

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

WILTON PLANNING & ZONING COMMISSION MINUTES MAY 29, 2012 REGULAR MEETING

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

ABSENT: Chairman John Wilson, Chris Hulse

ALSO

PRESENT: Robert Nerney, Town Planner; Assistant Town Planner Daphne White; Atty. Pat Sullivan, Wilton Assistant Town Counsel; Atty. Jim Murphy, Gregory & Adams, P.C.; Jeff Gordon, ASLA, Codespoti & Associates; Gary deWolf, Architect; Matthew Popp, ASLA; Environmental Land Solutions, LLC; and members of the interested public and press.

CALL TO ORDER

Vice Chairman Rudolph called the Planning and Zoning meeting to order at 7:16 p.m. Seated Commissioners were Bufano, Gardiner, Gould, McCalpin, Weiss and Rudolph.

MOTION Was made by Ms. Gould, seconded by Mr. Gardiner to address Agenda Item K - Executive Session - To Discuss Pending Litigation Concerning Grumman Hill Montessori Association Court Decision first and carried unanimously (6-0).

K. ADJOURNMENT - EXECUTIVE SESSION - TO DISCUSS PENDING LITIGATION CONCERNING GRUMMAN HILL MONTESSORI ASSOCIATION COURT DECISION

MOTION was made by Ms. Gould, seconded By Mr. Gardiner to enter into Executive Session to discuss pending litigation concerning Grumman Hill Montessori Association Court Decision First on the agenda and carried unanimously (6-0).

The Commission and Atty. Sullivan entered into Executive Session at 7:17 p.m. They returned

to public session at 7:45 p.m. Mr. Rudolph stated that Mr. McCalpin had recused himself from the meeting.

L. RECONVENE FOR PURPOSE OF VOTING ON EXECUTIVE SESSION MATTER OUTLINED IN AGENDA ITEM “K”

MOTION was made by Mr. Weiss, seconded by Ms. Gould, to recommend to Town Counsel that the Commission proceed with the reconsideration with regards to the Montessori legal decision and report back to the Town and pursue a petition for certification with the Appellate Court. Motion passed unanimously (5-0).

Mr. McCalpin rejoined the meeting at 7:48 p.m.

PUBLIC HEARINGS

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

Mr. Rudolph called the Public Hearing to order at 7:48 p.m., seated members Bufano, Gardiner, Gould, McCalpin, Weiss, and Rudolph, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Gardiner stated that he had received a letter dated May 26th, withdrawing the application by Fosterhouse.

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. Rudolph called the Public Hearing to order at 7:49 P.M., seated members Bufano, Gardiner, Gould, McCalpin, Weiss, and Rudolph, 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; and Matt Popp, landscape architect.

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.

Atty. Murphy directed everyone's attention to page 2, item 2-c-vi and stated that there had been a number of meetings with various town staff about the site plan. He went on to explain that Atty.

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Sullivan had pointed out that there would be some areas where the vehicles would be parked too close to the set back. After some discussion with Atty. Sullivan, Atty. Murphy said that his client had reconfigured the parking area to avoid any conflict.

Mr. Nerney then gave an overview of the discussion regarding the setback for the rear portion of the lot, which borders residential areas. Atty. Murphy pointed out that the client was not parking vehicles but storing vehicles. A setback for parking is 60 feet, while the storage setback is 25 feet. Mr. Nerney said that Atty. Sullivan was aware of this.

Atty. Murphy then displayed the wetlands site plan SP4R and called Mr. Popp and Mr. Gordon forward. Atty. Murphy said that there had been one Norway maple that had been removed and Mr. Popp had requested that this be replaced. Atty. Murphy represented that Ms. Sesto has agreed to this.

Mr. Popp came forward and indicated where the existing trees were located on the site plan and explained that there would be 20 new trees in the wetland buffer.

Mr. Nerney said that Ms. Sesto had suggested that the circles indicating the locations of the trees be darkened for easier location on the site plans.

Mr. Gordon came forward to speak about the decision between utilizing deciduous versus evergreen trees. He stated the decision was made partly due to potential snow damage. There are some mature boxwood plants on the site, which will be utilized in the landscaping plan.

Mr. Gordon said that there would have to be some slight relocation of the trees on the north side due to the fact that the driveway would be shifting to the east as per the DOT request.

Ms. Gould asked if the landscaping would be increased on the west side of the site. Mr. Gordon said that the pavement had been narrowed and the buffer had been widened. Atty. Murphy pointed out that there were utility poles located near the existing sidewalk, so the DOT has requested the sidewalk remain in its current location.

There were several questions about the junipers and hydrangeas in terms of weathering snowy conditions. Mr. Gordon said that he was confident that both plants would handle the winter conditions. Ms. White asked if there had been any problems with the yucca and people being injured with the spines on the yucca. Mr. Gordon replied that the yucca was not in a high traffic area.

Atty. Murphy then reviewed the design changes made since the May 14th meeting. Mr. Gary deWolf came forward and displayed a site plan indicating the lighting plan. He stated it was a

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standard LED fixture. These will be adjustable from inside. Mr. Nerney said that this was the best option for the site. It has a solid top, so there is no upward light pollution.

Regarding the pavement, Atty. Murphy said that there had been numerous requests to defer this item. Mr. Nerney and Atty. Murphy had a meeting with the client's regarding this. The client was concerned with removing more pavement than necessary. SP4 show shadow lines where the pavement will be removed. Atty. Murphy indicated where the islands would be removed. The front will be repaved and the back area will be patched and repaired as necessary. Mr. Nerney said that the circular driveway had been repaved about 10 years ago and was in good condition. However there would be an area disturbed due to the planned construction and this area will be repaved. Atty. Murphy noted back lot is for vehicle storage only. Atty. Murphy directed everyone's attention to SP2 for a clearer indication of where the repaving would take place.

Mr. Gordon came forward and said that the DOT had requested the curb cut radii be changed per the DOT request. The driveway cannot be moved any further south.

Atty. Murphy then discussed the additional notes that were attached to the submission and indicated that the May 29th letter includes several suggested conditions. A revised easement map will be submitted to the Town Planner and the Town Attorney for approval. He then reviewed the remaining suggestions with the Commissioners.

Atty. Murphy said that there had been some concerns about having two buildings on the same parcel; specifically with one or more of the buildings potentially being leased or sold to a non-automotive sales business. He indicated that the proposed wording was very similar to the current Zoning Regulations.

Mr. Nerney suggested establishing language that the Town Planner reserve the right to refer future re-occupancy requests to the Planning and Zoning Commission. Ms. Gould expressed several concerns such as parking requirements or traffic studies involved with a non-automotive use. Ms. Gould said that it should be the wording of the Commission, not the attorney.

Additional Item #3 - Atty. Murphy reviewed the details of the SP4 drawing and the SP4R, the wetlands restoration plan and combining this with the overall site plan.

Ms. Gould asked if there had been a meeting with the owner of the adjoining property regarding the movement of the driveway. Atty. Murphy explained that Mr. Blitzer owns the adjoining property, so there had been no problem with moving the driveway.

Mr. Rudolph asked if there was anyone present who wished to speak in favor of the proposed application. No one came forward. Mr. Rudolph asked if anyone wished to speak against the proposed application. No one came forward.

There being no further comments from the Commission or the public, at 8:34 P.M. the hearing was closed.

REGULAR MEETING

- A.** Mr. Rudolph called the Regular Meeting to order at 8:34 P.M., seated members Bufano, Gardiner, Gould, McCalpin, Weiss and Rudolph and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. May 14, 2012 – Regular Meeting

MOTION was made by Mr. Gould, seconded by Mr. Gardiner, and carried unanimously (6-0) to approve the minutes of May 14, 2012 as drafted.

2. May 16, 2012 – Special Meeting

The following correction was noted:

Page 1, paragraph 2, line 9: please change the following from “at a cost of \$1.02 versus the second option” to ““at a cost of \$1.02 million versus the second option”.

MOTION was made by Mr. Bufano, seconded by Mr. Gardiner, and carried (5-0) to approve the minutes of the May 16, 2012 Special Meeting as corrected. Mr. Weiss abstained.

C. SITE DEVELOPMENT PLAN REVIEW

There were no items to discuss.

D. ACCEPTANCE OF NEW APPLICATIONS

1. SP#378, Wilton Shopping Center LP, 5 River Road, Outdoor seating for Bon Appétit (Replacement for SDP previously accepted on May 14, 2012 - Hearing request for June 25, 2012)

Mr. Nerney informed the Commission that the applicant had requested the same hearing date (i.e. June 25, 2012) as the recently withdrawn Site Development Plan application for the same matter. The Public Hearing was scheduled for June 25, 2012.

E. PENDING APPLICATIONS

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

This application was withdrawn.

- 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**

No further discussion by the Commission.

F. COMMUNICATIONS

There were no items to discuss at this time.

G. REPORT FROM CHAIRMAN

There was no report at this time.

H. REPORT FROM PLANNER

There was no report at this time.

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]**
- 2. SDP, Wilton Shopping Center LP, 5 River Road, Outdoor Seating for Bon Appétit - WITHDRAWN**
- 3. SP#378 Wilton Shopping Center, LP; 5 River Road, Outdoor Seating for Bon Appétit [P.H. June 25, 2012]**

J. ADJOURNMENT

MOTION was made by Mr. Weiss, seconded by Mr. Gardiner, and carried unanimously (6-0) to adjourn at 8:40 P.M.

Respectfully submitted,

Telesco Secretarial Services