

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

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

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

ABSENT: Dona Pratt (notified intended absence)

ALSO

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

PUBLIC HEARINGS

- 1. 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**

Ms. Poundstone called the Public Hearing to order at 7:15 P.M., seated members Bayer, Gardiner, Gould, Hulse, Nabulsi, Poundstone, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. She noted that the hearing was continued from a previous date. Mr. Bayer referred for the record to a letter dated July 6, 2011 from Michael A. Galante (Frederick P. Clark Associates, Inc.) to George McCloskey; and a Site Plan (L-1) revised July 6, 2011.

Present were John F. Fallon, attorney; Mark Smith, engineer; and George McCloskey, station operator.

Mr. Fallon recalled that at the last meeting the applicant had agreed to a suggested closing off of a small driveway area on the northern boundary of the site due to potential traffic conflicts and safety issues. However, he explained that the applicant's traffic consultant,

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Michael A. Galante, had since reviewed the proposed site plan revision and felt that it would be advantageous to maintain this travel lane to permit one-way movement in the northbound direction from the site to the commuter parking area. Mr. Fallon noted that there are two signs on the other side of the tunnel prohibiting travel in the southbound direction from the station lots to the site. In fact, he noted that Mr. Galante indicated not having the northbound curb cut would be more dangerous due to the impact on Route 7 of vehicles exiting the site. Mr. Fallon stated that the applicant could control/restrict traffic flow via painted arrows and signage if the Commission so wishes.

In light of Mr. Galante's recommendation, Mr. Nabulsi did not express further safety concerns with respect to the northerly traffic pattern. However, he referenced the applicant's willingness at the last meeting to sacrifice the two proposed parking spaces near the northerly curb cut in exchange for some green space, and he questioned whether the applicant would still be agreeable to that modification, citing the gateway location of the site and a desire for it to be as aesthetically pleasing as possible.

Ms. Gould felt that the inclusion of the two spaces for additional parking is practical and makes sense, providing commuters with easy access into, and egress from, the site. Mr. Fallon stated that the applicant would be amenable to either alternative.

Mr. Nerney noted that the submitted plan is much better than the plan that was approved approximately 7 years ago, noting that lighting levels in particular are much less than what was previously proposed. He felt that turning the two spaces into green space would represent a good compromise for the site.

Mr. Nabulsi asked that the applicant clearly indicate the loading space on the plan. The applicant agreed. Mr. Smith noted in particular that the loading space would measure approximately 10 feet x 30 feet and would fit easily in the designated location.

Mr. Rudolph asked whether curb cuts along Route 7 could be angled in such a way as to discourage turning out onto Route 7 in the wrong direction. Mr. Smith explained that tankers need good access into the site and such angling would result in clearing difficulties for the tankers.

Mr. Nabulsi noted the proximity of the refrigeration unit to the existing retaining wall and he questioned whether there might be issues with bringing a structure so close to such a precipice. Mr. Nerney noted that all structures would have to meet Building Code requirements and utilize proper footings. Mr. Smith explained further that a structural engineer will be involved in the design process and will be taking all field and slope conditions into consideration.

It was the consensus of the Commission to close the hearing, with the understanding that the applicant could coordinate with staff regarding conversion of the two northerly

parking spaces into green space.

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

There being no further comments from the Commission or the public,
MOTION was made by Ms. Gould, seconded by Mr. Hulse, and carried (8-0) to close the hearing.

The public hearing was closed at 7:36 P.M.

2. SUB#905, Ruddy, 95 Old Boston Road, 2-lot subdivision

Ms. Poundstone called the Public Hearing to order at 7:36 P.M., seated members Bayer, Gardiner, Gould, Hulse, Nabulsi, Poundstone, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. She noted that the hearing was continued from a previous date. Mr. Bayer referred for the record to a memorandum dated July 11, 2011 from Michael Ahern to Daphne White.

Mr. Nerney stated that he spoke late this afternoon with the applicant's engineer who requested a continuance until July 25, 2011 to address a few outstanding items. In particular, Mr. Nerney noted that Town Engineer Ahern had expressed some concerns regarding drainage on the site, referring in particular to the proposed rain garden on Lot 1 and its proposed flow of discharge into an off-site swale.

Mr. Nabulsi noted that he had expressed concerns in that regard at the last meeting, at which time the applicant had assured him that the proposed plans adequately address drainage on the site. In light of the conflicting information, Mr. Nabulsi raised the possibility of having the applicant retain an expert to advise the Commission on this matter, noting that he was not sure if the Commission could rely solely upon the applicant's testimony in this regard.

Mr. Nerney stated that staff would have a better idea tomorrow when the applicant's engineer, the Town's engineer, wetland and planning staff all plan to meet to discuss the outstanding issues. He indicated that if any concerns remain at that time, then the Commission could consider pursuing that route.

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 7:40 P.M. the Public Hearing was continued until July 25, 2011.

3. SP#370, Coppola/Lancellotti, 148 Old Highway, Accessory Dwelling Unit

Ms. Poundstone called the Public Hearing to order at 7:40 P.M., seated members Bayer, Gardiner, Gould, Hulse, Nabulsi, Poundstone, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Bayer read the legal notice dated June 28, 2011.

Present was John T. Fifield, architect, on behalf of the applicant.

Mr. Fifield submitted into the record the required affidavit of use signed by the homeowners. He reviewed details of the application, noting that the two-car garage structure would be compliant with all setbacks and would appear from the exterior as a 1½-story building. He stated that a 462 square-foot accessory apartment would be located on the second floor, consisting of one bedroom and a bathroom.

Mr. Fifield referenced his letter of July 8, 2011, responding to all comments/issues raised in the Planning and Zoning Staff Report of July 6, 2011. In particular, he noted that there is no longer a nursery school operating on the premises; the driveway will be reduced in area with only a portion near the house being rerouted to the new garage; the existing septic tank was determined by Wilton Health Department to be adequate for the additional bedroom being proposed and State Department of Health approval (which he noted should be fairly straightforward) will follow.

In response to a question from Ms. Poundstone, Mr. Fifield confirmed that as long as the previous nursery school use had lapsed for a period of 12 months or more (which he indicated was the situation with this property), the use would no longer be permitted.

Ms. Gould provided a brief historical synopsis of the property, noting that it was the home of a well-known author/illustrator in the early 1900s who had written many children's books of great distinction. She shared her written summary with other Commissioners.

In response to a question from Mr. Bayer, Mr. Fifield confirmed that additional modes of egress from the accessory unit would be provided via the two casement windows proposed, noting that the apartment will be fully compliant with Building Code requirements.

Mr. Bayer asked whether an owner would be able to come back and operate the site as a nursery school again in the future. Mr. Nerney explained that special permits taken out of use lapse after one year.

Mr. Gardiner asked for clarification as to whether formal comments from the Health

Department had been received. Mr. Nerney stated that comments had not yet been received but he indicated that he would speak to Health Department staff tomorrow regarding the application. He also noted that the affidavit submitted at the start of the hearing was incomplete since the name and address were missing. Mr. Fifield stated that he would provide staff with a completed affidavit prior to the next meeting.

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

There being no further comments from the Commission or the public,
MOTION was made by Ms. Gould, seconded by Mr. Gardiner, and carried (8-0) to close the hearing.

The public hearing was closed at 7:51 P.M.

4. REG#11332, Gregory and Adams, P.C., Amend Section 29-7.C.2.k of zoning regulations pertaining to health and fitness clubs in the DE-5 zone

Ms. Poundstone called the Public Hearing to order at 7:51 P.M., seated members Bayer, Gardiner, Gould, Hulse, Nabulsi, Poundstone, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Bayer read the legal notice dated June 28, 2011 and he referred for the record to a 2-page Planning and Zoning Staff Report dated July 7, 2011.

Present was Adam Swanson, Gregory and Adams, attorney.

Mr. Swanson reviewed details of the proposed regulation change, noting that the purpose is to allow health and fitness clubs in the DE-5 zone if the square footage is not more than 25% of the gross floor area of all of the multi-tenanted buildings on the site, where currently such a club is allowed only if it does not exceed 50% of the area of the building in which the club would be located. He acknowledged receipt of the Planning and Zoning Staff Report dated July 7, 2011 and indicated that the applicant has no objection to the additional text proposed in comment #2 of the Planning and Zoning Staff Report, i.e. "The Commission shall make a finding that the proposed use is compatible with other uses located on the property and will not create undue congestion nor result in unsafe traffic conditions." In that regard he noted that the special permit nature of the use would remain unchanged and thus each individual site would receive a full review by Commission/staff at the time of application.

Ms. Gould expressed concern about parking adequacy, noting that the site in question (i.e. I-Park at 761 Main Avenue in Norwalk, on whose behalf the application was submitted) is problematic in that regard. She suggested adding specific text to the proposed amendment requiring that no inadequacy of parking would result.

Mr. Nerney stated that I-Park is a very service-oriented DE-5 use, including medical, nursing home care, rehabilitation uses, etc. He noted that LA Fitness Center (which is seeking to expand its facility by 12,000 square feet of which 4,000 square feet would extend into Wilton) seems to have some synergy/meets the needs of those other facilities on the site, in addition to serving the general public, and thus seems to fit in with the overall character of the complex fairly well. He felt that adding some text pertaining to parking to the proposed amendment could be a relatively simple way of providing the Commission with additional discretion in that regard and assuring parking adequacy on such sites.

Mr. Bayer was concerned with the prospect of adding parking verbiage to the amendment since he felt that the Town already has regulations governing parking and any tweaking of the existing regulations to require additional parking under certain circumstances could lead to problems in the future. He also expressed concern as to the rationale for the proposal. He recalled that the adoption of the original regulation pertaining to health/fitness club uses in the DE-5 zone was in connection with the old Lynch property on Route 7, at which time the same applicant argued that the use was ancillary and complementary to other uses on the site. He felt that the subject proposal (or at least the I-Park application to come) is very different, noting that the applicant seems to be looking for the ability to open a full scale gym where such a use would now be permitted as long as there are multiple buildings on the site. His concern under this scenario is the potential for a full scale commercial gym at office parks such as Marcus Davis or 10/20 Westport Road which he did not feel was the purpose of an accessory type use.

Mr. Rudolph asked where the 25% number that the applicant is proposing came from, or if it was arbitrary. He also asked for the square footage of the existing building at I-Park where LA Fitness is located, the square footage of all of the I-Park buildings in total, and whether square footage attributed to the hotel that is planned for the site is going to count in the overall calculation. Mr. Nerney stated that it would count.

Mr. Bayer also questioned whether the portion of square footage located in Norwalk would count. Mr. Nerney explained that the building where LA Fitness is located consists of 48,000 square feet in total and the applicant is proposing to add 12,000 square feet of which approximately 4,000 square feet are in Wilton. He noted that the main building was originally about 400,000 square feet but was reduced to approximately 300,000 square feet after renovations.

Mr. Swanson stated that he would be happy to provide the Commission with the requested square footage numbers.

Ms. Poundstone noted that the Commission must address its attention to the specific regulation proposed in the application before it this evening.

Addressing concerns raised by Commissioners regarding Town-wide implications of such a regulation, Mr. Swanson suggested that a condition could be imposed that such facilities, when located in corporate office parks, be restricted to employee use only.

Mr. Nerney raised another possibility of placing an upper end cap on health and fitness club square footage not to exceed perhaps a 60,000 square foot maximum. Mr. Rudolph stated that another alternative could perhaps be whichever percentage (i.e. the 50% formula currently in the regulations or the 25% formula proposed) is less.

Ms. Gould stated that she is not so concerned with the size of the health/fitness clubs per se, as long as traffic and parking are sufficient, especially the pattern of both parking and traffic in the case of multi-use properties.

Mr. Nabulsi referred to zoning regulations for the Town, noting that he was unable to find any definition of either health or fitness clubs within the regulations, the only reference occurring in Section 29-7.C.2.k where health and fitness clubs are listed as an allowed special permit use in the DE-5 zone. Mr. Nerney agreed, noting that “club” is defined in the regulations but it does not apply to the use as being discussed. Mr. Nabulsi felt that health and fitness clubs should be properly defined in order to move forward with further regulation modifications pertaining to them.

Ms. Poundstone noted that if a definition were to be added to the text of the subject application, a new application would probably be required, thus raising time constraint issues for the applicant. She suggested that the applicant consult with staff prior to the next meeting on July 25th to discuss these matters further.

Mr. Bayer requested that Town Counsel be consulted for guidance as follows, i.e. if the Commission were to adopt a regulation such as this, where portion(s) of the property are located in another Town, would it have the right to take into account the entire site (e.g. Norwalk square footage as well as Wilton square footage in this particular example) when calculating percentages of gross floor area.

Mr. Nerney recalled several prior applications (e.g. a synagogue in the Georgetown area and Zeytinia’s market in southern Wilton on the border of Norwalk) where portions of the properties were located in another jurisdiction. He explained that the Commission had considered each of those properties in its entirety since each was functioning essentially as one piece of land. He noted that to do otherwise would become an extremely difficult exercise. However, he stated that he could consult with Town Counsel if the Commission wishes.

Mr. Rudolph referred to Section 29-6.B.2.h where one of the permitted GB site plan uses is listed as “health or fitness clubs, gymnasiums, tennis or racquet clubs”, the emphasis

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being on the word “or”, and he agreed that it would be a good idea to provide more clarification in this regard.

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

There being no further comments from the Commission or the public, at 8:33 P.M. the Public Hearing was continued until July 25, 2011.

REGULAR MEETING

A. Ms. Poundstone called the Regular Meeting to order at 8:33 P.M., seated members Bayer, Gardiner, Gould, Hulse, Nabulsi, Poundstone, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. June 27, 2011 – Regular Meeting

MOTION was made by Ms. Gould, seconded by Mr. Gardiner, and carried (5-0-2) to approve the minutes of June 27, 2011 as drafted. Mr. Wilson and Mr. Rudolph abstained. Mr. Nabulsi left the room for a moment and was not present for the vote.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

E. PENDING APPLICATIONS

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

The Commission reviewed draft Resolution #0711-14P. Some minor modifications were incorporated into the resolution. In particular, the Commission determined that if any conflicts were to arise between the previous resolution of approval for the site (#0111-1P) and the subject resolution (#0711-14P), then the issue would be resolved in favor of the subject resolution (#0711-14P).

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MOTION was made by Mr. Bayer, seconded by Mr. Gardiner, and carried unanimously (8-0) to adopt as amended Resolution **#0711-14P** for **SP#366**, effective July 14, 2011.

WHEREAS, the Wilton Planning and Zoning Commission (Commission) has received a Special Permit application (**SP#366**) from Atty. J. Casey Healy submitted on behalf of Teacher's Insurance Annuity Association of America, to establish 202 surface parking spaces depicted in two phases, more specifically described as "Phase 1" and "Phase 2", for property located at 10 Westport Road; located in a Design Enterprise District (DE-10) Zoning District, Assessor's Map #56, Lot #43-1, totaling 32.549 acres; owned by Teacher's Insurance Annuity Association of America and shown on the plans entitled:

Property Survey, Prepared for Teachers Insurance and Annuity Association of America
Prepared by Douglas R. Faulds, land surveyor, dated June 3, 2010, at a scale of 1"=80', sheet # not noted.

Topographic Survey, Prepared for Teachers Insurance and Annuity Association of America
Prepared by Douglas R. Faulds, land surveyor, dated June 3, 2010, at a scale of 1"=40', sheet # not noted.

Vicinity Map, Prepared for Teachers Insurance and Annuity Association of America
Prepared by Douglas R. Faulds, land surveyor, dated June 3, 2010, at a scale of 1"=100', sheet # not noted.

Cover Sheet and Location Map, Prepared for 10 Westport Road
Prepared by Tighe&Bond, engineers, dated January 17, 2011, at a scale of 1"=1000', sheet # not noted.

Overall Site Layout Plan, Prepared for 10 Westport Road
Prepared by Erik W. Lindquist and John W. Block, engineers, dated January 17, 2011, at a scale of 1"=80', sheet # C-1.0.

Site Layout Plan, Prepared for 10 Westport Road
Prepared by Erik W. Lindquist and John W. Block, engineers, dated January 17, 2011, at a scale of 1"=30', sheet # C-2.0.

Grading and Drainage Plan, Prepared for 10 Westport Road
Prepared by Erik W. Lindquist and John W. Block, engineers, dated January 17, 2011, last revised May 20, 2011, at a scale of 1"=30', sheet # C-3.0.

Sedimentation and Erosion Control Plan, Prepared for 10 Westport Road
Prepared by Erik W. Lindquist and John W. Block, engineers, dated January 17, 2011, last revised May 26, 2011, at a scale of 1"=30', sheet # C-4.0.

S & E Notes, Narrative and Details, Prepared for 10 Westport Road

Prepared by Erik W. Lindquist and John W. Block, engineers, dated January 17, 2011, last revised May 20, 2011, at a scale of 1"=30', sheet # C-4.1.

Lighting Plan, Prepared for 10 Westport Road

Prepared by Tighe&Bond, engineers, dated January 17, 2011, at a scale of 1"=30', sheet # C-5.0.

Alternate Lighting Plan, Prepared for 10 Westport Road

Prepared by Tighe&Bond, engineers, dated January 17, 2011, at a scale of 1"=30', sheet # C-5.1.

Details Prepared for 10 Westport Road

Prepared by Erik W. Lindquist and John W. Block, engineers, dated January 17, 2011, revised May 6, 2011, at a scale as noted, sheet # C-6.0.

Details Prepared for 10 Westport Road

Prepared by Erik W. Lindquist and John W. Block, engineers, dated January 17, 2011, at a scale as noted, sheet # C-6.1.

Landscape Plan, Prepared for 10 Westport Road

Prepared by Katherine E Throckmorton, landscape architect, dated June 16, 2010, last revised January 14, 2011, at a scale of 1"=30', sheet # LP-1.

WHEREAS, the Commission opened on May 23, 2011, continuing to meetings held on June 13, 2011 and June 27, 2011; and

WHEREAS, the Commission received testimony from the applicant and staff documenting conditions of deficient parking and conditions of non-conformity with regard to compliance with Town zoning regulations governing the number of required parking spaces serving the office park complex; and

WHEREAS, the Commission finds the application consistent with the 2010 Plan of Conservation and Development with regard to advancing the long range economic interests of Wilton; specifically allowing the office park to function in an economically viable and competitive manner; and

WHEREAS, the Commission finds that revisions to the area described as Phase I, represents a more compact design than originally approved by the Commission, hence resulting in less overall disturbance of the property; and

