

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

WILTON PLANNING & ZONING COMMISSION MINUTES MAY 14, 2012 REGULAR MEETING

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

ABSENT: Dona Pratt (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

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

Mr. Wilson called the Public Hearing to order at 7:15 P.M., seated members Bufano, Gardiner, Gould, Hulse, McCalpin, Rudolph, Weiss, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. He referenced a letter dated May 14, 2012 from J. Casey Healy to Planning and Zoning Commission, noting that the hearing would be continued until May 29, 2012 at the request of the applicant.

Mr. Wilson 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 7:16 P.M. the Public Hearing was continued until May 29, 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

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

Present were Jim Murphy, attorney; Jeff Gordon, landscape architect; Gary de Wolf, architect; Matt Popp, landscape architect; and Michael Galante, traffic consultant.

Mr. Murphy distributed handouts and briefly reviewed the timing and history of applications for the property. He explained that what is on the property now is essentially what was approved in 1969, and thus the site is legally nonconforming since regulations were revised subsequent to the 1969 approvals. He distributed copies of an opinion letter dated May 8, 2012 from Jim Murphy to Planning and Zoning Commission addressing, in particular, comments #15 and #18 of the Planning and Zoning Staff Report dated March 15, 2012.

He referenced condition #1 of Wetland Resolution #0112-01WET dated January 12, 2012[2] regarding a mitigation plan required prior to the commencement of any on-site permit related activity. In that regard, he stated that the applicant would be back before the Commission in a couple of weeks, after having met with Environmental Affairs Director Pat Sesto, at which time he hoped to be able to assure the Planning and Zoning Commission that all proposed work is officially approved by the Inland Wetlands Commission.

Mr. Murphy referenced his response letter dated May 7, 2012, addressing on a point by point basis all items in the Planning and Zoning Staff Report dated March 15, 2012.

Mr. Galante next reviewed details of the Traffic Access & Impact Study [the Study] dated May 2012. In particular, he explained Tables 1 and 3 (Traffic Volumes and Generation during peak hours), noting his extrapolation that existing vehicle trips for weekday mornings, weekday afternoons and Saturday midday of 39, 27, and 24 trips, respectively, would be increased by an additional 42, 29 and 26 trips, respectively, as a result of the proposed expansion. Based on manual turning movement counts at each of the access drives, peak hours for weekday mornings, weekday afternoons and Saturday midday were identified as 7:45-8:45 AM, 5:00-6:00 PM and 12:30-1:30 PM, respectively.

Mr. Wilson raised safety concerns regarding a left-hand turn out of the northern driveway, suggesting that perhaps a “no left turn” sign would be advisable. It was Mr. Galante’s professional opinion that it would actually be safer to permit the left-hand turn as opposed to the alternative situation, whereby drivers are forced to exit out to the right/north and

then invariably attempt u-turn maneuvers in order to head back south along Danbury Road.

Ms. Gould expressed concerns regarding the accuracy of the traffic projections submitted, noting that traffic will be primarily driven by repair versus car dealership functions on the site. In that regard, she questioned the exact number of service bays proposed for the new building.

Mr. de Wolf explained that there are currently 17 bays (for heavy duty type service) and an additional 12 bays (for quick service/lube) are proposed for the new building, totaling 29 bays in all. Mr. Galante assured the Commission that the projected traffic/vehicle data submitted properly accounts for the impact of repair/service functions on the site. Referring to Table 4 of the Study and projected traffic impacts on site driveways, he explained that Level of Service F at the northern driveway intersection (where there is currently a 120-130 seconds wait for cars attempting to exit left onto Route 7) would not have any effect on Danbury Road traffic per se.

Mr. Galante referenced Figure 18 in the Study, noting recommended access improvements involving one-way, do not enter, and stop signs, as well as proposed pavement markings to clearly delineate and improve site circulation.

Mr. Gordon distributed a map of Danbury Road and briefly reviewed proposed driveway/curb cut modifications and sidewalk easement issues. He stated that the applicant is in accord with the State with regard to all suggested changes from the DOT.

Addressing comment #5 of the Staff Report, Mr. Murphy stated that the applicant respectfully requests that repaving/resurfacing in the vicinity of the existing building be deferred for several years. He explained that the owner feels there is still some life left in the existing pavement and is also concerned with the high likelihood of damage if new pavement is in place during site renovations. Several commissioners expressed concern with the applicant's response, noting that it would be in the interests of the community to maintain the site in better condition and they asked that Mr. Murphy convey their sentiments to his client.

Addressing dumpster locations on the site, Mr. Murphy explained that a properly screened dumpster location has been established in the northeast corner of the property. He noted that an existing 5-foot chain link enclosure with dark green turf inserts would be increased to 6 feet in height. Ms. Gould asked that some further consideration be given to the proposed dumpster location, noting that perhaps it could be shifted so as to be less visible.

Regarding a private easement that will be obstructed by a proposed landscape island (comment #8), Mr. Murphy stated that a revised easement map and deed shall be

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submitted to staff and Town Counsel for review, approval and recording prior to issuance of a zoning permit.

Addressing comment #13 pertaining to screening on the site, Mr. Gordon reviewed proposed landscaping/plantings for the site. He cited the proposed use of forsythia for the understory of the evergreen canopy on the north, noting that the applicant would maintain a dense buffer on the northern border. He also referenced red maples on the rear of the property, noting that he would be working further with landscape architect Matt Popp to address such screening issues on the site.

Addressing concerns raised by Ms. White regarding the use of hydrangeas and day lilies in front, and their inherent problems with respect to drought conditions and screening, respectively, Mr. Gordon stated that the applicant is attempting to balance the Town's concerns for adequate landscaping with the DOT's concerns regarding adequate sight line distances. Ms. White suggested mixing in some liriopse plants or another evergreen in front of the new building along with the proposed day lilies. The applicant stated that it would look at that area again.

Addressing concerns raised by Ms. Gould regarding provision of adequate green space on the property, Mr. Gordon referenced site constraints including the need for adequate parking space, handicapped parking requirements, proper site circulation, flood zone and snow removal constraints, and a desire for adequate showroom visibility from the street.

Mr. Nerney suggested that a large island in front of the existing dealership, as well as an area in front of the new building next to the sidewalk, could perhaps be utilized as focal points for some meaningful vegetation on the site.

It was the consensus of the Commission that the applicant should provide some better screening and additional green space on the site.

In response to a question from Mr. Nerney as to whether a portion of the front sidewalk could be relocated so as not to jog inward along the southern frontage of the site, Mr. Gordon cited issues with utility and light poles in that area. He stated that the applicant will have to navigate through those issues.

Mr. Rudolph advised the applicant that he would like Town Counsel to review Attorney Murphy's opinion letter dated May 8, 2012 regarding the issue of whether the proposed parking configuration is legally non-conforming (comment #15) and whether the 60-foot setback requirement per Section 29-6.E.(5) is inapplicable (comment #18). Mr. Murphy noted for the record that the information contained therein is critical to the application, adding further that the proposed 27 space configuration is actually less nonconforming by 488 square feet than the existing 24 space configuration approved in 1969.

Mr. de Wolf addressed comment #19, explaining that no pole-mounted fixtures are proposed and only ½ foot-candle illumination is proposed where 2.5 foot-candles are permitted by regulation. He noted further that all lighting would be on timers and would be turned off at 11 P.M. as required, except for a very minimum amount of lighting that would remain on for security purposes. In response to questions from Mr. Wilson, Mr. de Wolf acknowledged that the proposed lighting fixtures would not be hooded, but he indicated that they would not be very bright and the filament would not be visible.

Mr. Nerney referenced Section 29-9.E.2.a of Wilton Zoning Regulations, noting that “all exterior lighting shall be so designed that the filaments, light sources, reflectors or lenses are shielded with opaque material such that the light will be directed down and shall not be visible beyond the boundaries of the lot on which the lights shall be located.” He noted further that the regulations try to encourage the “dark skies” concept. He suggested that the applicant consider some lower free-standing type fixtures as an alternative.

Mr. de Wolf felt that the lighting proposed would be in compliance, noting in particular that light intensity at ground level would not exceed the 2.5 foot-candles permitted. Commissioners continued to express concern regarding off-site impacts of the proposed lighting, emphasizing that hooded fixtures would be preferable.

Mr. Wilson requested that the applicant provide additional information regarding color temperature for proposed lighting.

Mr. Murphy stated that the applicant would take another look at the lighting regulations cited for next time.

Mr. de Wolf addressed rooftop mechanical equipment (comment #21), noting that none of the equipment would be visible from the ground because of a proposed parapet which will be 4 feet higher than the roof surface around the entire perimeter of the building. Mr. Murphy explained further that a note to that effect would be added to de Wolf Drawing P3.

Referencing comment #22 regarding the applicant’s requested waiver to allow more than one principal building on the site, Mr. Murphy stated that the application meets all of the criteria set out by Section 29-6.D.10 in that regard. He referenced a letter dated January 17, 2012 addressing each of the four considerations cited in the aforementioned Section. Mr. Nerney noted further that the proposed use appears to be reasonable in that regard. He cited a natural synergy between the two buildings/proposed uses on the site. In response to a question from Mr. Rudolph as to whether the Town would be protected from another use occurring in one of the buildings in the future, Mr. Nerney explained that any other proposed use would be subject to a site plan approval by the Commission.

In connection with the previous lighting discussion, Mr. Wilson suggested that the

applicant consider using a full cut-off fixture for site lighting.

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

Mr. Murphy requested permission to send a copy of his opinion package to Town Counsel Pat Sullivan and that he be able to discuss matters therein with her. It was the consensus of the Commission that such a request was reasonable and no objections were raised.

There being no further comments from the Commission or the public, at 9:20 P.M. the Public Hearing was continued until May 29, 2012.

REGULAR MEETING

- A.** Mr. Wilson called the Regular Meeting to order at 9:21 P.M., seated members Bufano, Gardiner, Gould, Hulse, McCalpin, Rudolph, Weiss, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. April 23, 2012 – Regular Meeting

MOTION was made by Ms. Gould, seconded by Mr. Hulse, and carried (7-0-1) to approve the minutes of April 23, 2012 as drafted. Mr. Wilson abstained.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

1. SDP, Wilton Shopping Center LP, 5 River Road, Outdoor seating for Bon Appetit

It was the consensus of the Commission to schedule discussion of the SDP application on June 25, 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.

F. COMMUNICATIONS

- 1. MR#136, 8-24 Mandatory Referral – Proposed extension of public sewer service from the intersection of Horseshoe Pond Road and River Road to the Miller/Driscoll School**

Mr. Nerney explained that First Selectman Brennan was overseas and thus unable to discuss the mandatory referral this evening with the Commission.

It was the consensus of the Commission that it wished to obtain additional input on the matter from First Selectman Brennan prior to issuing an advisory opinion.

The matter was continued until May 29, 2012.

G. REPORT FROM CHAIRMAN

- 1. Reports from Committee Chairmen**

Mr. Rudolph suggested that the Commission consider requesting that applications be provided in digital/electronic format to reduce the use of paper and to facilitate reading of maps by Commissioners. Ms. Gould pointed out that such a change would force her to leave the Commission.

Mr. Nerney suggested that some of the larger, professional applicants could more easily provide their paperwork in PDF format, which could then be emailed to Commissioners wishing to receive such transmission, while paper copies could continue to be submitted for Commissioners not so inclined.

Mr. Rudolph felt that the Commission should at least look into the matter and give it some serious consideration.

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Ms. Gould also suggested that applicants provide reduced versions of maps (11 x 17 inches) to Commissioners, as was the norm years ago, while continuing to provide full-size maps for office files.

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

- 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 [P.H. June 11, 2012]**

J. ADJOURNMENT

MOTION was made by Mr. Hulse, seconded by Mr. Weiss, and carried unanimously (8-0) to adjourn at 9:35 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary