

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 FEBRUARY 27, 2012 REGULAR MEETING

PRESENT: Chairman John Wilson, Vice Chairman L. Michael Rudolph, Secretary John Gardiner, Commissioners Lori Bufano, Marilyn Gould, Chris Hulse, Bill McCalpin, Dona Pratt, and John Weiss

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. REG#12335, Town of Wilton, Amendments to Section 29-5.B.10 of zoning regulations pertaining to affordable housing in DRD, THRD and CRA-10 multi-family residential districts**

Mr. Wilson called the Public Hearing to order at 7:15 P.M., seated members Bufano, Gardiner, Hulse, McCalpin, Pratt, Rudolph, Weiss, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. He noted that the hearing was continued from a prior date.

Ms. Gould arrived and was seated at 7:17 P.M.

Present were Jerry Effren, Greyrocks of Wilton; and Steven Grushkin, attorney for Jerry Effren.

Mr. Grushkin distributed "Proposed Amendment Section 29-5.B.10" representing revisions to the Commission's proposed amendments (REG#12335), noting that underlining within the document represents additions, and shadowed-out/cross-out text

represents deletions. He noted that one of Mr. Effren's main concerns with the amendments as currently proposed by the Commission is that the number of total units permitted on such a site is reduced by the number of off-site affordable units. He felt that this type of approach makes no economic sense because it increases the overall cost of such a development and thus stifles the affordable housing concept.

He repeated the concern/contention that all existing affordable housing regulations speak in terms of multi-family type units and therefore should not be applied to single family residences, particularly million-dollar plus homes that would be required per current affordable housing regulations to be sold for \$300,000 - \$400,000, and/or rented in the range of \$1500+/- per month. He stated that a developer should be required to go out into the open market and purchase housing units whose cost would be equal to what a median-income family in the community could afford to buy and then be required to sell or lease the property to people who earn 80% of that median amount, per affordable housing guidelines.

He referenced pages 15-16 of the aforementioned "Proposed Amendment Section 29-5.B.10" submission as the real substantive modifications within the proposed document. Elaborating further, he cited the following example: Given the currently defined median income of \$125,700 for the area and a corresponding mortgage allowance of 30% (i.e. \$37,710), a developer would be required to go off-site and purchase a home somewhere in the range of \$600,000 (depending on mortgage rates and assuming 20% down). He would then be forced to advertise the home as an affordable housing unit and sell it for 80% of that amount (i.e. \$480,000). He noted that in the foregoing example the price/cost of such a home would be defined as the purchase price plus the cost of improvements, and he noted further that all numbers cited would fluctuate based on variations in median income, mortgage interest rates, etc.

In response to questions from the Commission, Mr. Effren explained that in his development on River Road, per current affordable housing regulations, he would be forced to sell an affordable unit for approximately \$480,000 whereas the comparable market-priced unit would sell for \$1 million or more, in addition to the fact that the affordable unit would have to be substantially the same as the market-rate unit.

In response to further questions from the Commission regarding the development on River Road, Mr. Grushkin referenced page 16 of the aforementioned document, proposing that if a developer is constructing single family style homes, then said development should be excluded from affordable housing requirements if the average purchase price of the single family homes to be constructed exceeds 20% of the required cost (per previous example) of an off-site affordable housing unit (i.e. if greater than $\$720,000 = 120\% \times \$600,000$ in the previous example). He acknowledged that the aforementioned proposal would result in an exemption for the property on River Road, although he affirmed their desire/attempt to craft a proposed amendment that would apply

to the Town at large and not just to the parcel on River Road. He felt strongly that the current affordable housing regulations, as written, do not make sense, particularly when a developer is being asked to sell a million-dollar plus residence for somewhere in the range of \$480,000 and where fully 50% of the community's population would be able to only afford a home with a market-rate value of that same \$480,000 amount.

Mr. Nerney felt that it would be fair to say that there is a "disconnect" between current affordable housing regulations and the type of product that Mr. Effren is proposing to develop on River Road. He suggested that the Commission and staff take some time to review the proposal submitted this evening and that it also be forwarded to Town Counsel for additional review/comments. Referencing the River Road development and the fact that it is currently "dead in the water", he acknowledged that there are public interests that come into play as to the best type of development for that area and the need to properly balance both the interests of the community and the developer.

Regardless of the particular project on River Road, Ms. Gould felt that Wilton's affordable housing regulations, drafted years ago, were poorly done. She noted the importance of making these regulations work for this community. She was in favor of eliminating the existing regulations and starting all over from a much simpler point of view.

Ms. Pratt questioned the logic of requiring that a \$1.2 million home be categorized as affordable housing and requiring it to be sold in the \$400,000 range. She cited in particular the high cost of maintenance/upkeep alone on such a home. She suggested one possible on-site affordable option whereby homes that are not necessarily the same on the inside, but are compatible on the exterior and look good/blend well together, might be permitted as part of an affordable-housing integrated site. She noted that this could be in addition to offering an off-site alternative as well.

When questioned further by Mr. Rudolph as to what exactly Mr. Effren is seeking in connection with his River Road site, Mr. Grushkin stated that the site should be exempt from any affordable housing component, given the type and cost of the units being proposed. Mr. Rudolph asked if Mr. Effren would consider reducing the number of units proposed for the site. Mr. Grushkin explained the difficulties of such an option, given the amount of capital already invested in infrastructure for the site (e.g. infiltrators, rain gardens, drainage, paving, etc.). Mr. Effren agreed, noting that reducing the number of units by even one (i.e. from 20 to 19) would be a more expensive alternative than doing the off-site option per the Commission's current proposal.

Mr. Wilson asked if anyone in the audience wished to speak for or against the application.

Jim Sabino, 25 Oak Ledge Lane, noted that he is the spokesperson for the neighborhood, which wishes to see the project built. He explained that neighbors are happy with the

quality of the homes originally proposed, noting that it would be preferable to a much larger Avalon type of development. Referencing the current economy, the fact that times have changed, and noting that affordable housing doesn't seem to make sense in that location and with that type of development, he urged the Commission to grant an exemption that would permit Mr. Effren to build 20 market-rate units on the site.

It was the general consensus of Commissioners that they would review the additional materials submitted this evening and discuss the application further at the next meeting. Mr. Nerney noted that Town Counsel would be consulted on the matter as well.

Mr. Wilson requested that a copy of the final November 15, 2011 version of the proposed amendment be forwarded to all Commissioners.

MOTION was made by Ms. Gould, seconded by Mr. Hulse, and carried (9-0) to close the public hearing.

There being no further comments from the Commission or the public, at 8:06 P.M. the Public Hearing was closed.

2. **REG#12337, Kevin O'Brien, Amend Sections 29-6.C.6.d, 29-6.E.1 and 29-6.E.2 for revised area and bulk requirements in Wilton Center District**

and

3. **REG#12338, Kevin O'Brien, Amend Section 29-6.C.4.b pertaining to Special Permit Uses in the Wilton Center District when property is located within 1000 feet from Wilton train station**

and

4. **CHZ#12339, Kevin O'Brien, 291 & 300 Danbury Road & 7 Station Road, Zone change from General Business (GB) and Residential (R-1A) to Wilton Center (WC) District**

Mr. Wilson called the Public Hearing to order at 8:06 P.M., seated members Bufano, Gardiner, Gould, Hulse, McCalpin, Pratt, Rudolph, Weiss, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. He noted that the three hearings were continued from a previous meeting and would again be heard concurrently this evening.

Present was Kevin O'Brien, on behalf of the applicants.

Mr. O'Brien briefly summarized details of the three applications, citing proposed bulk/area revisions for the Wilton Center District; proposed increase to permitted number of dwelling units when located within 1000 feet from the Wilton train station; and proposed zone change for the subject properties. He felt that the site at 300 Danbury Road is much better suited to Wilton Center zoning than General Business, noting that Wilton Center zoning would better maintain the historic nature of the site and avoid the influx of large retailers onto the site.

Mr. O'Brien addressed the issue of the zone change for the parcels on the west side of Route 7, which was referred to at the previous meeting as the "weakest part" of the subject application. He stated that he still felt it would be advantageous from the Town's perspective to change the zoning designation of those parcels, noting that if the State (current owner) were to ever lease the property out to a private developer, then any proposed development would be subject to review by the Planning and Zoning Commission, and also by the Village District Committee for design elements. However, he distributed a letter indicating that if the Commission is opposed to a zone change for those parcels, the applicant would be amenable to withdrawing that portion of the application.

Mr. Gardiner noted for the record that he had read the minutes and listened to the recording of the previous meeting.

In response to questions from the Commission, Mr. O'Brien noted that the parcels on the west side of Route 7 are currently zoned residential R-1A. He noted further that the Town has been trying for a number of years to obtain a grant to connect the train station parcel via a walkway to Wilton Center, and he felt that the proposed zone change to Wilton Center zone might facilitate such a grant request. Ms. Gould felt that the zoning of the train station parcel had nothing to do with any previous grant request/denial.

Mr. O'Brien explained that the applicant wishes to move forward with applications to the Zoning Board of Appeals and to the Inland Wetlands Commission, noting that by the time the applicant comes back before the Planning and Zoning Commission with a finalized site plan proposal, the plans as put forth in the subject application may change somewhat.

Addressing the issue of variances, Mr. O'Brien noted that several variances were already approved for the property back in the mid 1980s, although he felt that the applicant might also need a variance to expand parking and to knock down and rebuild one of the existing buildings that is in a state of disrepair.

It was also noted by the Commission that while the applicant is only proposing an increase in apartments from 10 to 14, the amendment as proposed would actually permit a total of 24 units on the site. Mr. O'Brien reminded Commissioners that on a comparable DRB-zoned site, 24 such units would be permitted today. Mr. Nerney noted further that

any such application would still be subject to the Special Permit process and all the requirements therein.

Mr. Wilson asked if anyone in the audience wished to speak for or against the application.

