

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

**DRAFT**  
**WILTON PLANNING & ZONING COMMISSION MINUTES**  
**OCTOBER 24, 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; Lorraine Russo, Recording Secretary; members of the press; and interested residents.

**PUBLIC HEARINGS**

- 1. SUB#906, Hirsch/Josefsen, 2 Quiet Lake Lane & 144 Huckleberry Hill Rd, 3-lot subdivision**

Ms. Poundstone called the Public Hearing to order at 7:15 P.M., seated members Bayer, Gardiner, Gould, Hulse, Poundstone, Pratt, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. She noted that the hearing was continued from a previous date. Mr. Bayer referred for the record to a memorandum dated October 24, 2011 from Steven H. Schole to Daphne White; an email transmitted September 13, 2011 from Donna Stone (SWRPA) to Robert Nerney; a letter dated September 12, 2011 from James D'Alton Murphy to Planning and Zoning Commission; and a 4-page response letter dated October 19, 2011 from James D'Alton Murphy to Planning and Zoning Commission.

Present were Jim Murphy, attorney; Leon Hirsch, applicant; and Steve McAllister, engineer.

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Mr. Murphy distributed an outline to Commissioners and referenced posted revised plans.

He reviewed details of the proposed subdivision, noting that no future development is proposed for the property.

Mr. Nabulsi arrived and was seated at 7:20 P.M.

Referencing his outline, Mr. Murphy noted that all staff and Commissioner comments/questions were addressed in his response letter of October 19, 2011. In particular, he noted that lots 2 and 3 will receive potable water by way of an easement over lot 2 in favor of lot 3, which he explained is acceptable to all parties, including Wilton Town Counsel and Wilton Health Department. Referencing a question raised by Commissioner Gould at the last hearing, he stated that all existing wells (i.e. 12 wells on lot 3 and 4 wells on lot 4) were properly permitted and have been shown on the revised plans. Regarding the question of past violations in that regard, Mr. Murphy indicated that Mr. Hirsch does not recall, nor is there any record of, any such violations.

Mr. Murphy addressed the applicant's request for a waiver of Subdivision Regulations requirement (Section 4.5.2) to set aside not less than 12% of the total subdivision area for dedicated open space. He explained that such a waiver is allowed in the case of three possible circumstances as outlined in Sections 4.5.2.1, 4.5.2.2 and 4.5.2.3 of Subdivision Regulations. He felt that the applicant specifically qualified under Section 4.5.2.1 where "adequate open space is available in the immediate neighborhood". While he acknowledged that existing open space (which forms somewhat of a ring around the subject parcel) may not provide public access, he noted that the space does satisfy all other functions of open space, including flora, fauna, environmental aspects, etc., as does the subject parcel as well. He emphasized further that the subject application is not a development proposal nor is it soon to become one.

In response to questions from Mr. Rudolph, Mr. Nerney explained that an open space allocation is generally required because of an impact that is being caused by a proposed development on the subject site. He noted that the Commission needs to be cognizant of something known as a rational nexus test, whereby certain requirements (such as open space dedication, for example) need to be justified by corresponding potential impacts on a site. In that regard, he thought that there could be some difficulty justifying the dedication of 12% of the 120+ acre parcel in connection with the creation of just one lot in New Canaan. He did note, however, that such open space requirements could be imposed at a future date in connection with any subdivision/development plans that might be proposed for the site at that time.

Mr. Murphy explained further that dedicating a portion of the property to open space at this time could potentially result in a lack of compatibility with any future development plans that might be proposed for the site.

Ms. Gould provided a bit of historical background for the site dating back to the early 1980s. She explained that significant issues had been brought before the Commission by surrounding neighbors regarding the number of wells and fish ponds on the subject property that neighbors felt had resulted in the drying up of wells on their properties. It was her understanding that these concerns were no longer present, but she wanted to note it for the historical record.

In response to a question from Ms. Gould, Mr. Murphy confirmed that use of the existing buildings was not going to change significantly. Mr. Hirsch stated for the record that no changes are anticipated.

Mr. Gardiner questioned whether someone could argue at a future date that any waiver granted as part of the subject application runs with the land. He suggested including a condition, as part of any resolution of approval, clearly indicating that granting of a waiver now does not in any way preclude the Commission from imposing an open space requirement in connection with any future development on the site.

In connection with concerns raised by Mr. Bayer regarding potential development on the site subsequent to the granting of an open space waiver, Mr. Murphy stated for the record that the applicant does not interpret the granting of an open space waiver in connection with the subject application as setting any precedent for the future.

Concerns were expressed by Ms. Pratt regarding tree clear-cutting that could potentially occur on the parcel prior to any future subdivision/development applications. In that regard, she questioned whether a general tree preservation plan could be required of the applicant.

Mr. Nerney explained that while Wilton does not have a tree ordinance in place, it does impose wetland restrictions, open space requirements, slope development restrictions, etc., all of which come together to form a public safety web to prevent clear-cutting to a large degree. While he acknowledged that it is not fool-proof, overall he felt that these restrictions generally work well toward the goal of tree preservation. He felt that it would be premature and speculative at this point to try to impose tree-cutting restrictions on the property, noting that the current property owner has gone to great efforts to preserve trees on the site and noting further that similar concerns could be expressed in connection with a much smaller 3 or 4-acre parcel as well.

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 7:50 P.M. the Public Hearing was closed.

**2. SP#374, i.park Norwalk, LLC, Danbury Road and Kent Road (a/k/a Assessor's Map 83, Lot 26), Requesting special permit pursuant to Section 29-7.C.2.k. of zoning regulations for an addition to an existing health and fitness club**

Ms. Poundstone called the Public Hearing to order at 7:51 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 October 12, 2011 and referred for the record to a 3-page Planning and Zoning Staff Report dated October 17, 2011; a response letter dated October 19, 2011 from Stephen Pustola to Planning & Zoning; and a memorandum dated October 24, 2011 from Steven H. Schole to Daphne White.

Present were Jim Murphy, attorney; Stephen Pustola, engineer; David Schiff, certified planner; and Lynne Ward, i.park Norwalk, LLC.

Mr. Murphy briefly reviewed details of the application and posted site plans/elevations, noting that approximately 4,338 square feet of the proposed 12,000+/- square-foot LA Fitness expansion is located in Wilton, with the remainder located in Norwalk. He noted that all issues raised in the Planning and Zoning Staff Report have been addressed in Stephen Pustola's letter [referenced above] and/or via changes in plan design. He distributed updated plans/elevations to Commissioners.

Mr. Pustola reviewed elevations, noting that the proposed addition would be of the same height as the existing building. He explained that a portion of asphalt in the northwest portion of the site would be removed to compensate for some of the site coverage proposed. He also reviewed emergency exit areas, handicapped parking spaces, drainage, and proposed retaining walls. In response to safety concerns raised by Mr. Wilson in connection with a 9-foot retaining wall separated by a 4-foot concrete walk that is proposed for the rear and northwest corner of the building, Mr. Pustola indicated that the Building Department would be reviewing the proposed means of egress as part of its overall review process.

Ms. Gould questioned the number of current and projected users of the LA Fitness facility.

Ms. Ward could not provide actual user numbers. She explained that membership numbers are tracked, noting that they differ from actual user numbers since many members sign up but then only use the facility very sporadically. She estimated a total of approximately 4500 members, although she felt that user numbers could be considerably less and would vary based on the time of year. She stated that the proposed addition is due more to accommodate a change in style rather than an increase in users, referencing the need for a spinning facility, which is currently in vogue, as well as expanded locker

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room/changing areas. She also noted that in recessionary times, such facilities tend to function more as social networking areas.

Mr. Wilson questioned whether adequate illumination is proposed, referring in particular to the handicapped parking area. Ms. Poundstone stated that this issue could be addressed via a condition of approval.

A discussion ensued regarding on-site parking. Ms. Ward acknowledged that parking is overall a very unpredictable situation which the owners do try to control. She felt that it would improve once the site is developed and the Wilton portion looks better and has more appeal, noting that parking tends to cluster toward the developed end. In response to a suggestion from Ms. Gould, Ms. Ward agreed that they would try to open up parking on the northern end for use by people utilizing the on-site medical offices/facilities.

In response to a question from Mr. Nabulsi, Ms. Ward confirmed that the intent is to have the entire property Leeds-Certified.

Mr. Bayer noted for the record that he is a member of LA Fitness but not an avid user.

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 8:22 P.M. the Public Hearing was closed.

**REGULAR MEETING**

**A.** Ms. Poundstone called the Regular Meeting to order at 8:22 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. October 11, 2011 – Regular Meeting**

**MOTION** was made by Mr. Wilson, seconded by Mr. Bayer, and carried (7-0-2) to approve the minutes of October 11, 2011 as drafted. Commissioners Hulse and Nabulsi abstained.

**C. SITE DEVELOPMENT PLAN REVIEW**

**D. ACCEPTANCE OF NEW APPLICATIONS**

**1. SDP, Plan B Retail Design, 920 Danbury Road, Signage Modifications**

MOTION was made by Ms. Poundstone, seconded by Mr. Wilson, and carried unanimously (9-0) to accept the application and set a discussion date for November 14, 2011.

**E. PENDING APPLICATIONS**

**1. SUB#906, Hirsch/Josefsen, 2 Quiet Lake Lane & 144 Huckleberry Hill Rd, 3-lot subdivision**

The Commission reviewed draft Resolution #1011-3S.

The draft resolution was modified to address the fact that the open space waiver would not specifically run with the land, nor apply to any future subdivision application on the site. In response to concerns raised by Ms. Pratt regarding proper justification/finding for the granting of the open space waiver, the Commission added to the condition of approval the finding that the applicant specifically meets Section 4.5.2.1 of Subdivision Regulations, no new parcel is being established in Wilton, and substantial open space would continue to exist.

MOTION was made by Mr. Rudolph, seconded by Ms. Gould, and carried unanimously (9-0) to adopt as amended Resolution #1011-3S for SUB#906, effective October 27, 2011.

**WHEREAS**, the Wilton Planning and Zoning Commission has received a **Subdivision** application **SUB#906** from Leon C. Hirsch and Turi Josefsen, for a three-lot subdivision located on 2 Quiet Lake Lane and 144 Huckleberry Hill Road, in an R-2A District, Assessor's Map #138, Lot # 2 and Lot #3, 120.919 acres (in Wilton), owned by Leon C. Hirsch and Turi Josefsen and shown on the plans entitled:

Preliminary Subdivision Map, prepared for Leon C. Hirsch, prepared by Charles L. Leonard IV, land surveyor, dated August 5, 2010, at a scale of 1"=150'.

Septic System/Site Development Plan, Lot 1, Huckleberry Hill Road, prepared for Leon C. Hirsch and Turi Josefsen, prepared by Holt W. McChord, engineer, dated January 26, 2010, revised /issued July 7, 2011, at a scale of 1"=30', sheet # SE-1.

Construction Notes and Details, Lot 1, Huckleberry Hill Road, prepared for Leon C. Hirsch and Turi Josefsen, prepared by Holt W. McChord, engineer, dated January 26, 2010, revised /issued July 7, 2011, at a scale as shown, sheet # SE-2.

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Overall Septic System Location Plan, Lot 2, 144 Huckleberry Hill Road, prepared for Leon C. Hirsch and Turi Josefsen, prepared by Holt W. McChord, engineer, dated January 26, 2010, last revised October 12, 2011, at a scale of 1"=100', sheet # SE-3.

100% Replacement Septic System Plan, Lot 2, 144 Huckleberry Hill Road, prepared for Leon C. Hirsch and Turi Josefsen, prepared by Holt W. McChord, engineer, dated January 26, 2010, revised /issued July 7, 2011, at a scale of 1"=100', sheet # SE-4.

Construction Notes and Details, Lot 2, 144 Huckleberry Hill Road, prepared for Leon C. Hirsch and Turi Josefsen, prepared by Holt W. McChord, engineer, dated January 26, 2010, revised /issued July 7, 2011, at a scale as shown, sheet # SE-5.

Construction Notes and Details, Lot 2, 144 Huckleberry Hill Road, prepared for Leon C. Hirsch and Turi Josefsen, prepared by Holt W. McChord, engineer, dated January 26, 2010, revised /issued July 7, 2011, at a scale as shown, sheet # SE-6.

Overall Septic System Location Plan, Lot 3, 2 Quiet Lake Lane, prepared for Leon C. Hirsch and Turi Josefsen, prepared by Holt W. McChord, engineer, dated January 26, 2010, revised /issued July 7, 2011, at a scale of 1"=100', sheet # SE-7.

100% Replacement Septic System Plan, Lot 3, 2 Quiet Lake Lane, prepared for Leon C. Hirsch and Turi Josefsen, prepared by Holt W. McChord, engineer, dated January 26, 2010, revised /issued July 7, 2011, at a scale of 1"=30', sheet # SE-8.

Construction Notes and Details, Lot 3, 2 Quiet Lake Lane, prepared for Leon C. Hirsch and Turi Josefsen, prepared by Holt W. McChord, engineer, dated January 26, 2010, revised /issued July 7, 2011, at a scale as shown, sheet # SE-9.

**WHEREAS**, the Planning and Zoning Commission has conducted a public hearing on September 12, 2011 and October 24, 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 October 27, 2011 the Wilton Planning and Zoning Commission **APPROVES** the three-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 address shall be determined by the New Canaan Planning and Zoning Department

Lot #2 shall remain 144 Huckleberry Hill Road, (Map#138, Lot#2)

Lot #3 shall remain 2 Quiet Lake Lane, (Map#138, Lot#3)

4. For this particular application, the Commission waives the requirement for the dedication of open space. Such condition constitutes a waiver and does not run with the land nor shall it apply to any future subdivision application. This waiver is granted on the finding that the applicant meets Section 4.5.2.1. of the Subdivision Regulations, no new parcel is being established in Wilton and substantial open space will continue to exist.

**B. PERTAINING TO BOTH LOTS #2 and #3 (In the event Lot #2 and/or Lot #3 undergoes new development or redevelopment)**

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. 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.
8. 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.
9. 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**

10. The Final Subdivision Plan shall be revised to include the following:



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- a. The address designation within each approved lot as specified herein.
- b. The note: “Subdivision #906 for conditions of approval see Resolution #1011-3S
- 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**

11. 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. *The Well Easement and Maintenance Agreement* shall be subject to review and approval by Town Counsel and staff and the document shall be filed with the Town Clerk.

**E. PRIOR TO THE ISSUANCE OF A ZONING PERMIT (In the event Lot #2 and/or Lot #3 undergoes new development or redevelopment)**

12. A site plan shall be submitted for review and approval by the Commission’s staff prior to obtaining a zoning permit for the re-development of either Lot #2 and/or Lot #3. 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.
13. Prior to obtaining a zoning permit for the re-development of either Lot #2 and/or Lot #3, 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.
  14. A bond estimate for all site work shall be provided by the applicant to the Commission's staff for the redevelopment of either Lot#2 or Lot#3, which shall include, but not be limited to sedimentation and erosion controls, tree protection, 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.
  15. Zoning permits involving new construction for either Lot#2 or Lot#3 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.
  16. 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.
  17. 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  
(In the event Lot #2 and/or Lot #3 undergoes new development or redevelopment)**

18. All utilities for either Lot#2 or Lot #3 shall be installed underground prior to the issuance of a certificate of zoning compliance.
19. 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.
20. 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.
21. An engineer's as-built hydrology report, plan and certification shall be submitted prior to zoning compliance for each lot.
22. The applicant's land surveyor shall submit an as-built survey indicating building and site coverages.

2. **SP#374, i.park Norwalk, LLC, Danbury Road and Kent Road (a/k/a Assessor's Map 83, Lot 26), Requesting special permit pursuant to Section 29-7.C.2.k. of zoning regulations for an addition to an existing health and fitness club**

The Commission reviewed draft Resolution #1011-23P.

MOTION was made by Ms. Gould, seconded by Mr. Bayer, and carried unanimously (9-0) to adopt as drafted Resolution #1011-23P for SP#374, effective October 27, 2011.

**WHEREAS**, the Wilton Planning and Zoning Commission has received Special Permit application #374 from i.park Norwalk, LLC to permit the expansion of an existing health and fitness club for property located at Danbury Road and Kent Road (a/k/a 761 Main Ave., Norwalk), located in a Design Enterprise "DE-5" District, a/k/a Assessor's Map #83, Lot #26, consisting of 10.676± acres, owned by i.park Norwalk, LLC c/o National Resources Investments, LLC and shown on the plans entitled:

Zoning Location Survey-Prepared for I.Park Norwalk, LLC, Prepared by William Giel, surveyor, dated October 3, 2011, scale 1"=100', sheet #1.

Zoning Location Survey-Prepared for I.Park Norwalk, LLC, Prepared by William Giel, surveyor, dated October 3, 2011, scale 1"=100', sheet #2.

ALTA/ACSM Land Title Survey-Prepared for I.Park Norwalk, LLC, Prepared by William Giel, surveyor, dated December 22, 2010, revised May 9, 2011, scale 1"=50', sheet #1.

ALTA/ACSM Land Title Survey-Prepared for I.Park Norwalk, LLC, Prepared by William Giel, surveyor, dated December 22, 2010, revised May 9, 2011, scale 1"=50', sheet #2.

ALTA/ACSM Land Title Survey-Prepared for I.Park Norwalk, LLC, Prepared by William Giel, surveyor, dated December 22, 2010, revised May 9, 2011, no scale noted, sheet #3.

Overall Site Plan-Prepared for i.park 7, Prepared by Stephen Pustola, engineer, dated April 13, 2011, last revised October 19, 2011, scale 1"=100', sheet #SP-1.

Overall Site Plan-Prepared for i.park 7, Prepared by Stephen Pustola, engineer, dated April 13, 2011, last revised October 19, 2011, scale 1"=20', sheet #SP-2.

Expanded Elevation and Floor Plan-Prepared for LA Fitness Inc., Prepared by Terry Namnich, director of design, dated December 17, 2010, no scale noted.

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

**WHEREAS**, the Planning and Zoning Commission finds that the application is in compliance with the Wilton Zoning Regulations; and

**WHEREAS**, the Planning and Zoning Commission finds that the proposal represents an expansion of an existing health and fitness club and such expansion is not out of character with either the existing facility or current assemblage of uses within the office park.

**NOW THEREFORE BE IT RESOLVED** effective October 27, 2011, the Wilton Planning and Zoning Commission **APPROVES** the requested Special Permit application (**SP#374**) to permit the expansion of an existing health and fitness club, for property located at Danbury Road and Kent Road (a/k/a 761 Main Ave., Norwalk), 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 site plan shall be completed within five (5) years of the effective date of this resolution. This five-year period shall expire on October 27, 2016.
3. The site plan shall be revised so as to increase the length of the “hammerhead” turnaround area near the transformer. A proposed tree adjacent to this area shall be relocated slightly so as to not interfere with the turnaround improvement. Said change shall be depicted on the final set of plans.
4. An itemized bond estimate for site work shall be provided by the applicant to the Town Planner, which shall include, but not be limited to sedimentation and erosion controls, paving, striping, landscaping, tree protection, and seeding. 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, prior to the issuance of any zoning permit.
5. Any additional new lighting shall be subject to staff review and approval prior to the issuance of a zoning permit.
6. The wheelchair accessible loading and unloading areas shall be cross-hatched per the State Building Code prior to the issuance of a zoning compliance certificate.
7. Prior to the commencement of construction, all trees on the property that are to be preserved shall be properly identified and flagged.
8. There shall be no construction activities on the site on Sundays or 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. This condition does not apply to interior finish work performed within a fully-enclosed building.

9. A copy of this resolution shall be given to the construction manager and shall be available on site during construction.

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

10. Three (3) completed revised sets, (collated and bound) shall be submitted to the Commission's office for endorsement as "Final Approved Plan" by the Town Planner prior to receiving a zoning permit. Said plans shall include all revisions noted above and shall bear an ORIGINAL signature, seal and license number of the professional responsible for preparing each plan or portion of it. Said plans shall include the following notes:
  - a. "According to Section 8-3.(i) of the Connecticut General Statutes, all work in connection with this site plan shall be completed within five years after the approval of the plan. Said five-year period shall expire on October 27, 2016."
  - b. "For conditions of approval for Special Permit #374, see Resolution #1011-23P."

- END RESOLUTION -

**F. COMMUNICATIONS**

**G. REPORT FROM CHAIRMAN**

There was a brief discussion regarding the possibility of canceling the previously scheduled Special Meeting of November 7, 2011 and postponing the planned discussion of adaptive use regulations until the regularly scheduled meeting of November 14, 2011. It was the consensus of the Commission to hold off on the final decision until Commissioners have had an opportunity to review the most recent affordable housing revisions prepared by Town Planner Nerney. It was also suggested that new Commissioners be invited to attend the November 14<sup>th</sup> regular meeting.

**H. REPORT FROM PLANNER**

**I. FUTURE AGENDA ITEMS**

**J. ADJOURNMENT**

MOTION was made by Mr. Wilson, seconded by Mr. Hulse, and carried unanimously (9-0) to adjourn at 8:55 P.M.

Respectfully submitted,

Lorraine Russo  
Recording Secretary