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

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission **APPROVES** Special Permit #366 to establish two hundred and two (202) surface parking spaces described as “Phase “1” and “Phase 2”, effective July 14, 2011 and 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 July 14, 2016.
3. Any modification to or deviation from the approved plan, including but not limited to the deletion of either Phase 1 or Phase 2, shall be subject to the Wilton Planning and Zoning Commission’s approval.
4. The applicant shall file a Land Record Information Form with the Town Clerk (form to be provided by the Planning and Zoning Department) prior to the issuance of a zoning permit.
5. There shall be no construction activities on the site on Sundays or on major holidays. All construction related activities must be performed between 7:00 A.M. and 6:00 P.M. Monday through Friday and between 8:00 A.M. and 6:00 P.M. on Saturdays.
6. A copy of this resolution shall be given to the construction manager and shall be available on site during construction.
7. Erosion control measures shall be strictly enforced. The vehicular access points shall be swept clean of all dirt and debris at the end of each day during periods of construction.
8. The Planning and Zoning Commission approves the lower lighting plan of 1.0 foot-candles based on the adequacy of the light levels as presented by the applicant’s engineer.
9. Prior to the issuance of a zoning permit, all proposed light fixtures shall be reviewed and approved by Planning and Zoning staff. All light fixtures shall have no visible light sources or filaments as specified in the Zoning Regulations. All exterior lighting shall be extinguished by 11:00 P.M., except security and safety lights needed for the office building and the parking garage.
10. Tree protection and silt fencing shall be provided for all trees to be saved and to delineate the

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limits of clearing as reflected in the Sedimentation and Erosion Control Plan, Prepared for 10 Westport Road, Prepared by Erik W. Lindquist and John W. Block, engineers, dated January 17, 2011, last revised May 26, 2011, at a scale of 1"=30', sheet # C-4.0., prior to the issuance of a zoning permit. In addition, tree protection shall be added around the mature trees to be preserved in the Phase 2 parking area near the entrance areas.

11. Prior to the issuance of a zoning permit for the Phase 1 parking lot, a guard rail shall be added to the applicant's site plan where the grading and drop-off is sufficiently steep.
12. Any conflict between Resolution #0711-14P and Resolution #0111-1P shall be found in favor of Resolution #0711-14P.
13. 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, drainage, grading, paving, curbs, sidewalks, retaining walls, landscaping, seeding, lighting and a 10% contingency. 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 the Town Planner, before a zoning permit can be issued. Said bond shall be required for both phases.

SUBMITTAL OF REVISED PLANS:

14. Prior to the issuance of a zoning permit, two (2) completed revised sets, (collated and bound) shall be submitted to the Commission's office for endorsement as "Final Approved Plan" by the Town Planner. Said plans shall include all revisions noted above and shall bear an ORIGINAL signature, seal and license number of the professional responsible for preparing each plan or portion of it. Said plans shall include the following notes:
 - a. "According to Section 8-3.(i) of the Connecticut General Statutes, all work in connection with this Special Permit shall be completed within five years after the approval of the plan. Said five-year period shall expire on July 14, 2016."
 - b. "For conditions of approval for Special Permit #366, see **Resolution #0711-14P**"

PRIOR TO THE ISSUANCE OF ZONING COMPLIANCE:

15. The applicant shall submit a photometric as-built lighting plan demonstrating compliance with town zoning regulations. Said plan shall be submitted prior to the issuance of a Certificate of Zoning Compliance.
16. Prior to the issuance of zoning compliance, the applicant shall provide an "as-built" subsurface drainage plan, prepared, signed and sealed by a Connecticut-licensed engineer,

verifying that the subsurface drainage system was installed as specified on the approved Grading and Drainage Plan, Sheet # C-3.0. The “as-built” subsurface plan shall include the Phase 2 parking area and adjacent sidewalk and for the wheelchair accessible parking area.

17. Prior to the issuance of zoning compliance, any trees that were to remain that were delineated on the plan entitled Sedimentation and Erosion Control Plan, Prepared for 10 Westport Road, Prepared by Erik W. Lindquist and John W. Block, engineers, dated January 17, 2011, last revised May 26, 2011, at a scale of 1”=30’, sheet # C-4.0 shall be replaced by a type and size acceptable to the Planning and Zoning Town Planner or Assistant Town Planner.

- END RESOLUTION -

2. SP#367, Wilton Auto Park, LLC, 380 Danbury Road, Automotive sales and service facility

The Commission reviewed draft Resolution #0711-15P.

Ms. Gould stated that she continues to have real concerns about the subject property, especially with respect to drainage and how the site will be cleaned up. She also expressed concern regarding adequate screening/landscaping along the northern, southern and eastern boundaries of the site.

Instead of requiring that additional gravel be placed in all low-lying parking areas of the site, as originally conditioned in the draft resolution, it was determined that the applicant shall employ best practice management standards as it pertains to the reduction of storm water contaminants, including the paving of gravel parking areas where deemed appropriate by staff.

Addressing a concern expressed by Mr. Nabulsi, the Commission determined that a driveway easement between the applicant’s property and the adjacent property shall be formalized and filed with the Town Clerk prior to the issuance of a zoning permit.

MOTION was made by Mr. Bayer, seconded by Mr. Nabulsi, and carried (5-0-3) to adopt as amended Resolution **#0711-15P** for **SP#367**, effective July 26, 2011.
Commissioners Gould, Rudolph and Wilson abstained.

Ms. Gould noted for the record that while she would like to see the subject property used and improved, she did not think the proposed use would be a good match with the land and therefore she could not vote to support it.

WHEREAS, the Wilton Planning and Zoning Commission has received Special Permit application **#367** to allow an automotive sales and service facility for property located at 380

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Danbury Road, in a General Business District (GB), Assessor's Map #46, Lot #11, and 20, 0.512 ± acres; owned by Estate of Mary Constance DiBenigno and shown on the plans entitled:

Site Development Plan-Prepared for Wilton Auto Park, LLC, Prepared by Holt W. McChord, engineer, dated June 9, 2011, revision date June 22, 2011, scale 1"=20', sheet #SE1.

Improvement Location Plan-Prepared for property now or formerly of Estate of Mary Constance DeBenigno, Prepared by Robert R. Weaver, land surveyor, dated January 20, 2011, scale 1"=20', no sheet #.

WHEREAS, the Planning and Zoning Commission has conducted a public hearing on June 27, 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 July 26, 2011 that the Wilton Planning and Zoning Commission **APPROVES** the Special Permit #367, to allow an automotive sales and service facility for property located at 380 Danbury 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 completed within five years of the effective date of this resolution. This five-year period shall expire on July 26, 2016.
3. No inoperable or salvaged vehicles shall be stored on the property at any time.
4. Catch basin and galleries shall be cleaned annually. In addition, collected waste oil shall be pumped from tanks by a licensed practitioner engaged for that purpose. The applicant shall memorialize these requirements by filing a declaration of intent with the Town Clerk prior to the issuance of a zoning permit.
5. The applicant shall submit a final plan that clearly documents the designation of all parking spaces and screening of those parking areas, as required pursuant to Section 29-8.C.4. of the zoning regulations.

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6. The applicant shall file a Land Record Information Form with the Town Clerk (form to be provided by the Planning and Zoning Department) prior to the issuance of a zoning permit.
7. The driveway easement between the applicant's property and the adjacent easterly property shall be formalized and filed with the Town Clerk prior to the issuance of a zoning permit.
8. No additional lighting shall be permitted on the premises unless otherwise approved by the Planning and Zoning staff or the Planning and Zoning Commission.
9. Customer parking or display of vehicles shall not be permitted in any loading/unloading areas, driveway aisles or access drive. Parking of vehicles on landscaped areas shall be prohibited.
10. Subject to review of the staff, customer/visitor parking area shall be clearly marked through the use of signage or pavement markings. Vehicles shall not be stored in any space designated for customer/visitor parking or within the front yard setback area. All vehicles stored on-site, expressly for the purpose of sale, shall be parked along the side and rear of the building in a manner consistent with the approved site plan. Similarly, customer parking shall be restricted to areas along the southerly property boundary and rear of the site consistent with representations shown on the approved site plan.
11. Any on-site storage of petroleum products shall be conducted within a double-walled tank(s) connected to a wired alarm system. Such containment system shall be subject to Planning and Zoning Department staff review and approval. The storage of petroleum products shall be incidental in nature and limited strictly to the preparation of vehicles intended for sale. The on-site storage of petroleum products shall be carried out in adherence with Town aquifer protection requirements.
12. The applicant shall, to the extent possible, shall employ best practice management standards as it pertains to the reduction of storm water contaminants; including the paving of gravel parking areas where deemed appropriate by the Planning and Zoning Department staff.
13. 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, drainage, landscaping, seeding, and a 10% contingency. 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 the Town Planner, before a zoning permit can be issued.

Submittal of revised plans and application:

14. 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 July 26, 2016."
 - b. "For conditions of approval for Special Permit, see Resolution #0711-15P."

Prior to the issuance of Certificate of Zoning Compliance:

15. Pursuant to Section 29-6.E.1.(a) of the zoning regulations, the applicant shall revise the plan to show a 10' wide landscaped buffer along the property frontage. Said buffer shall be designed in manner and incorporate features (i.e., rock boulders, trees/shrubbery, split rail fence, etc.) that prevent unauthorized parking or display of vehicles on the landscape island. Additional plantings, deemed appropriate by the Planning and Zoning Department staff, shall be added along the southerly and easterly perimeter of the property, adjacent to the parking lot and throughout other areas of the site. All landscape improvements shall be completed to staff satisfaction prior to the issuance of Certificate of Zoning Compliance.
16. An oil separator, deemed appropriate by the Planning and Zoning Department staff, shall be connected to the proposed storm water infiltrator system. Such improvement shall be completed to staff satisfaction prior to issuance of a Zoning Certificate of Compliance.
17. Prior to the issuance of zoning compliance, the applicant shall provide an "as-built" subsurface drainage plan, prepared, signed and sealed by a Connecticut-licensed engineer, verifying that the subsurface drainage system was installed as specified on the approved. The "as-built" subsurface plan shall include underground detention and the oil separator.

- END RESOLUTION -

- 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**

Ms. Poundstone requested that staff prepare a draft resolution of approval for vote at the next meeting.

- 4. SUB#905, Ruddy, 95 Old Boston Road, 2-lot subdivision**

Tabled.

- 5. SP#370, Coppola/Lancellotti, 148 Old Highway, Accessory Dwelling Unit**

Ms. Poundstone requested that staff prepare a draft resolution of approval for vote at the next meeting.

- 6. REG#11332, Gregory and Adams, P.C., Amend section 29-7.C.2.k of zoning regulations pertaining to health and fitness clubs in the DE-5 zone**

Tabled.

F. COMMUNICATIONS

G. REPORT FROM CHAIRMAN

Ms. Poundstone addressed the ongoing consideration of a possible change in the Town's regional planning structure to a Council of Governments. She stated that Commissioners would be invited to a SWRPA meeting, tentatively scheduled for sometime in September, to hear further details on the matter. She also noted that she will continue her efforts to have one or both of our SWRPA representatives (Bud Boucher and/or Richard Murphy) attend one of our meetings in the near future to provide additional information/input to the Commission. She stated that discussion of the matter would likely continue into the fall and she would keep all Commissioners posted moving forward.

Ms. Poundstone also advised Commissioners that discussion on revisions to affordable housing, adaptive use and Cannondale zoning regulations would commence at the next meeting on July 25, 2011. She asked Commissioner Nabulsi to take on the role of discussion leader/facilitator for the first session, which will address the topic of affordable housing regulations, and she reminded Commissioners to bring the documents they recently received outlining affordable housing regulations in other communities.

She also noted that tentative meeting dates have been reserved in the coming months for future zoning regulation discussions beginning on Monday, August 29, 2011. She emphasized that much work remains to be done in this regard, referring in particular to the drafting/discussion of proposed regulation modifications, scheduling of legal notices, notifying SWRPA and HVCEO, and holding public hearings.

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

J. ADJOURNMENT

MOTION was made by Mr. Wilson, seconded by Mr. Hulse, and carried unanimously (8-0) to adjourn at 9:16 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary