007, and drawn at a scale of 1" = 40', Page C2.1;

Sedimentation and Erosion Control Plan, Westy Storage Centers, 59 Danbury Road, Wilton, CT,

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prepared by Tighe & Bond (John Block-engineer), dated December 29, 2006, and drawn at a scale of 1" = 50', Page C3.1;

Site Details, Westy Storage Centers, 59 Danbury Road, Wilton, CT, prepared by Tighe & Bond (John Block-engineer), dated December 29, 2006 and drawn at a scale as shown, Page C4.1;

Site Details, Westy Storage Centers, 59 Danbury Road, Wilton, CT, prepared by Tighe & Bond (John Block-engineer), dated December 29, 2006 and drawn at a scale as shown, Page C4.2;

Site Details, Westy Storage Centers, 59 Danbury Road, Wilton, CT, prepared by Tighe & Bond (John Block-engineer), dated December 29, 2006 and drawn at a scale as shown, Page C4.3;

Site Details, Westy Storage Centers, 59 Danbury Road, Wilton, CT, prepared by Tighe & Bond (John Block-engineer), dated December 29, 2006 and drawn at a scale as shown, Page C4.4;

Site Details, Westy Storage Centers, 59 Danbury Road, Wilton, CT, prepared by Tighe & Bond (John Block-engineer), dated December 29, 2006 and drawn at a scale as shown, Page C4.5;

Planting and Lighting Plan, Westy Storage Centers, 59 Danbury Road, Wilton, CT, prepared by Environmental Design Associates, (Richard Kent-Landscape architect), dated May 15, 2006, last revised for review January 6, 2007, and drawn at a scale of 1" = 30', Page SP-1;

Lighting and Photometrics Plan, Westy Storage Centers, 59 Danbury Road, Wilton, CT, prepared by Environmental Design Associates, (Richard Kent-Landscape architect), dated October 19, 2005, last revised for review January 6, 2007, and drawn at a scale of 1" = 30', Page SP-2;

Traffic Operations Plan, Westy Storage Centers, 59 Danbury Road, Wilton, CT, prepared by Tighe & Bond, engineers, dated December 29, 2006 and drawn at a scale of 1" = 40', Page C5-1;

Vicinity Sketch Showing Property in Wilton, Connecticut, Prepared for Wilton Project, LLC, Prepared by Robert L. Liddel Jr., land surveyor, June 12, 2006, scale of 1" = 200';

Topographic Survey Showing Limited Topography – 59 Danbury Road, Prepared for Wilton Project, LLC, Prepared by Robert L. Liddel Jr., land surveyor, Dated April 14, 2005, last revised June 2, 2005, scale of 1" = 50';

Improvement Location Survey Depicting "As-Built" Improvements – 59 and 65 Danbury Road, Prepared for Wilton Project, LLC, Prepared by Robert L. Liddel Jr., land surveyor, Dated October 25, 2006, last revised October 18, 2007, scale of 1" = 50';

Proposed Playground Layout – 59 Danbury Road, Prepared for Building Blocks Early Learning Center, LLC, Prepared by Dennis T. Mitchell, architect, dated March 18, 2011, scale of 1/8" = 1';



Site Plan & Detail, Prepared for Building Blocks Early Learning Center, LLC, Prepared by Bavier Design, designers, dated May 17, 2011, scale of 1/8" = 1', Page SP1;

**WHEREAS**, the Wilton Planning and Zoning Commission conducted a public hearing on May 9, 2011 and May 23, 2011 to receive comment from the applicant, public and the Commission's staff 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 #365 to allow a child day care center at 59 Danbury Road, effective May 26, 2011 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 May 26, 2016.
3. An itemized bond estimate for all site work shall be provided by the applicant to the Commission's staff, which shall include, but not be limited grading and fencing, 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 any site disturbance.
4. All signage shall be designed in accordance with submitted renderings and shall be approved by the Wilton Zoning Enforcement Officer prior to installation. The street number shall be a minimum of 6" in height and shall be subject to Planning and Zoning staff approval. Said signage shall be consistent with the affordable signage program approved by the Planning and Zoning Commission by way of Resolution #0507-3Z
5. Any new exterior lighting shall be subject to review and approval by the Planning and Zoning staff. In addition, all lighting, other than safety lighting, shall be extinguished by 11 P.M.
6. 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 Development Plan shall be completed within five years after the approval of the plan. Said five-year period shall expire on May 26, 2016."
- b. "For conditions of approval for Special Permit #365, see **Resolution #0511-12P.**"

- END RESOLUTION -

**5. REG#11331, Greyrock of Wilton, Amendments to Section 29-5.B.10 of zoning regulations pertaining to affordable housing**

Tabled.

**6. SP#366, Teachers Insurance and Annuity Association of America, 10 Westport Road, Construction of 202 surface parking spaces**

Tabled.

**F. COMMUNICATIONS**

**1. Mandatory Referral (MR#134) pertaining to installation of curbing and extension of natural gas line in areas of Wilton Center extending from Wolfpit Road to Ridgefield Road**

Mr. Nerney referenced a memorandum dated May 18, 2011 from William F. Brennan, First Selectman, to Planning and Zoning Commission requesting comments/input pursuant to the provisions of Section 8-24 of Connecticut General Statutes regarding a proposal to install curbing and extend a natural gas line in areas of Wilton Center. He noted that Wilton was recently awarded a STEAP (Small Town Economic Assistance Program) grant which will allow the Town to complete curbing and resurfacing improvements along the westerly side of River Road, Old Ridgefield Road and Center Street, which will provide a more attractive entry into the downtown area.

He explained further that Yankee Gas has expressed an interest in extending an existing natural gas line from Wolfpit Road into the downtown area which, if done during the aforementioned roadway construction project, will prevent future disruption in the area

and will afford the Town a significant cost-saving opportunity in the future to utilize gas versus oil. He stated that the Town hopes to eventually connect all school facilities as well as the Town Hall complex to less costly natural gas which also offers many environmental advantages.

Ms. Poundstone felt that the subject application was a strong one and she suggested that the Commission offer encouragement/positive feedback to the Board of Selectmen.

**MOTION** was made by Ms. Gould, seconded by Mr. Hulse, and carried unanimously (9-0) to provide a response to the Board of Selectmen indicating that the Commission has reviewed the matter and supports the proposed improvements, which it believes are consistent with the goals/objectives of the 2010 Plan of Conservation and Development.

**G. REPORT FROM CHAIRMAN**

**1. Reports from Committee Chairmen**

**H. REPORT FROM PLANNER**

**I. FUTURE AGENDA ITEMS**

- 1. SDP, Lupinski, 53 Sugar Loaf Drive, Import 1000 yards of fill material to level yard area and build 5' stone wall [Discussion June 13, 2011]**
- 2. SP#367, Wilton Auto Park, LLC, 380 Danbury Road, Automotive sales and service facility [P.H. June 13, 2011]**
- 3. SP#368, Standard Petroleum of CT, 287 Danbury Road, Modifications to existing service station and replacement of underground fuel storage tanks within an aquifer protection district [P.H. June 27, 2011]**
- 4. SP#369, JP Morgan Chase Bank, 920 Danbury Road, Bank with drive-through facilities [P.H. June 27, 2011]**
- 5. SUB#905, Ruddy, 95 Old Boston Road, 2-lot subdivision [P.H. June 27, 2011]**

**J. ADJOURNMENT**

MOTION was made by Mr. Wilson, seconded by Mr. Bayer, and carried unanimously (9-0) to adjourn at 9:25 P.M.

Respectfully submitted,

Lorraine Russo  
Recording Secretary