MOTION was made by Ms. Gould, seconded by Mr. Weiss, and carried (9-0) to close the public hearing.

There being no further comments from the Commission or the public, at 8:24 P.M. the Public Hearing was closed.

5. SP#376, Fosterhouse, LLC, 122 Olmstead Hill Road, Construction of an accessory dwelling unit

Mr. Wilson called the Public Hearing to order at 8:24 P.M., seated members Bufano, Gardiner, Gould, Hulse, McCalpin, Pratt, Rudolph, Weiss, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Gardiner read the legal notice dated February 14, 2012.

Mr. Wilson noted that the applicant had requested a continuance of the hearing until March 12, 2012. He asked whether anyone in the audience wished to speak for or against the application.

Mr. Gardiner referred for the record to a 2-page Planning and Zoning Staff Report dated February 21, 2012; a memorandum dated February 24, 2012 from Jennifer M. Zbell to Bob Nerney; a 3-page response letter dated February 23, 2012 from J. Casey Healy to Planning and Zoning Commission, with attached affidavit; a 2-page letter dated February 27, 2012 from H. Casey Cordes to John Wilson; and a letter dated February 27, 2012 from J. Casey Healy to Planning and Zoning Commission requesting a continuance until March 12, 2012.

There being no further comments from the Commission or the public, at 8:27 P.M. the Public Hearing was continued until March 12, 2012.

REGULAR MEETING

A. Mr. Wilson called the Regular Meeting to order at 8:27 P.M., seated members Bufano, Gardiner, Gould, Hulse, McCalpin, Pratt, Rudolph, Weiss, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. February 13, 2012 – Regular Meeting

MOTION was made by Mr. McCalpin, seconded by Ms. Pratt, and carried (7-0-2) to approve the minutes of February 13, 2012 as drafted. Commissioners Gardiner and Hulse abstained.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

E. PENDING APPLICATIONS

- 1. REG#12336, Gregory and Adams, P.C., Amendments to Sections 29-2.B and 29-5.C.1 of zoning regulations pertaining to employee housing at private membership recreation clubs as a customary and incidental accessory use**

Withdrawn at the request of the applicant.

- 2. REG#12335, Town of Wilton, Amendments to Section 29-5.B.10 of zoning regulations pertaining to affordable housing in DRD, THRD and CRA-10 multi-family residential districts**

Tabled.

- 3. REG#12337, Kevin O'Brien, Amend Sections 29-6.C.6.d, 29-6.E.1 and 29-6.E.2 for revised area and bulk requirements in Wilton Center District**

and

- 4. REG#12338, Kevin O'Brien, Amend Section 29-6.C.4.b pertaining to Special Permit Uses in the Wilton Center District when property is located within 1000 feet from Wilton train station**

and

- 5. CHZ#12339, Kevin O'Brien, 291 & 300 Danbury Road & 7 Station Road, Zone change from General Business (GB) and Residential (R-1A) to Wilton Center (WC) District**

Commissioners Wilson and Weiss both supported the applications as proposed, noting in particular their consistency with the intent of the Plan of Conservation and Development.

Ms. Gould noted for the record that the proposed modifications, particularly pertaining to the allowance of 10 dwelling units per acre within 1000 feet of the Wilton train station, would not be affecting the subject property alone, but rather would apply to the entire Wilton Center zone. She cautioned further that such modifications are being proposed with an eye toward subdividing the subject property into 2-3 parcels, at which time new owners might develop the property and change the density substantially from what has been shown during the course of these hearings.

Mr. Gardiner noted that the proposed increase in dwelling units would only apply if within 1000 feet of the Wilton train station. Mr. Nerney noted further that the Commission would retain some protection and the ability to impose conditions via the Special Permit process with respect to issues such as parking, character, scale, etc.

Ms. Gould expressed further concern regarding the applicant's proposed rezoning of the train station parcels. When Ms. Gould pointed out that the Town holds the greatest degree of control over the parcels today due to their current R-2A residential zoning status, it was the consensus of the Commission to exclude those parcels from the rezoning request.

The Commission requested that staff prepare a draft resolution of approval for the three subject applications for vote at the next meeting, subject to a condition to delete the parcels on the west side of Danbury Road from the change of zone approval.

F. COMMUNICATIONS

G. REPORT FROM CHAIRMAN

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

1. **SP#375, 190 Danbury Road Associates, LLC, 186-190 Danbury Road, To allow construction of new car showroom and on-site new vehicle display and storage area [P.H. March 26, 2012]**

[Public Hearing date changed from March 12, 2012 to March 26, 2012 due to scheduling issues.]

2. **SDP, ABC Sign Corporation, 19 Danbury Road, LLC, Alternative Signage [Discussion March 12, 2012]**
3. **SUB#907, Cronin, 215 Belden Hill Road, 2-lot subdivision [P.H. March 26, 2012]**

J. ADJOURNMENT

MOTION was made by Mr. Hulse, seconded by Ms. Bufano, and carried unanimously (9-0) to adjourn at 8:48 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary