

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

WILTON PLANNING & ZONING COMMISSION MINUTES MARCH 12, 2012 REGULAR MEETING

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

ABSENT: Commissioners McCalpin and Pratt (notified intended absences)

ALSO

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

PUBLIC HEARINGS

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

Mr. Wilson called the Public Hearing to order at 7:16 P.M., seated members Bufano, Gardiner, Gould, Hulse, 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 previous date.

Mr. Wilson stated that the applicant had requested a continuance of the hearing until April 9, 2012. He asked if anyone in the audience wished to speak for or against the application.

There being no comments from the Commission or the public, at 7:17 P.M. the Public Hearing was continued until April 9, 2012.

REGULAR MEETING

- A. Mr. Wilson called the Regular Meeting to order at 7:17 P.M., seated members Bufano, Gardiner, Gould, Hulse, Rudolph, Weiss, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. February 27, 2012 – Regular Meeting

MOTION was made by Ms. Gould, seconded by Mr. Gardiner, and carried (7-0) to approve the minutes of February 27, 2012 as drafted.

C. SITE DEVELOPMENT PLAN REVIEW

1. SDP, ABC Sign Corporation, Wilton Plaza, Inc., 19 Danbury Road, LLC, Alternative Signage

Present was Larry Bourke, ABC Sign.

Mr. Bourke reviewed plans for two ground signs at Wilton Plaza, 19 Danbury Road. He cited the uniqueness of the site, given its shallow depth and 700+ feet of frontage along Danbury Road, noting that two signs would be more effective as well as safer than one large sign currently permitted by regulations. He explained that there have been ongoing enforcement battles regarding temporary signage that has been installed along Danbury Road over the years, all of which would be addressed by the signage proposed.

Ms. Gould cited the many ongoing signage issues that have arisen over the years, noting that it would be advantageous to clean up the site, both from a visual and an improved ingress/egress perspective.

Addressing a concern expressed by Mr. Wilson regarding sight lines, Mr. Bourke explained that the sign on the northern end of the property would not be a problem since there is no driveway near its proposed location, and the sign on the southern end would be placed within a planting island and would also not have any effect on sight lines.

Addressing another question from Mr. Wilson regarding legibility of the sign for passengers in moving cars, Mr. Bourke stated that 4-inch size letters is typical for most communities.

Commissioners suggested removing the bottom one or two panels from the signage as currently proposed, citing snow coverage issues and legibility, and replacing the proposed

lighting pole with hidden, indirect lighting options.

Responding to a suggestion from Mr. Nerney, Mr. Bourke agreed to set up to-scale signage mock-ups in the locations proposed so that Commissioners might obtain a better idea of the visual impacts on the area. It was agreed that Mr. Bourke would let Mr. Nerney know, and Mr. Nerney would advise Commissioners, when the mock-ups would be installed.

The discussion was continued until March 26, 2012.

D. ACCEPTANCE OF NEW APPLICATIONS

E. PENDING APPLICATIONS

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 noted that the Commission is still waiting for comments from Town Counsel.

Mr. Nerney distributed copies of an “Affordable Housing Calculations for Zoning” worksheet, summarizing affordable housing examples per the methodology proposed by Mr. Effren (Greyrocks developer) at the last hearing. He briefly reviewed the calculations, noting that under his proposed affordable off-site housing requirement, a developer would be required to spend approximately \$550,000 to purchase and/or fix up a qualified home, which would then sell per affordable housing guidelines for approximately \$435,000. Mr. Nerney explained that the foregoing calculations pre-suppose a median income of \$125,000, of which 80% represents the qualifying affordable income (i.e. \$100,000) and 30% would be the amount available to be spent for affordable housing (i.e. \$30,000) by a qualified buyer.

Further, Mr. Nerney noted that if an on-site development has homes selling for \$660,000 or more (i.e. 120% x \$550,000), then Mr. Effren’s proposal would exclude that development from any affordable housing requirements on the premise that such housing should not be subsidized beyond what median income earners would otherwise be able to afford.

In response to further questions from Commissioners, Mr. Nerney referenced proposed amendment Section 29-5.B.10.s, indicating that any off-site option would be “at the Commission’s sole discretion”, and he also noted that any development generating greater than five required affordable housing units would not be able to take advantage of the off-site option.

Ms. Gould stated that she was philosophically opposed to affordable housing as currently proposed and regulated by the Town. She reviewed the original premise underlying the concept, noting that it was originally based on the granting of greater value to owners/developers (i.e. a developer was required to provide a certain percentage of affordable housing units in exchange for moving from a one-acre residential zone to a multi-family townhouse type zone). She explained that in such a situation the developer had essentially received a density bonus as an offset, which she noted is no longer an integral component of affordable housing regulations. She also objected to the requirement that affordable housing units be substantially identical to market-rate units, particularly when such units may be priced as high as \$1+ million.

She stated that affordable housing should be designated as such in perpetuity, rather than expiring after 20 or 30 years. She felt that the concept is not workable for small-sized developments, but rather only worked well when spread over a larger number of units where the added costs were better absorbed/offset by the density bonus that was gained by the developer in such instances. She felt that the burden of affordable housing in small developments falls upon the shoulders of a few who provide big breaks/benefits to a small number of beneficiaries and, as such, is social manipulation/engineering. Consequently, she stated that she would vote against the application as proposed and suggested revamping the proposed regulations completely.

Mr. Hulse suggested the formation of an affordable housing fund to offset rental costs, which he felt would go a much longer way towards meeting the Town's affordable housing goal as compared to purchasing off-site housing, although it was acknowledged that such a proposal would present administrative/financial issues for the Town.

Ms. Gould felt that affordable regulations should only apply to larger-sized developments and not to 5, 10 or 15-unit sites. She thought that 40 units would make sense, or perhaps even 20 units, but she felt that it must primarily make economic sense. A discussion ensued regarding the minimum number of units that might trigger an affordable housing requirement, but a specific number was not agreed upon.

Addressing the issue of the River Road site, Ms. Gould stated that her preference would be to rewrite the affordable housing regulations, noting that if Mr. Effren's site were no longer covered under such revised regulations, then he should withdraw his previously approved application and re-file pursuant to the new set of regulations.

Commissioners briefly discussed again and agreed that the references to "size" and "finish" in proposed amendment Section 29-5.B.10.a should be removed since they did not feel that developers should be required to provide the same size/level of amenities, etc. in affordable units as are provided in the market-rate units.

Mr. Hulse felt that owners of affordable single-family homes would have no incentive to improve their properties since they would not be able to reap the gains of any such improvements when sold, nor would they be likely to have the resources to properly maintain such homes. He felt that rentals would be more conducive to the affordable housing concept. Ms. Gould concurred, suggesting that condominium-style ownership would also work since maintenance is taken care of as part of monthly common charges. She referenced seven existing affordable housing units at Lambert Commons which she felt have worked out well over the years.

Mr. Wilson stated that he would prefer to hear from Town Counsel on the matters discussed this evening, suggesting that Counsel could perhaps be available for one of the Commission's regularly scheduled meetings. Mr. Nerney suggested that discussion on the matter could possibly be combined with a training session that had previously been considered. It was decided that Mr. Nerney would discuss the logistics of such a meeting with Mr. Wilson and get back to the Commission regarding the details.

At 8:09 P.M., further discussion was tabled until a later date.

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

The Commission briefly discussed draft Resolution #0312-2REG.

MOTION was made by Mr. Rudolph, seconded by Mr. Wilson, and carried unanimously (7-0) to adopt as drafted Resolution **#0312-2REG** for **REG#12337**, effective March 15, 2012.

WHEREAS, the Wilton Planning and Zoning Commission accepted application #12337 for amendments to Section 29-6.C.6.d., Section 29-6.E.1., and Section 29-6.E.2. of the Zoning Regulations of the Town of Wilton pertaining to setback requirements within the Wilton Center (WC) district; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing on February 13, 2012 and February 27, 2012 to receive comment from the public and has fully considered all evidence submitted at said hearing; and

WHEREAS, the proposed regulation is consistent with the 2010 Plan of Conservation and Development that recognizes the desirability of enhancement design criteria; particularly for prominent gateway locations into the village center.

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission **APPROVES** application #12337 effective March 15, 2012 as follows:

Section 29-6.C.6.d.

6. Additional Requirements for Wilton Center District:

- d. The maximum front yard setback for all new buildings shall be 20 feet, excepting properties that front on Danbury Road (U.S. Route 7).

Section 29-6.E.1.

E. AREA AND BULK REQUIREMENTS:

- 1. Minimum Front Yard WC-Wilton Center
10*(d)

(d) Where property fronts on Danbury Road (U.S. Route 7) 50 feet except that where no parking is provided in the front yard, only 30 feet shall be required. In either case, a 10 foot minimum width landscaped area approved by the Commission shall be provided along the front lot line, except where driveway entrances and exits are located.

Section 29-6.E.2.

E. AREA AND BULK REQUIREMENTS:

- 2. Maximum Front Yard WC-Wilton Center
20*(e)

(e) Where the property fronts on Danbury Road (U.S. Route 7), 75 feet.

- End Resolution -

- 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**

The Commission briefly discussed draft Resolution #0312-3REG.

Ms. Gould expressed concern with the potential number of dwelling units that would be permitted on the 300 Danbury Road site if it were to be divided into three separate parcels in the future.

Mr. Rudolph noted that ultimately any such units would have to be approved by the Commission via a Special Permit application.

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MOTION was made by Mr. Wilson, seconded by Mr. Rudolph, and carried (6-1) to adopt as drafted Resolution **#0312-3REG** for **REG#12338**, effective March 15, 2012.
Ms. Gould opposed.

WHEREAS, the Wilton Planning and Zoning Commission accepted application #12338 for amendments to Section 29-6.C.4.b. of the Zoning Regulations of the Town of Wilton pertaining to residential apartments within the Wilton Center (WC) district; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing on February 13, 2012 and February 27, 2012 to receive comment from the public and has fully considered all evidence submitted at said hearing; and

WHEREAS, the proposed regulation is consistent with current planning practices of encouraging growth in areas supported by public transportation; patricianly in those areas located in or near town centers.

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission **APPROVES** application **#12338** effective March 15, 2012 as follows:

Section 29-6.C.4.b.

4. Special Permit Uses:

- b. Dwelling units located over street level stores or offices at a maximum density of five dwelling units per acre or a maximum density of ten dwelling units per acre on property located within 1,000 feet of the Wilton Train Station.

- End Resolution -

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

The Commission briefly discussed draft Resolution #0312-1MAP.

MOTION was made by Ms. Gould, seconded by Mr. Gardiner, and carried unanimously (7-0) to adopt as drafted Resolution **#0312-1MAP** for **CHZ#12339**, effective March 29, 2012.

WHEREAS, the Wilton Planning and Zoning Commission accepted application **#12339** from Kevin O'Brien requesting a zone change to a Wilton Center (WC) District; for property located at 291 and 300 Danbury Road, a DOT parcel Map 74, Lot 20 and 7 Station Road; a/k/a Assessor's Map #74, Lot #19; Map #58, Lot #36; Map #74, Lot #20; and Map #74, Lot #21; a

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total acreage of 3.464 acres; and owned by the State of Connecticut DOT and JFM II, LLC & MWD I, LLC; and as shown on plans entitled:

Vicinity Sketch- Prepared for Zone Change, dated November, 2011, scale 1"=200'.

Town of Wilton Map Showing Land Acquired From Town of Wilton- Prepared for The State of Connecticut DOT, Prepared by Edward A. Nielsen, land surveyor, dated April, 2004, scale 1"=40'.

Town of Wilton Map Showing Land Acquired From Mary Margaret Deblois, et.al.- Prepared for The State of Connecticut DOT, Prepared by Edward A. Nielsen, land surveyor, dated August, 1998, scale 1"=40'.

Zoning Location Survey Map of 300 Danbury Road- Prepared for MWD I, LLC and JFM Properties, II, LLC, Prepared by Roger A. Stalker, land surveyor, dated November 30, 2011, scale 1"=20', sheet 1 of 1.

Site Layout Plan- Wilton Center District- Prepared for Crossways, Prepared by McChord Engineering Associates, Inc., civil engineers, dated February 13, 2012, scale 1"=20', sheet SE1.

Site Layout Plan- General Business District- Prepared for Crossways, Prepared by McChord Engineering Associates, Inc., civil engineers, dated February 13, 2012, scale 1"=20', sheet SE2.

Site Layout Plan- General Business District- Prepared for Crossways, Prepared by McChord Engineering Associates, Inc., civil engineers, dated February 13, 2012, scale 1"=20', sheet SE3.

Building 100 Perspective Sketch- Prepared for Crossways, Prepared by Faesy Smith, architects, dated July 31, 2009.

Proposed Elevations, Building 100- Prepared for Crossways, Prepared by Faesy Smith, architects, dated July 31, 2009, sheet #A2.

Building 200 Perspective Sketch- Prepared for Crossways, Prepared by Faesy Smith, architects, dated July 31, 2009.

Building 300 Perspective Sketch- Prepared for Crossways, Prepared by Faesy Smith, architects, dated July 31, 2009.

Proposed Elevations, Building 300- Prepared for Crossways, Prepared by Faesy Smith, architects, dated July 31, 2009, sheet #A2.

Building 400 Perspective Sketch- Prepared for Crossways, Prepared by Faesy Smith, architects, dated July 31, 2009.

Proposed Elevations, Building 400- Prepared for Crossways, Prepared by Faesy Smith, architects, dated July 31, 2009, sheet #A3.

Proposed Elevations, Building 400- Prepared for Crossways, Prepared by Faesy Smith, architects, dated July 31, 2009, sheet #A4.

Proposed Elevations, Building 400- Prepared for Crossways, Prepared by Faesy Smith, architects, dated July 31, 2009, no sheet #.

Building 500 Perspective Sketch- Prepared for Crossways, Prepared by Faesy Smith, architects, dated July 31, 2009.

Proposed Elevations, Building 500- Prepared for Crossways, Prepared by Faesy Smith, architects, dated July 31, 2009, sheet #A2.

WHEREAS, the Planning and Zoning Commission has conducted a public hearing on February 13, 2012 and February 27, 2012 to receive comment from the public and has fully considered all evidence submitted at said hearings;

WHEREAS, the Planning and Zoning Commission has determined that the zone change is consistent with the Plan of Conservation and Development and;

WHEREAS, the Planning and Zoning Commission has determined that the zone change is consistent with an established land use pattern of primarily commercial and residential development along the east side of Danbury Road in this vicinity and further finds that the requested “WC” designation mirrors the existing level and intensity of commercial development in this area.

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission **APPROVES** application #12339 effective March 29, 2012 for the following reasons:

1. The Commission finds the proposed zone change to be a logical extension of the Wilton Center District.
2. The Commission finds the proposed zone change to be consistent with the 2010 Plan of Conservation and Development which encourages commercial and residential development within walking distance of public transportation facilities.
3. Due to its companion Village District designation, the Commission finds the proposed Wilton Center zone designation to be preferable in terms of providing an enhanced level of design review for future development proposals.
4. The requested change of zone is approved only for the property known as 300 Danbury Road (a/k/a Assessor Map #58, Lot #36). Such approval does not apply to parcels located on the west side of Danbury Road; specifically known as 291 Danbury Road (a/k/a

Assessor Map #74, Lot#19), 7 Station Road (a/ka Assessor Map #74, Lot #21) and a parcel with no address (Assessor Map #74, Lot #20).

- END RESOLUTION -

F. COMMUNICATIONS

G. REPORT FROM CHAIRMAN

1. Reports from Committee Chairmen

Mr. Wilson discussed with Commissioners the issue of cameras in the meeting room and he solicited input regarding the filming of future Planning and Zoning meetings. After a brief discussion, the Commission determined that it had no problems with the overall concept, but felt that the final determination should rest on budgetary considerations. The Commission requested that Mr. Nerney research what costs would be associated with filming the meetings and, if any, who would bear such costs.

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]**
- 2. 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 (7-0) to adjourn at 8:27 P.M.

Respectfully submitted,

Lorraine Russo

Recording Secretary