

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

## **WILTON PLANNING & ZONING COMMISSION MINUTES APRIL 9, 2012 REGULAR MEETING**

**PRESENT:** Chairman John Wilson, Secretary John Gardiner, Commissioners Lori Bufano, Marilyn Gould, Chris Hulse, and Bill McCalpin

**ABSENT:** Dona Pratt, Michael Rudolph, and John Weiss (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**

Hearing was continued at the request of the applicant until May 14, 2012.

- 2. 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**

Hearing was continued at the request of the applicant until May 14, 2012.

- 3. SUB#907, Cronin, 215 Belden Hill Road, 2-lot subdivision**

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

Present were J. Casey Healy, attorney; and Holt McChord, engineer.

Mr. Healy briefly reviewed a posted site plan, noting that the existing 4.16 acre lot would be subdivided into two lots – one lot containing the existing residence and two-apartment cottage and a second undeveloped lot located to the rear of the first. He noted that the existing cottage as well as a shed that is also on the property will be removed, but an existing driveway on the south end of the parcel, which currently serves the cottage, will be extended to serve the back lot.

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

Mr. McChord briefly reviewed sight lines, septic and drainage plans for the site. With respect to septic systems for the site, Mr. McChord explained that since the septic system for the existing residence is located on what will be lot 2, the State Health Department requires that a septic system be installed on lot 1 to serve the existing house or, alternatively, that the existing house be razed.

Ms. Gould felt that some effort should be made to preserve the existing home, which she noted is historic and was built in the early 19<sup>th</sup> century.

Mr. Healy explained that the State Health Department was not amenable to the applicant's offer to disconnect the septic system from the existing house. Since the applicant is reluctant to destroy the house, the plan is to take advantage of a maximum 270-day extended mylar filing period in the hope that a buyer might be found during that timeframe. He noted that another option, if there is no resolution within that time period, would be to allow the subdivision approval to lapse and then re-file the same application, thus gaining another extended mylar filing period of 270 days in total.

Mr. Gardiner referenced item #8 of the Planning and Zoning Staff Report dated March 22, 2012, noting that Subdivision Regulations require the Commission to make a finding regarding the reservation of a lesser than required area of open space, or none at all, on a given parcel.

Mr. Healy referenced Section 4.5.2 of Subdivision Regulations, noting that the open space requirement of not less than 12% of the total area of a subdivision is not necessary if the minimum reservation is less than one-acre or if there is no land within the subdivision that is suitable for such reservation. Mr. Healy explained that the subject application qualifies under both possible exceptions.

Mr. Gardiner felt that, per Subdivision Regulations, it is incumbent upon the Commission to officially make such a finding on the record.

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Mr. Healy distributed an aerial view of the site and a 2-page letter dated April 9, 2012 responding to issues raised in a recent meeting with staff. Addressing the issue of sight lines, in particular, Mr. Healy explained that both driveways would comply with the minimum-required 100 feet of unobstructed view of the street in both directions. However, he noted that the house driveway's sight distance of 108 feet to the north could be extended to 163 feet by clearing some vegetation located on lot 1, which he stated could be included as a condition of approval, if the Commission so desired.

He also noted that a concept location for tree protection fencing along the rear of proposed lot 2 was added to the subdivision plan.

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

Laurie Davis, 219 Belden Hill Road, stated that her property directly faces the subject parcel on the south side. She asked that the applicant consider installing additional screening along their common property line or perhaps relocating the southern driveway onto the northernmost portion of the parcel if possible.

Mr. Healy explained the inherent topographical constraints involved with constructing a driveway on the northern portion of the property, but he stated that he would pass along her comments to the Cronins.

There being no further comments from the Commission or the public, at 7:46 P.M. the Public Hearing was closed.

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Prior to the start of the regular meeting, Mr. Gardiner referred for the record to documents for Fosterhouse (SP#376), including a memorandum dated March 22, 2012 from Michael Ahern to Daphne White and a one-page letter dated April 9, 2012 from J. Casey Healy to Planning and Zoning Commission requesting a continuance until May 14, 2012.

Mr. Gardiner also referred for the record to a one-page letter dated April 9, 2012 from James Murphy to Planning and Zoning Commission requesting a continuance of SP#375 (190 Danbury Road Associates, LLC) until May 14, 2012.

Mr. Gardiner then referred for the record to an emailed communication sent March 28, 2012 from David A. Kohn to Daphne White in connection with a fire cistern for SUB#907 (Cronin).

**REGULAR MEETING**

- A. Mr. Wilson called the Regular Meeting to order at 7:49 P.M., seated members Bufano, Gardiner, Gould, Hulse, McCalpin, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

**B. APPROVAL OF MINUTES**

**1. March 26, 2012 – Regular Meeting**

MOTION was made by Mr. Hulse, seconded by Mr. Gardiner, and carried (5-0-1) to approve the minutes of March 26, 2012 as amended. Ms. Gould abstained.

**C. SITE DEVELOPMENT PLAN REVIEW**

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

The Commission briefly reviewed draft Resolution #0412-3Z.

MOTION was made by Ms. Gould, seconded by Mr. Hulse, and carried unanimously (6-0) to adopt as drafted Resolution **#0412-3Z for SDP (Signage, 3-19 Danbury Road)** effective April 12, 2012.

**WHEREAS**, the Wilton Planning and Zoning Commission has received an application from Larry Bourque of ABC Sign Corporation representing Kamran Hashemi, President for the Wilton Plaza Association, for an alternative signage program associated with an existing shopping center, located at 3 (Unit #1), 5 (Unit #2), 7 (Unit #3), 11 (Unit #4), 13 (Unit #5), 17 (Unit #6) and 19 (Unit #7) Danbury Road; in a Design Retail Business District (DRB), Assessor's Map #83, Lot# 24, (Unit #'s 1-7), 2.057 acres; owned by Merritt Federal Credit Union, Cochin Properties, LLC, Frank DiMarino & Philip DiMarino, Trustees, 11 Danbury Road, LLC, 13, Danbury Road, LLC, Angela Macchiarulo, and 19 Danbury Road, LLC and shown on the plans entitled:

Topographic Location Survey - Prepared for Wilton Plaza Condominium, Prepared by Roger A. Stalker, land surveyor, dated July 19, 2008, scale 1"=40', sheet #1 of 1.

Photo Simulation - Prepared for Palace Oriental Rug, Prepared by ABCSIGN, Corp., sign makers, dated December 20, 2011, revised stamped received March 30, 2012, scale 3/4"=1'.

Palace Oriental Rug (2) Double Sided Non-Illuminated Ground Signs, Sign#1, North End -

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Prepared for Palace Oriental Rug, Prepared by ABCSIGN, Corp., sign makers, dated December 20, 2011, revised and stamped received March 30, 2012, scale 3/4"=1'.

Palace Oriental Rug (2) Double Sided Non-Illuminated Ground Signs, Sign#2, South End -

Prepared for Palace Oriental Rug, Prepared by ABCSIGN, Corp., sign makers, dated December 20, 2011, revised and stamped received March 30, 2012, scale 3/4"=1'.

**WHEREAS**, the Wilton Planning and Zoning Commission reviewed the Signage Location Plan at their March 12, 2012 and March 26, 2012 meetings; and

**WHEREAS**, the Wilton Planning and Zoning Commission has determined that the application is in substantial compliance with the Wilton Zoning Regulations with regard to meeting the provisions pertaining to alternative signage;

**NOW THEREFORE BE IT RESOLVED** that the Wilton Planning and Zoning Commission **APPROVES** the Alternative Signage Plan effective April 12, 2012, 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 Plan shall be completed within five years of the effective date of this resolution. This five-year period shall expire on April 12, 2017.
3. Improvements shall consist of two (2) freestanding signs and shall be designed and erected in accordance with the aforementioned plans, as shown on the signage plan listed above. Such specifications include but are not limited to the following::

The proposed free standing monument signs, shall be consistent with the signage represented on the submitted plans and shall not differ with respect to size, color, design or appearance. Said signs shall be located in the area as shown on the submitted site plan and shall not exceed 39.2 square feet.

- a. Individual panels shall not exceed an area of 18.9 square feet.
- b. Areas around the base of the signs shall be curbed and landscaped with low-growing vegetation approved by the Planning and Zoning Department.
- c. Both signs shall be located five (5) feet back from the front property line and shall be situated so as not to encroach into the State right-of-way easement.

4. The approved signs shall be externally illuminated only and lighting shall be located at grade level, concealed by low-growing planting approved by the Planning and Zoning Department. All exterior lighting shall be so designed that the filaments, light sources, reflectors or lenses are shielded from public view.

**Submittal of revised plans and application:**

5. One (1) completed revised set, (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. "In accordance with Section 8-3.(i) of the Connecticut General Statutes, all work in connection with this Sign Plan shall be completed within five years after the approval of the plan. Said five-year period shall expire on April 12, 2017."
  - b. "For conditions of approval for Sign Plan, see **Resolution #0412-3Z.**"

-END RESOLUTION –

**D. ACCEPTANCE OF NEW APPLICATIONS**

1. **SP#377, Rolling Hills Country Club, Inc., 333 Hurlbutt Street, Amend Special Permit to allow employee housing in existing residence on Club's property**

It was the consensus of the Commission to accept the application and set a public hearing date for June 11, 2012.

**E. PENDING APPLICATIONS**

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

Tabled.

2. **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**

Tabled.

**3. SUB#907, Cronin, 215 Belden Hill Road, 2-lot subdivision**

The Commission requested that staff prepare a draft resolution of approval for a vote at the next meeting, incorporating a condition of approval to improve the sight distance to the north for the house driveway on lot 1, as discussed during the hearing.

The issue of reservation of open space was also discussed.

MOTION was made by Mr. Gardiner, seconded by Mr. Wilson, and carried unanimously (6-0) that the Commission finds/determines that a reservation of 12% of the parcel for open space is not necessary since the minimum reservation would be less than one acre.

**F. COMMUNICATIONS**

**G. REPORT FROM CHAIRMAN**

Mr. Wilson reminded Commissioners of the Norwalk/Wilton Tree Festival that will be held on Saturday, May 19, 2012 from 11 AM – 3PM.

**H. REPORT FROM PLANNER**

Mr. Nerney reminded Commissioners about a training session scheduled for May 14<sup>th</sup>, 2012 from 6 – 7 PM with Town Counsels Ken Bernhard and Pat Sullivan.

Mr. Wilson encouraged Commissioners to submit questions to Mr. Nerney prior to the training session so that Town Counsels will have an opportunity to better address issues that are of particular interest to Commissioners.

**I. FUTURE AGENDA ITEMS**

**J. ADJOURNMENT**

MOTION was made by Mr. Gould, seconded by Mr. Hulse, and carried unanimously (6-0) to adjourn at 8:10 P.M.

Respectfully submitted,

Lorraine Russo  
Recording Secretary