

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

DRAFT
WILTON PLANNING & ZONING COMMISSION MINUTES
JULY 23, 2012 REGULAR MEETING

PRESENT: Chairman John Wilson, Secretary John Gardiner, Commissioners Lori Bufano, Bill McCalpin, Peter Shiue, and John Weiss

ABSENT: Marilyn Gould, Chris Hulse, Michael Rudolph (notified intended absences)

ALSO

PRESENT: Daphne White, Assistant Town Planner; Lorraine Russo, Recording Secretary; and member(s) of the press.

PUBLIC HEARINGS

1. SP#378, Wilton Shopping Center LP, 5 River Road, Outdoor seating for Bon Appetit

Mr. Wilson called the Public Hearing to order at 7:15 P.M., seated members Bufano, Gardiner, McCalpin, Shiue, 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 was Edward Schenkel, Gregory and Adams, attorney on behalf of the applicant.

Mr. Wilson noted that the applicant had addressed various issues raised by the Commission at the last hearing, but he expressed two concerns regarding proposed lighting. He wanted assurance that the proposed light fixtures will meet photometric requirements as specified in zoning regulations and he also questioned the impact of proposed under-canopy lighting if/when the canopy is ever removed or retracted. His concern in that regard was the potential for light pollution as a result of lights shining upward into the sky.

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Ms. White noted for the record that she had researched the proposed fixture online and was not able to see the filament (as per zoning requirements) due primarily to the fixture's translucent acrylic shade.

Mr. Schenkel was unsure as to whether the canopy would ever be withdrawn, noting that he had not had any discussions with the applicant in that regard.

Mr. Wilson felt that both matters could ultimately be handled administratively.

In summary, Mr. Schenkel noted that the applicant had addressed all Commission and Village District Consulting Committee comments/responses.

Mr. Gardiner referenced for the record a memorandum dated July 13, 2012 from Bob Nerney to Planning and Zoning Commission; a letter dated July 16, 2012 from J. Casey Healy to Planning and Zoning Commission, with two attachments (proposed exterior elevation and cut sheet); a letter dated July 19, 2012 from J. Casey Healy to Planning and Zoning Commission with cut sheet attachment for sconces; and a memorandum dated July 19, 2012 from Jennifer M. Zbell to Bob Nerney;

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

There being no further comments from the Commission or the public, at approximately 7:20 P.M. the Public Hearing was closed.

REGULAR MEETING

- A. Mr. Wilson called the Regular Meeting to order at approximately 7:20 P.M., seated members Bufano, Gardiner, McCalpin, Shiue, Weiss, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. July 9, 2012 – Regular Meeting

MOTION was made by Mr. Gardiner, seconded by Ms. Bufano, and carried (6-0) to approve the minutes of July 9, 2012 as drafted.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

E. PENDING APPLICATIONS

1. SP#378, Wilton Shopping Center LP, 5 River Road, Outdoor seating for Bon Appetit

The Commission briefly reviewed Draft Resolution #0712-7P. Minor modifications were incorporated to reflect Mr. Wilson's aforementioned two concerns regarding lighting.

MOTION was made by Mr. McCalpin, seconded by Mr. Weiss, and carried unanimously (6-0) to adopt as amended Resolution **#0712-7P** for **SP#378**, effective July 26, 2012.

WHEREAS, the Wilton Planning and Zoning Commission has received a Special Permit application (**SP#378**) from Wilton Shopping Center Limited Partnership for Bon Appétit to allow the establishment of a 273 square foot outdoor dining area for property located at 5 River Road, in the Wilton Center "WC" District, Assessor's Map #73, Lot #25, consisting of 7.625 acres owned by Wilton Shopping Center Limited Partnership c/o Sparrow Management and shown on the plans entitled:

Vicinity Sketch - Prepared for Wilton Executive Campus Associates, Prepared by Rocco V. D'Andrea, Inc., land surveyors, dated July 20, 1998, scale 1"=200', no sheet #.

ALTA/ACSM Land Title Survey - Prepared for Wilton River Park Project, Prepared by Bock & Clark National Surveyor Network, land title surveyors, dated April 2, 2012, not to scale, sheet #1 of 2.

ALTA/ACSM Land Title Survey - Prepared for Wilton River Park Project, Prepared by Bock & Clark National Surveyor Network, land title surveyors, dated April 25, 2012, scale 1"=60', sheet #2 of 2.

Proposed Plan - Prepared for Bon Appétit, Prepared by James W. Lancaster, architect, dated March 14, 2012, last revised April 20, 2012, scale 1/4"=1', sheet #DD-2.

Proposed Exterior Elevation/Existing Elevation- Prepared for Bon Appétit, Prepared by Lancaster Associates, architects, dated March 16, 2012, last revised July 12, 2012, scale 1/4"=1', sheet #DD-3.

