

PLANNING & ZONING
COMMISSION
Telephone (203) 563-0185
Fax (203) 563-0284



TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

WILTON PLANNING & ZONING COMMISSION MINUTES JULY 25, 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. SUB#905, Ruddy, 95 Old Boston Road, 2-lot subdivision

Ms. Poundstone called the Public Hearing to order at 7:15 P.M., seated members Bayer, Gardiner, Hulse, 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 14, 2011 from Michael Ahern to Daphne White; a letter of transmittal dated July 13, 2011 from McChord Engineering Associates to Wilton Planning & Zoning Commission, with attached map; a letter of transmittal dated July 15, 2011 from McChord Engineering Associates to Planning & Zoning Commission, with attached map; and a memorandum dated July 22, 2011 from Jennifer M. Zbell to Bob Nerney and Daphne White.

Present was Holt McChord, engineer.

Mr. McChord referenced Town Engineer Michael Ahern's memorandum of July 14, 2011 indicating that the applicant had addressed all outstanding issues and that Engineer Ahern had no further comments. Mr. McChord noted that drainage plans were modified, per comments/input from the Town Engineer and the Inland Wetlands Department, so that

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drainage would flow towards existing wetlands on the site.

Mr. McChord stated that, per the request of the Commission, a driveway easement was submitted into the record. He addressed an issue raised by Town Counsel regarding any disputes that might arise since only two parties would be involved and therefore a majority would not be possible. He stated that the applicant would be happy to modify the driveway easement document as necessary, per guidance of Town Counsel, to address the matter.

Ms. Gould arrived and was seated at 7:18 P.M.

Mr. Nabulsi arrived and was seated at 7:19 P.M.

In response to a question from Mr. Bayer, Mr. Nerney confirmed that the drainage easement was incorporated into the driveway easement.

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 7:20 P.M. the Public Hearing was closed.

2. 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 7:20 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 19, 2011 from Michael Ahern to Daphne White; and a letter dated July 25, 2011 from J. Casey Healy to Planning and Zoning Commission requesting a continuation of the hearing until September 26, 2011.

There being no further comments from the Commission or the public, at 7:21 P.M. the Public Hearing was continued until September 26, 2011.

REGULAR MEETING

- A.** Ms. Poundstone called the Regular Meeting to order at 7:21 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. July 11, 2011 – Regular Meeting

MOTION was made by Nabulsi, seconded by Mr. Hulse, and carried (8-0) to approve the minutes of July 11, 2011 as drafted.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

- 1. SUB#906, Hirsch/Josefsen, 2 Quiet Lake Lane & 144 Huckleberry Hill Rd, 2-lot subdivision**
- 2. SP#371, Rendeiro, 124 Kellogg Drive, Accessory apartment in existing barn**

MOTION was made by Ms. Poundstone, seconded by Mr. Wilson, and carried unanimously (8-0) to accept the above applications and set a public hearing date for both for September 12, 2011.

E. PENDING APPLICATIONS

- 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**

The Commission reviewed draft Resolution #0711-17P. Modifications were incorporated into the resolution regarding signage, and inclusion of a finding that there will be no adverse impact on the aquifer.

MOTION was made by Mr. Wilson to adopt as drafted Resolution **#0711-17P** for **SP#368**, effective July 28, 2011.

An additional modification was suggested to include a finding that the previous approval for the site had expired and is therefore now void.

MOTION on the table was seconded by Mr. Nabulsi, and carried unanimously (8-0) to adopt as amended Resolution **#0711-17P** for **SP#368**, effective July 28, 2011.

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WHEREAS, the Wilton Planning and Zoning Commission has received a Special Permit application (**SP #368**) from Standard Petroleum of Connecticut c/o John F. Fallon, Esq., for improvements involving the renovation of an existing motor vehicle service station and convenience store and replacement of underground fuel storage tanks within an aquifer protection zone for the property located at 287 Danbury Road; in a General Business “GB” zoning district, Assessor’s Map #73, Lot #8-2, and Map #73, Lot#8-3, comprising 0.44 acres of land and 0.22 acres of land, respectively; owned by Patricia G. Dean and shown on the plans entitled:

Cover Page Plan – Proposed Renovations Convenience Store and Gas Station, prepared for Standard Petroleum, Bridgeport, CT, prepared by Mark G. Smith, engineer, dated March 25, 2011, Revised June 23, 2011, no scale noted;

Existing Conditions Plan – prepared for John R. Gregory & Patricia G. Dean, prepared by Brian E. Denno, Land Surveyor, dated November 24, 2010 and revised March 17, 2011 and drawn as a scale of 1” = 20’, sheet #1 of 1;

Site Plan, prepared for Standard Petroleum, prepared by Mark G. Smith, engineer, dated March 25, 2011, revised June 23, 2011 and revised July 7, 2011 and drawn at a scale of 1” = 20’, sheet # L-1;

Grading and Utilities Plan & Erosion and Sedimentation Control Plan, prepared for Standard Petroleum, prepared by Mark G. Smith, engineer, dated March 25, 2011 and revised June 23, 2011 and drawn at a scale of 1” = 20’, sheet # L-2;

Planting Plan, prepared for Standard Petroleum, prepared by Mark G. Smith, dated March 25, 2011 and revised June 23, 2011 and drawn at a scale as noted, sheet # L-3;

Details, Prepared for Standard Petroleum, prepared by Mark G. Smith, engineer, dated March 25, 2011, revised June 23, 2011 and scale as noted, sheet # L-4;

Details, Prepared for Standard Petroleum, Prepared by Mark G. Smith, engineer, dated March 25, 2011 and scale as noted, sheet # L-5;

Soil Erosion & Sedimentation Control Details, prepared for Standard Petroleum, prepared by Mark G. Smith, engineer, dated March 25, 2011 and revised June 26, 2011 and scale as noted, sheet # ES-1;

Lighting Proposal, prepared for Standard Petroleum, prepared by Mark G. Smith, engineer, dated March 25, 2011, drawn at a scale of 1” = 20’, sheet # LO-1;

Existing Floor Plan, Building and Signage Elevations, prepared for Standard Petroleum, prepared by Mark G. Smith, engineer, dated March 25, 2011 and revised June 23, 2011 and drawn at a

scale as noted, sheet # A1.0;

Existing Floor Plan, Building and Canopy Elevations, prepared for Standard Petroleum, prepared by Mark G. Smith, engineer, dated March 25, 2011 and revised June 23, 2011 and drawn at a scale as noted, sheet # A1.1;

Tanker Auto-turn, prepared for Standard Petroleum, prepared by Mark G. Smith, engineer, dated March 25, 2011 and revised June 23, 2011 and drawn at a scale of 1" = 20', sheet # T-1;

WHEREAS, the Wilton Planning and Zoning Commission conducted a public hearing on June 27, 2011 continuing to July 11, 2011 to receive comment from the public and has fully considered all evidence submitted at said hearing; and

WHEREAS, the Inland Wetlands Commission has rendered a favorable report to the Planning and Zoning Commission has given due consideration to the consensus of the Inland Wetlands Commission; and

WHEREAS, the Wilton Planning and Zoning Commission finds the replacement of existing underground tanks with new state-of-the-art tanks to be a superior alternative in terms of addressing environmental and ecological concerns and as such the Commission finds that the proposal has no adverse impact on the aquifer protection zone; 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 #368 for improvements involving the renovation of an existing motor vehicular service station and convenience store and replacement of underground fuel tanks within an aquifer protection zone for the property located at 287 Danbury Road, effective July 28, 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 Special Permit shall be completed within five years of the effective date of this resolution. This five-year period shall expire on July 28, 2016.
3. Due to the applicant's in-action and permit sunset provisions, the Planning and Zoning

Commission deems prior Special Permit #312 (Resolution 0905-16P) to be void.

4. An itemized bond estimate and bond for all site work shall be submitted to the Commission's staff, which shall include, but not be limited to sedimentation and erosion controls, drainage, retaining walls, guard rail, renovation of existing driveways, curbing, lighting, landscaping and re-grading. The applicant shall furnish the Town with proper surety, in the form and amount satisfactory to the Commission's staff prior to the issuance of a zoning permit.
5. This special permit approval shall become valid upon the applicant's recording of a Land Record Information Form (to be provided by Planning and Zoning Department) with the Office of the Wilton Town Clerk. The applicant shall provide the Planning and Zoning Department documentation verifying the recording of such document prior to the issuance of a zoning permit.
6. Prior to the issuance of a zoning permit, the two existing lots shall be merged so as to create one lot. The applicant shall provide evidence of such merger (i.e., copy of recorded consolidation map). Subsequently, the address for the merged lot shall be known as 287 Danbury Road, Map# 73, Lot# 8-2.
7. The two (2) parallel parking adjacent to the building's easterly façade, shall be removed and landscaped. The applicant shall revise all applicable plans to reflect this change prior to the issuance of a zoning permit. Existing pavement shall be removed and such area shall be landscaped utilizing materials to the satisfaction of the Planning and Zoning Department staff.
8. The height of all retaining walls, as measured from grade to top of wall, shall not exceed ten feet (10') in height. All exposed wall finishes shall be subject to Planning and Zoning Department staff approval. In addition, all retaining walls in excess of five (5) feet in height shall maintain a fence along the top of the wall. Such fence shall be no less than four (4) feet in height.
9. For safety purposes, signage indicating "No Exit onto Route 7" shall be placed along the portion of the driveway connecting the site to the Wilton Train Station driveway. The purpose of such signage is to discourage motorist from exiting the site onto Danbury Road (in either a north or south direction) via the Wilton Train Station driveway.
10. Prior to the issuance of a zoning permit, all applicable plans shall be revised to depict a suitable loading area. Such area shall be labeled on the plans and shall be subject Planning and Zoning Department approval.
11. The installation of signage shall be subject to the approval of the Zoning Enforcement Officer. All signage shall be either non-illuminated or illuminated by means of external

lighting. Signage shall comply with all other requirements set forth in the Zoning Regulations.

12. Prior to the issuance of a zoning permit, 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 Special Permit shall be completed within five years following approval. Said five-year period shall expire on July 28, 2011."
 - b. "For conditions of approval for Special Permit #368, see **Resolution #0711-17P.**"
13. A site meeting shall be held with the Town Planner or Assistant Town Planner and the construction manager prior to the commencement of construction to review erosion controls and the proposed schedule of operations.
14. The name and phone number of the construction manager shall be provided to either the Town Planner or Assistant Town Planner. Written notification to either the Town Planner or the Assistant Town Planner shall be provided at least two (2) business days in advance of initial site disturbance.
15. A copy of this resolution shall be given to the construction manager and shall be available on site during construction.
16. The location of any temporary construction trailers on the site shall be approved by the Town Planner or the Assistant Town Planner.
17. Erosion control plans shall be strictly enforced. Vehicular access points to public roads shall be swept clean of all dirt and debris at the end of each day.
18. All light fixtures shall be installed with no visible light sources.
19. There shall be no construction activities on the site on Sundays or federal holidays. The hours of construction shall be between the hours of 7:00 a.m. and 5:00 p.m. Monday through Friday and 8:00 a.m. and 5:00 p.m. on Saturdays. These restrictions shall not apply to interior work within the building.

Prior to the issuance of Certificate of Zoning Compliance:

20. An as-built photometric plan shall be provided to the Commission's staff prior to the issuance of a zoning certificate of compliance. The as-built plan shall be consistent with the photometric plan approved by the Commission. All light fixtures shall be consistent with the specifications submitted to the Commission's staff.
21. The applicant shall, by way of a Connecticut licensed professional engineer, certify in writing that all improvements associated with the site plan, storm water report and aquifer plan, have been performed in accordance with the approved submission.

- End Resolution -

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

The Commission reviewed draft Resolution #0711-2S.

MOTION was made by Ms. Gould, seconded by Mr. Hulse, and carried unanimously (8-0) to adopt as drafted Resolution **#0711-2S** for **SUB#905**, effective July 28, 2011.

WHEREAS, the Wilton Planning and Zoning Commission has received a **Subdivision** application **SUB#905** from McChord Engineering Associates, Inc., for a two-lot subdivision located on 95 Old Boston Road, in an R-2A District, Assessor's Map #123, Lot #18, 4.233 acres, owned by Michael John Ruddy and Christiane Michaels-Ruddy and shown on the plans entitled:

Vicinity Sketch prepared for Christiane Michaels-Ruddy, prepared by Roger A. Stalker, land surveyor, dated April 8, 2011, at a scale of 1"=100', sheet # 1 of 3.

Topographic Map prepared for Christiane Michaels-Ruddy, prepared by Roger A. Stalker, land surveyor, dated April 9, 2011, revised June 27, 2011, at a scale of 1"=50', sheet # 2 of 3.

Subdivision Map prepared for Christiane Michaels-Ruddy, prepared by Roger A. Stalker, land surveyor, dated April 9, 2011, last revised July 13, 2011, at a scale of 1"=50', sheet # 3 of 3.

Site Development Plan prepared for Christiane Michaels-Ruddy, prepared by Holt W. McChord, engineer, dated May 4, 2011, last revised July 12, 2011, at a scale of 1"=30', sheet # SE1.

Construction Notes and Details prepared for Christiane Michaels-Ruddy, prepared by Holt W. McChord, engineer, dated May 4, 2011, last revised June 27, 2011, scale as noted, sheet # SE2

WHEREAS, the Planning and Zoning Commission has conducted a public hearing on June 27, 2011, July 11, 2011 and July 25, 2011 to receive comment from the public and has fully

considered all evidence submitted at said hearing; and

WHEREAS, the Inland Wetlands Commission has rendered a favorable report to the Planning and Zoning Commission has given due consideration to the consensus of the Inland Wetlands Commission; and

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

NOW THEREFORE BE IT RESOLVED effective July 28, 2011 the Wilton Planning and Zoning Commission **APPROVES** the two-lot subdivision subject to the endorsement and filing of the record Subdivision Map, and subject to the following conditions:

A. GENERAL CONSIDERATIONS

1. It is the responsibility of the applicant to obtain any other permits or licenses required by law or regulation. Governing bodies which may have jurisdiction include the Town of Wilton; the State of Connecticut or the United States Government.
2. No equipment or material shall be deposited, placed or stored in any wetland or water course, on or off site unless specifically authorized by an Inland Wetlands Permit.
3. Housing numbers shall be as follows:

Lot 1 shall become 93 Old Boston Road, (Map#123, Lot#18-1)

Lot 2 shall remain 95 Old Boston Road, (Map#123, Lot#18)

B. PERTAINING TO BOTH LOTS

4. Development shall not alter the existing natural site grading and drainage patterns of adjoining properties. Runoff caused by new development, during and after construction, shall be minimized and diverted to natural drainage patterns.
5. Driveways shall be clearly marked to facilitate rapid identification by emergency vehicles.
6. Fuel oil tanks shall only be located above ground or within a basement.
7. The parking of construction equipment shall be limited to on-site parking only. No vehicles shall be parked or stored in the public right-of-way at anytime or in a manner so as to block the common driveway.
8. Any significant change in the build-out of each lot or location and design of infrastructure improvements associated with this application shall be subject to Commission review and approval.
9. There shall be no construction activities on the site on Sundays or holidays. The hours of construction shall be between the hours of 7:00 am and 5:00 pm Monday through Friday and 8:00 am and 5:00 pm on Saturdays, except for interior work within the individual houses.

10. A copy of this resolution shall be given to the project manager of each lot and shall be available on site during construction.

C. PRIOR TO FILING OF FINAL SUBDIVISION MAP

11. The Final Subdivision Plan shall be revised to include the following:
 - a. The address designation within each approved lot as specified herein.
 - b. The note: “Subdivision #905 for conditions of approval see Resolution #0711-2S
 - c. The subdivision map shall be filed within 90 days following expiration of the appeal period, unless the applicant obtains an extension from the Planning and Zoning Commission.
 - d. The applicant shall provide the Planning and Zoning Department with an electronic copy of the subdivision plan prior to the recording of said plan with the Town Clerk.

D. SUBSEQUENT TO FILING OF THE FINAL SUBDIVISION MAP

12. The applicant shall, within thirty (30) day of the filing of the Final Subdivision Plan, submit the following:
 - a. Eight (8) paper prints of the filed subdivision plan with the Town Clerk’s notations. Said prints shall be signed and embossed by all the appropriate consultants/engineers.
 - b. The record subdivision map shall indicate all watercourses and wetlands on the three lots and shall delineate the limit of disturbance on each lot.
 - c. A Mylar reduction of the approved Subdivision Plan at a scale of 1"=800'.
 - d. Four (4) copies of all other plans and documents as specified herein. Said plans and documents shall bear the seal, signature and license number of the registered professional(s) responsible for preparing appropriate sections of the plans and documents.

E. PRIOR TO THE ISSUANCE OF A ZONING PERMIT

13. A site plan shall be submitted for review by the Commission’s staff prior to obtaining a zoning permit for each lot. Each site plan shall include a tree and stone wall preservation plan. Such plan shall locate each tree with a diameter (caliper) over 16”

- within the buildable area and 10” diameter (caliper) within the setback areas, and each stone wall, and shall explain why any such tree or stone wall is not being preserved, and shall explain alternate plans that have been considered. All trees and stone walls included in the tree and stone wall preservation plan must be protected during the construction phase and thereafter.
14. Prior to obtaining a zoning permit for the re-development of any lot, the applicant shall submit a site plan for review by the Commission’s staff. Each site plan shall include a tree and stone wall preservation plan. Such plan shall locate trees with a diameter (caliper) over 16” within the buildable area and 10” diameter (caliper) within the setback areas and the location of stone walls. The plan shall explain why any such tree or stone wall is not being preserved, and shall explain alternate plans that have been considered. All trees and stone walls included in the tree and stone wall preservation plan must be protected during the construction phase and thereafter.
 15. *The Declaration of Driveway, Utility and Drainage Easements* shall all be subject to review and approval by Town Counsel and staff and the documents shall all be filed with the Town Clerk prior to the issuance of a zoning permit.
 16. The proposed storm drainage for both lots shall be in accordance with the applicant’s approved site development plans referenced in the condition above, the storm water analysis and the site plan entitled: Site Development Plan prepared for Christiane Michaels-Ruddy, prepared by Holt W. McChord, engineer, dated May 4, 2011, last revised July 12, 2011, at a scale of 1"=30', sheet # SE1.
 17. Any change or alteration to planned drainage improvements to either lot shall be subject to the review and approval of Planning and Zoning Commission and/or Planning and Zoning Department staff. Said plan shall be prepared and stamped by a professional engineer and submitted and approved by the Planning and Zoning Department prior to the issuance of a Zoning Permit. All drainage designs shall conform to standards set forth in the town’s zoning regulations and subdivision regulations.
 18. A bond estimate for all site work shall be provided by the applicant to the Commission’s staff, which shall include, but not be limited to sedimentation and erosion controls, tree protection, stormwater drainage, common driveway, grading, seeding 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.
 19. Zoning permits involving new construction for each individual lot shall be accompanied by a hydrology report prepared and stamped by a Connecticut-licensed engineer if the proposed site development plan differs from the submitted stamped engineering plans reviewed by the Planning and Zoning Commission. The peak rate of runoff shall be attenuated to a pre-development (undeveloped) condition and individual drainage galleries shall be sized and constructed to such standard.
 20. The applicant shall submit revised grading plans for each lot if the site plans and layouts of each lot are modified at time of development.
 21. Final plans shall be updated to include the Health Department certification block

pursuant to Section 3.315 of the Subdivision Regulations.

F. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE

22. All utilities for each lot (2) shall be installed underground prior to the issuance of a certificate of zoning compliance.
23. All lot corners shall be pinned and verification from the applicant's Land Surveyor of such lots shall be submitted prior to obtaining zoning compliance for such lot.
24. An as-built plan showing the location of the underground detention system depicted on the Site Development Plan shall be submitted prior to zoning compliance for each lot.
25. An engineer's as-built hydrology report, plan and certification shall be submitted prior to zoning compliance for each lot.
26. The applicant's land surveyor shall submit an as-built survey indicating building and site coverages.

-END RESOLUTION-

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

The Board reviewed draft Resolution #0711-18P.

MOTION was made by Ms. Gould, seconded by Mr. Bayer, and carried unanimously (8-0) to adopt as drafted Resolution **#0711-18P** for **SP#370**, effective July 28, 2011.

WHEREAS, the Wilton Planning and Zoning Commission has received a Special Permit application (**SP#370**) from Bryan Coppola of Barchetta Construction for approval of a accessory dwelling unit within a detached garage, for property located at 148 Old Highway; in an R-2A (Single-Family Residence District), Assessor's Map#44, Lot #36, and 3.251 acres; owned by Clyde B. Phillips and Jane Lancellotti and shown on the plans entitled:

Zoning Location Survey- Prepared for Clyde B. Phillips and Jane Lancellotti, Prepared by Roland H. Gardner Jr., land surveyor, dated May 12, 2011, revised May 20, 2011, at a scale of 1"=50', no sheet#.

Foundation Plan & First Floor Plan- Prepared for Clyde B. Phillips and Jane Lancellotti, Prepared by Fifield/Piaker/Elman, architects, dated June 1, 2011, at a scale of 1/4"=1', sheet#A-100.

Second Floor Plan & Roof Plan- Prepared for Clyde B. Phillips and Jane Lancellotti, Prepared by Fifield/Piaker/Elman, architects, dated June 1, 2011, at a scale of 1/4"=1', sheet#A-101.

South & East Elevation- Prepared for Clyde B. Phillips and Jane Lancellotti, Prepared by

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Fifield/Piaker/Elman, architects, dated June 1, 2011, at a scale of 1/4"=1', sheet#A-102.

West & North Elevation- Prepared for Clyde B. Phillips and Jane Lancellotti, Prepared by Fifield/Piaker/Elman, architects, dated June 1, 2011, at a scale of 1/4"=1', sheet#A-103.

Building Sections & Details- Prepared for Clyde B. Phillips and Jane Lancellotti, Prepared by Fifield/Piaker/Elman, architects, dated June 1, 2011, at a scale of 1/4"=1', sheet#A-104.

WHEREAS, the Wilton Planning and Zoning Commission has conducted a public hearing on July 11, 2011 to receive comment from the public 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 #370 for approval of a accessory dwelling unit within a detached garage, for property located at 148 Old Highway, effective July 28, 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 July 28, 2016.
3. Prior to issuance of a zoning permit, the applicant shall submit documentation of approval from the Wilton Health Department concerning the adequacy of the existing septic system (or an approved alternative) to accommodate both the principal residence and the proposed accessory dwelling unit.
4. Prior to issuance of a zoning permit, this resolution of approval shall be filed in the Office of Land Records (Wilton Town Clerk).
5. Prior to the issuance of a Zoning Permit, the owner of the property shall submit a revised affidavit to the Planning and Zoning staff. Said affidavit shall contain information as provided in the sample affidavit.

Submittal of revised plans and application prior to the issuance of a zoning permit:

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 Special Permit shall be completed within five years after the approval of the plan. Said five-year period shall expire on July 28, 2016."
 - b. "For conditions of approval for Special Permit #370, see **Resolution #0711-18P.**"

- END RESOLUTION -

F. COMMUNICATIONS

G. REPORT FROM CHAIRMAN AND COMMISSION MEMBERS

Ms. Poundstone referenced a transportation grant that Town Planner Nerney has been putting together and she commended the work he has been doing in that regard, referencing in particular the photos that have been developed utilizing the Town's GIS system. Mr. Nerney stated that if any Commissioner would like to view the package, he would forward it via email.

Ms. Poundstone proposed that three Special Meetings be scheduled for ongoing discussions pertaining to modifications of zoning regulations. She listed the proposed dates as Tuesday, September 6; Monday, October 3; and Monday, November 11 [November 7?]. She noted that a previously proposed date of Monday, August 29 would be dropped since Commissioners did not wish to meet in August. Since Commissioners Gardiner and Wilson indicated they were unable to attend the September 6th meeting, Ms. Poundstone stated that she would review the calendar once again and advise Commissioners accordingly.

1. Discussion pertaining to affordable housing regulations – Bas Nabulsi, Facilitator

Mr. Nabulsi distributed a short outline as a tool for focusing the Commission's discussion on possible modifications to affordable housing regulations.

Addressing point #1 of the outline, he referenced page 12 of Wilton's Plan of Conservation and Development (POCD), noting that as of 2007, 2.65% of Wilton's housing units met the State's statutory definition of affordable housing (i.e. 69 deed restricted units out of 162 total assisted units). He noted that 62 of the 69 units will expire between 2016 and 2020, representing a loss of almost 40% of Wilton's total affordable housing stock. Referencing page 123 of the POCD, he cited a punch list of recommendations to address housing needs going forward, including the exploration of 1) tools to convert existing houses into affordable units and 2) options for retaining affordable units that are due to expire. He noted that the recent application from Greyrock of Wilton attempted to address item (1) by proposing a regulation change to permit the conversion of off-site units to affordable housing units.

Addressing point #2 of the outline, Mr. Nabulsi referenced existing zoning regulations pertaining to affordable housing, citing first the definitions of "affordable housing" and "affordable housing unit" in Section 29-2.B (2) and (3). He noted that since the affordable housing concept is addressed in several residential zones, the Commission needs to be aware that any modification to the definitions would thus apply in various contexts.

Mr. Nabulsi referenced affordable housing regulations utilized by other communities including the collection of funds from developers to subsidize/support affordable housing options as well as an option for developers to invest off-site as a way to gain greater density yet still satisfy affordable housing requirements.

Ms. Gould suggested that developers be permitted to contribute into a Town fund for the purpose of offsetting tax benefits for senior citizens, thus helping low-income seniors to remain in Town. She noted that there have been many expressions of support for senior tax relief but the Board of Selectmen has had difficulty finding all the tax relief that seniors qualify for in the budget.

Mr. Bayer felt that zoning regulations are not the proper forum for addressing a matter of this nature, noting that it is not a land use issue but rather should be addressed by the Boards of Selectmen and Finance.

Mr. Wilson expressed concern regarding the issue of expiration dates which he felt places the Town in the position of always playing catch-up. He suggested that the Commission consider "in perpetuity" clauses if it were to adopt off-site housing as an alternative

affordable housing option.

Mr. Rudolph stated that he would be in favor of a one-time contribution to a Town fund in lieu of off-site affordable housing. He felt that such a contribution could be based upon some formula that would factor in the cost that a developer would incur to put up required affordable housing units. He felt that such an approach would eliminate the many administrative difficulties he felt off-site affordable housing would present for the Town.

Mr. Nabulsi perceived such a proposal as providing a developer an opportunity to buy density.

Ms. Gould noted that the Town has had seven affordable units at Lambert Commons since 1980 and she did not feel that the Town has encountered much trouble in administering those units, which she also noted are in perpetuity.

Addressing an issue raised by Mr. Rudolph regarding the difficulty of pricing such units if they are off-site rather than within an already existing development, as with the Lambert Commons units, Mr. Bayer explained that pricing of an affordable unit has nothing to do with housing values of the surrounding development/community, but rather is based entirely on formulas that relate back to the initial transfer price of the unit.

Mr. Gardiner liked the idea of a fund, noting that he too perceived inherent difficulties with managing many of these affordable housing units, not only for off-site but also under existing regulations which reference property managers. He questioned who would be responsible for such units even under the current regulations.

Progressing to point #3 of his outline, Mr. Nabulsi conducted a straw poll, which indicated that all Commissioners were open to the idea of offering other options to developers; all were open to the prospect of off-site affordable housing; and all were open to the idea of financial contributions to a Town-controlled fund intended to benefit affordable housing.

Referring to outline point #4, Mr. Nabulsi asked for feedback from Commissioners as to whether a developer should be entitled to avail him/herself of alternative affordable housing options automatically, or whether such options should be subject to P&Z discretion. A number of Commissioners expressed a preference for having such options subject to the discretion of the Commission, although Mr. Bayer stated that he would prefer to retain control over how the affordable housing units are subsequently developed as opposed to controlling up front the options that a developer is permitted to exercise. He stated further that he would wish to exclude Connecticut Statutes Section 8-30(g) types of development from any alternative affordable housing options that might be adopted by the Commission since 8-30(g) developments would result in larger numbers

of affordable units being dispersed around Town.

Ms. Gould cited instances of large corporations purchasing small lots with smaller-sized homes on them solely for the purpose of satisfying density/coverage requirements and then destroying these homes which she felt could have been perfect affordable housing candidates.

Mr. Nerney thought that a fund set up for the express purpose of developing affordable housing units in Town, as opposed to being set aside for tax relief for the benefit of the elderly, could perhaps be a viable option. Ms. Gould suggested that such a fund could be used to support a development such as Wilton Commons, a recently approved congregate housing development on Station Road.

Mr. Bayer noted that current affordable housing regulations require affordable units to be of an equivalent quality and size as market-rate units within the development. Addressing this aspect of the regulations, he felt that there should be some logical relationship between what regulations currently require and what the Commission may draft for the future, noting that any future affordable housing regulations should be more of an expansion of the current regulations than a change per se.

Mr. Nabulsi expressed doubts as to the effectiveness of a fund option, noting that Wilton is a small Town which does not present very many opportunities (e.g. tall buildings, multi-housing structures, etc.) for development of affordable housing type complexes.

Several Commissioners questioned whether it might be best to remain with the status quo and not modify existing affordable housing regulations. Mr. Hulse felt that it could be beneficial to the Town to modify affordable housing regulations so that additional tax monies could be realized both from more market-rate units on a development site and from additional off-site affordable units if such were allowed.

Mr. Nabulsi suggested that a draft regulation be circulated among Commissioners prior to the next meeting, clearly identifying parameters that the Commission would like to have satisfied (e.g. where off-site units should be located, characteristics such as in-perpetuity clauses, ownership versus rental options, etc.). He felt that some “kicker” concept could be built in (e.g. more affordable units required if opting for the off-site alternative) and he thought that perhaps a fund option should be excluded.

A suggestion was raised by Ms. Gould whereby the Town might purchase, via a fund set aside for the purpose of affordable housing, some units in an already existing condo development, although Mr. Nerney noted the challenge of such a proposal for the Town, citing landlord-type issues such as maintenance, upkeep, administrative management, etc.

Mr. Nabulsi thought that perhaps units at existing developments should be permitted, but

not be forced, to qualify as potential off-site affordable housing units.

Mr. Bayer felt that parameters should be clear in terms of where off-site affordable units could be located (e.g. in proximity to the development itself, to Wilton Center, to the train station, etc.). He also felt that some sort of economic relationship should be established between what the applicant would be allowed to purchase off-site and what the applicant intends to develop as market-rate units on the development site.

Mr. Gardiner noted that the quality/types of units should be addressed as well as the number of units that would be permitted (i.e. whether a density bonus should still be permitted within a development when the requisite affordable units are purchased off-site by the developer).

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

J. ADJOURNMENT

MOTION was made by Ms. Poundstone, seconded by Mr. Wilson, and carried unanimously (8-0) to adjourn at 9:00 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary