

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

## **WILTON PLANNING & ZONING COMMISSION MINUTES NOVEMBER 28, 2011 REGULAR MEETING**

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

**ABSENT:** Bas Nabulsi (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**

No public hearings scheduled.

### **REGULAR MEETING**

**A.** Ms. Poundstone called the Regular Meeting to order at 7:15 P.M., seated members Bayer, Gardiner, Hulse, Poundstone, Pratt, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

### **B. APPROVAL OF MINUTES**

#### **1. November 14, 2011 – Regular Meeting**

**MOTION** was made by Mr. Rudolph, seconded by Mr. Wilson, and carried (7-0) to approve the minutes of November 14, 2011 as drafted.

**C. SITE DEVELOPMENT PLAN REVIEW**

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

Continued until December 12, 2011 at the request of the applicant.

**D. ACCEPTANCE OF NEW APPLICATIONS**

**E. PENDING APPLICATIONS**

**F. COMMUNICATIONS**

**1. SP#326A, 118 Old Ridgefield Road, LLC, 118 Old Ridgefield Road, Request an extension of deadline for completion of site work from October 25, 2012 to October 25, 2017**

Mr. Nerney explained that, per Connecticut General Statutes, all work in connection with a site development plan must be completed within 5 years from date of approval, with extensions permitted that would bring the total time for completion of site work to a maximum of 10 years from date of approval. He stated that the applicant is requesting a 5-year extension for completion of site work at 118 Old Ridgefield Road until October 25, 2017, noting that such extensions have been granted by the Commission fairly routinely in the past.

Mr. Rudolph raised the possibility of approving a 2 or 3 year extension instead of 5 years to maintain a bit more control over the completion timeframe, noting that it is to Wilton's benefit to get the structure built sooner as opposed to later.

Mr. Bayer felt that the only rationale for reducing the extension period is if there had been some change in zoning regulations that would not currently allow them to develop what was originally approved; otherwise, he felt that such a limitation could be considered punitive.

Ms. Pratt noted that the Village District Consultant Committee (VDCC) was formed sometime after the subject application was approved, and its responsibility is to review such applications and provide recommendations to the Commission. In light of the subject site's location in Wilton Center (which is under the purview of the VDCC), she suggested that the requested 5-year extension could perhaps be approved with a requirement that the application must go before the VDCC for its review prior to

developing the site.

Mr. Nerney advised against such a condition. He noted that Connecticut Statutes give the Commission discretion to extend or not extend a deadline for completion of site work, but they do not permit another look at/review of the application or the imposition of another layer of requirements.

Mr. Bayer noted that the subject application was reviewed at the time of approval by the Design Advisory Board, which provided recommendations that were ultimately incorporated into the final approved plans.

Mr. Nerney explained that the Design Advisory Board was the precursor to the current VDCC, the major difference being that the Planning and Zoning Commission can now deny an application on the basis of recommendations provided by the VDCC, whereas the Design Advisory Board was purely an advisory body. However, he noted that the current approved plans for the subject site, which include modifications incorporated at the suggestion of the Design Advisory Board, could not be modified by the applicant without coming back before the Commission for approval.

MOTION was made by Mr. Bayer to grant a 5-year extension of the deadline to complete the site work at 118 Old Ridgefield Road.  
Motion failed due to lack of a Second.

MOTION was made by Mr. Rudolph, seconded by Mr. Wilson, and carried (6-1) to grant a 3-year extension until October 25, 2015 of the deadline to complete site work at 118 Old Ridgefield Road. Mr. Bayer opposed.

Ms. Gould arrived and was seated at 7:35 P.M.

**G. REPORT FROM CHAIRMAN**

Ms. Poundstone reminded Commissioners of an upcoming dinner to recognize retiring Commissioners on Thursday, December 1, 2011 at 6:30 P.M.

**H. REPORT FROM PLANNER**

**I. FUTURE AGENDA ITEMS**

**J. REVIEW OF CURRENT REGULATIONS AND CONSIDERATION OF POSSIBLE AMENDMENTS**

Commissioners reviewed the most recent Affordable Housing Regulations draft dated November 15, 2011.

MOTION was made by Mr. Rudolph, seconded by Mr. Wilson, to approve the Affordable Housing Regulations draft document dated November 15, 2011, as written, and to move it forward to a Public Hearing.

Prior to voting on the motion, Ms. Pratt questioned the language of paragraph 10.a (page 1 of the draft) pertaining to the number of bedrooms required for affordable housing units and the use/meaning of the term “equivalent”. After some discussion, it was the consensus of the Commission to eliminate the reference to number of bedrooms, as well as use of the word “equivalent”, so that the revised first portion of the section would indicate that affordable housing units shall, at the discretion of the Commission, be of similar construction quality, size and finish to market-rate units within the development.

Ms. Gould stated for the record that she was sorry the option of developing an affordable housing fund (which she felt was a very forward-looking idea/concept) had been removed from the revised amendment. She cited a recent example of a foreclosed South Wilton home selling at a deeply discounted price, which she felt represented an example of a potentially smart purchase that such a fund could make (if it were available), and which could then be quickly transferred to the next qualified person on the affordable housing list.

Mr. Hulse stated that he, too, favored creation of such a fund.

Mr. Nerney explained that New Canaan has proceeded in that direction and has established a Housing Authority as well as a Housing Commission with a staff position. He felt that while it is a noble idea, such a policy should be established by the Board of Selectmen and not by a Town land use body such as the Planning and Zoning Commission.

MOTION was again made by Mr. Rudolph, seconded again by Mr. Wilson, and carried (6-2) to approve the Affordable Housing Regulations draft document, dated November 15, 2011, as amended in paragraph 10.a, and to move it forward to a Public Hearing. Commissioners Gould and Hulse opposed.

**K. ADJOURNMENT**

MOTION was made by Mr. Wilson, seconded by Mr. Bayer, and carried unanimously (8-0) to adjourn at 7:55 P.M. into an Executive Session to discuss pending litigation pertaining to Hirsch Subdivision #906 at 2 Quiet Lake & 144 Huckleberry Hill Road.

**L. EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION PERTAINING TO HIRSCH SUBDIVISION #906 AT 2 QUIET LAKE & 144 HUCKLEBERRY HILL ROAD**

The Commission adjourned out of Executive Session at approximately 8:10 P.M. No actions were taken.

Respectfully submitted,

Lorraine Russo  
Recording Secretary