Site Plan/First Floor - Prepared for Bon Appétit/ Wilton River Park, Prepared by James W. Lancaster, architect, dated March 28, 2012, scale 1"=50', sheet A-4.

Photo Rendering - Prepared for Bon Appétit, Prepared by Durkin Awning Co., awning supplier,

dated May, 2012, not to scale, no sheet #.

WHEREAS, the Wilton Planning and Zoning Commission has conducted a public hearing on June 25, 2012 continuing said hearing to July 9, 2012 and July 23, 2012 to receive comment from the applicant and the public and has fully considered all evidence submitted at the hearing; and

WHEREAS, the Village District Consultant Committee has reviewed architectural renderings of the proposed outdoor seating area and finds such improvements to be consistent with the overall building design and with the surrounding village district properties; and

WHEREAS, the Wilton Planning and Zoning Commission has determined that the application is in substantial compliance with the Wilton Zoning Regulations;

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission **APPROVES** Special Permit #378 to allow the establishment of a 273 square foot outdoor dining area for Bon Appétit restaurant at 5 River Road, effective July 26, 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 Site Plan shall be completed within five years of the effective date of this resolution. This five-year period shall expire on July 26, 2017.
3. The applicant shall file a Land Record Information Form for this special permit approval with the Town Clerk (form to be provided by the Planning and Zoning Department) prior to the issuance of a zoning permit.
4. Recommendations provided in the Village District Consultant Committee report, dated July 13, 2012 from the Town Planner, shall be incorporated into the final set of required plans and implemented accordingly.
5. The applicant shall use the wall mounted light fixture, consistent with design specifications submitted by the applicant on July 18, 2012. Such fixtures shall include translucent acrylic shades so as to minimize light spillage and such fixtures shall comply with all Planning and Zoning lighting and photometric regulations. Any change to this design shall be subject to the review and approval of the Commission's staff.
6. The lighting for the canopy and canopy trellis shall not be used if the canopy is removed or retracted.
7. No additional dumpsters shall be allowed on the premises without the approval of either the

Planning and Zoning Commission or the Commission's staff.

8. The proposed privacy wall surrounding the perimeter of the outdoor sitting area shall be reinforced with concealed steel reinforcement material so as to enhance public safety.
9. The interior and exterior layout of the restaurant, including seating arrangement, shall be consistent with those plans submitted by the applicant. Any change shall be subject the review of the Commission's staff and/or Planning and Zoning Commission.
10. The installation of rooftop mechanical equipment shall be prohibited unless screened and authorized by the Planning and Zoning Commission or the Commission's staff.

Submittal of revised plans and application:

11. Two (2) completed revised sets, (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. "Pursuant to Section 8-3.(i) of the Connecticut General Statutes, all work in connection with this Special Permit shall be completed within five years after the approval of the plan. Said five-year period shall expire on July 26, 2017."
- b. "For conditions of approval for Special Permit #378, see Resolution **#0712-7P**

-END RESOLUTION-

F. COMMUNICATIONS

1. **SUB#907, Cronin, 215 Belden Hill Road, Request for a 90-day extension pursuant to Connecticut General Statutes Section 8-25(a) to satisfy condition #C.11.c of Resolution #0412-1S**

Mr. Weiss recused himself and left the meeting room.

After a brief discussion, it was the consensus of the Commission to approve the 90-day extension as requested.

MOTION was made by Ms. Bufano, seconded by Mr. McCalpin, and carried (4-0-1) to approve the applicant's request for a 90-day extension pursuant to Connecticut General Statutes Section 8-25(a) to satisfy condition #C.11.c of Resolution #0412-1S. Mr. Shiue abstained.

2. SUB#882, Gaboriault, Middlebrook Farm Road, Extension of time for completing subdivision improvements pursuant to Connecticut General Statutes Sec 8-26c.(b).

Commissioners briefly discussed the applicant's request for an extension of time to complete subdivision improvements. It was noted, per a memorandum from Bob Nerney to the Commission dated July 20, 2012, that the Commission can only grant an extension of approximately two more years per Section 26c.(b) of CT General Statutes, as extensions have already been granted in the past, and thus the date by which all improvements must be complete is September 16, 2014.

MOTION was made by Mr. Wilson, seconded by Mr. Shiue, and carried unanimously (6-0) to grant an extension of time until September 16, 2014 to complete subdivision improvements pursuant to Connecticut General Statutes Sec 8-26c.(b).

G. REPORT FROM CHAIRMAN

Mr. Wilson passed around photos of various examples of signage from Essex, Connecticut, noting that they represent a vision of what First Selectman Bill Brennan would like to see in Wilton in the future. Mr. Wilson noted that he plans to meet with the sign committee within the next several weeks to begin addressing the matter.

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

J. ADJOURNMENT

MOTION was made by Mr. Weiss, seconded by Mr. McCalpin, and carried unanimously (6-0) to adjourn at 7:30 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary