

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

**WILTON PLANNING AND ZONING COMMISSION MINUTES  
OCTOBER 22, 2012  
REGULAR MEETING**

**PRESENT:** Chairman John Wilson; Vice Chairman Michael Rudolph; Secretary John Gardiner, Commissioners Lori Bufano, Peter Shiue, Chris Hulse, Marilyn Gould and Bill McCalpin

**ABSENT:** None

**ALSO**

**PRESENT:** Robert Nerney, Town Planner; Daphne White, Assistant Town Planner; Kevin O'Brien of Wilton Country Homes, Inc.; Steven McCallister, Gary Gerard, Dennis Santo, Ms. Hyun Chou

**CALL TO ORDER**

Mr. Wilson called the meeting to order at 7:15 p.m. A quorum was present. Seated Commissioners were Bufano, Gardiner, Gould, McCalpin, Hulse, Shiue, Rudolph and Weiss. Mr. Wilson then referred to the Connecticut General Statutes Section 8-11, Conflict of Interest.

**PUBLIC HEARINGS**

1. SUB #908 Kennedy, 66 Warncke Road, 2 lot subdivision.

Secretary Gardiner read the Legal Notice into the record and stated that this application has been continued from the October 9, 2012 hearing.

Secretary Gardiner said that following documents had been received regarding this application:

- a memo dated October 18, 2012 had been received from that the Health Department stating that the Department has approved the subdivision; and
- a letter dated October 18, 2012 from DiVesta Civil Engineering Association requesting the continuation of the application

Mr. Nerney stated that the application would be continued to November 12, 2012.

2. SB#909 Warren and Smith, 1030 and 1042 Ridgefield Road

*Ms. Gould recused herself and left the meeting at 7:19 p.m.*

Secretary Gardiner read the legal notice and the details of the application into the record. Seated Commissioners were Bufano, Gardiner, McCalpin, Hulse, Shiue, Rudolph and Weiss.

Mr. Kevin O'Brien of Wilton Country Homes, Inc. came forward and introduced himself to the Commissioners. He said that he was representing the applicants, Peter Kirby Warren and Richard and Joanne Smith.

Mr. O'Brien indicated where the proposed parcel was on a site plan. He added that there was a small parcel that was being offered to the Wilton Land Trust as open space. Mr. Steve McCallister, from McCord Engineering, was present as the engineering. This has also been heard by Inland Wetlands and the plans were revised. The revised development plans will be submitted to the staff. The driveway will not be paved and infiltrators will be installed. The previously proposed rain gardens have been removed from the plan.

Mr. O'Brien said that he had a copy of the staff comments. He said that there would be a meeting with the Health Department about the existing structures. Also, the Fire Marshal had some concerns about the sprinkler system cistern.

Mr. O'Brien then distributed copies of his written response dated October 22, 2012 to the staff comments. He reminded everyone that Ridgefield Road is a State Highway and that the State holds the owners to a higher standard.

Mr. Steven McCallister came forward and gave a review of the various systems, such as the sewer system, driveway width and drainage. Mr. O'Brien indicated where the easement over Lot #1 would be over the wetlands at the narrowest point.

The discussion moved to the ownership responsibilities of the common driveway. Mr. Rudolph asked that copies of the easement be submitted to the Commission. Mr. O'Brien made a note of this.

Mr. O'Brien pointed out that the open space off of Fox Run that has been offered to the Wilton Land Trust would add just over acre to the 13 acres already at the Wilton Land Trust.

Mr. Wilson expressed some concerns about the joint driveway only being 12 feet wide. Mr. O'Brien explained that it would be 16 feet wide near Ridgefield Road and then narrow down to 12 feet after the initial 50 feet. Originally the plans had 16 feet throughout but later narrowed it down to 12 feet.

Mr. Nerney suggested setting up a meeting with the staff to review the details of the comments so the staff could report back to the Commission.

Secretary Gardiner noted that there was a Planning and Zoning Staff report dated October 18, 2012 in the file along with a memo from Town Sanitarian dated October 12, 2012 and an email from Fire Marshal dated October 19, 2012.

Chairman Wilson asked if there was any one present that wished to speak to the Commission regarding this application. No one came forward.

It was announced that this application would be continued to November 12, 2012.

There being no further comments from the Commission or the public, the public hearing was closed at 7:39 p.m.

## **REGULAR MEETING**

A. Mr. Wilson called the meeting to order at 7:39 p.m. A quorum was present. Seated Commissioners were Bufano, Gardiner, McCalpin, Hulse, Shiue, Rudolph and Weiss. Mr. Wilson then referred to the Connecticut General Statutes Section 8-11, Conflict of Interest.

## **B. APPROVAL OF THE MINUTES.**

### **1. October 9, 2012 – Regular Meeting**

The following corrections were noted:

Page 4, under **C. SITE DEVELOPMENT PLAN REVIEW**, paragraph 2, line 2: please change the following from:

“expressed concern about approving work that is already been undertaken without first coming for approval .”

to: “ expressed concern about applications seeking approval for work that has already been undertaken.”

Page 6, under 2 SDP, Wilton Hardware, paragraph 4, line 3: please change the following from “no additional side coverage” to “no addition site coverage”.

MOTION was made by Mr. Hulse, seconded by Ms. Bufano, and carried (5-0-2) to approve the minutes of the October 9, 2012 Special Meeting as corrected. Mr. Weiss and Mr. McCalpin abstained.

### **C. SITE DEVELOPMENT PLAN REVIEW**

1. SDP, Wilton Hardware, LLC, 21 River Road (part of 15 River Road). To allow an outdoor storage area and to allow an alternative signage program.

Mr. Nearney presented the draft of the resolution #1012-6Z for the Wilton Hardware LLC application. A question arose concerning that the sign would not be illuminated as indicated by Point 12. It was stated that there were no plans to have the sign lit.

Mr. Rudolph said that there had been discussion regarding the fact that the public would not be allowed access to the storage area.

MOTION was made by Mr. Rudolph, seconded by Mr. Hulse, and carried (6-0-1) with Mr. Weiss abstaining, to approve Resolution #1012-6Z as follows:

**WHEREAS**, the Wilton Planning and Zoning Commission has received an application from Wilton Hardware, LCC, for an outdoor storage area and for an amendment to an alternative signage program associated with an existing shopping center, located at 21 River Road; in a Wilton Shopping Center District (WC), Assessor map #73, Lot #25-1, 12.198 acres; owned by Wilton Executive Campus, LLP and shown on the plans entitled:

Title Page – Prepared for True Value Hardware, Prepared by David K. Petro, architect, dated June 28, 2012, revised September 5, 2012, no scale model noted, sheet #A-0.

Demolition/Construction Plan – Prepared for True Value Hardware, Prepared by David K. Petro, architect, dated February 23, 2012, revised September 5, 2012, scale 1/8” – 1’-0”, sheet #A-1.

Outlet/Reflected Ceiling Plan - Prepared for True Value Hardware, Prepared by David K. Petro, architect, dated February 23, 2012, revised September 5, 2012, scale 1/8" – 1'-0", sheet #A-2.

Demolition/Construction Plan – Exterior Storage – Prepared for True Value Hardware, Prepared by David K. Petro, architect, dated February 23, 2012, revised September 5, 2012, scale 1/8" – 1'-0", sheet #A-3.

Partial Exterior Elevations - Prepared for True Value Hardware, Prepared by David K. Petro, architect, dated July 9, 2012, revised September 5, 2012, scale 1/4" – 1'-0", sheet #A-4-1.

South Exterior Elevation - Prepared for True Value Hardware, Prepared by David K. Petro, architect, dated July 9, 2012, revised September 5, 2012, scale 1/4" – 1'-0", sheet #A-4-2.

Wilton Hardware – 21 River Road – Store Signage – (cover sheet) – Prepared for True Value Hardware, Prepared by J.C. Signs, signage company, dated August 2012, no scale noted, no sheet #.

21 River Road (aerial photo) - Prepared for True Value Hardware, Prepared by J.C. Signs, signage company, dated August 2012, no scale noted, no sheet #.

Sign A- 21 River Road Front/River Road/East Side of Building (photo rendering depiction of building façade and sign) - Prepared for True Value Hardware, Prepared by J.C. Signs, signage company, not dated, no scale noted, no sheet #.

Sign B- 21 River Road Front/River Road/West Side of Building (dimensioned sign layout) - Prepared for True Value Hardware, Prepared by J.C. Signs, signage company, not dated, no scale noted, no sheet #.

21 River Road - Sign A and Sign B Square Footage - Prepared for True Value Hardware, Prepared by J.C. Signs, signage company, dated August 2012, no scale noted, no sheet #.

Wilton Hardware – Store Signage and Storage Area Visibility – (cover sheet and attached 26 photos of existing signs located in Wilton Center) - Prepared for True Value Hardware, dated October 9, 2012, no scale noted, no sheet #.

**WHEREAS**, on September 24, 2012 and October 9, 2012, the Wilton Planning and Zoning Commission reviewed plans and documents pertaining to the establishment of a proposed outdoor storage area and wall signage in conjunction with a hardware store; and

**WHEREAS**, the Wilton Village District Design Committee reviewed applicable plans and documents and has provided the Commission with communications pertaining to their review and such information has been taken into consideration by the Commission; 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** the outdoor storage area and an amendment to the alternative signage plan, located at 21 River Road, effective October 25, 2012 and 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 Permits, Sign Permit, Building Permit, Certificate of Zoning Compliance; or from the State of Connecticut or Government of the United States.
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 October 25, 2017.
3. The applicant's project shall be subject to the issuance of a zoning permit prior to the installation of the outdoor storage area. The outdoor storage area shall not exceed the 513.5 square feet as depicted on the applicant's site plan entitled: Demolition/Construction Plan – Exterior Storage – Prepared for True Value Hardware, Prepared by David K. Petro, architect, dated February 23, 2012, revised September 5, 2012, scale 1/8" – 1'-0", sheet #A-3.
4. The approved outdoor storage area shall not be modified in any manner without first obtaining the approval of the Planning and Zoning Commission.
5. Gates providing access to the outdoor storage area shall remain closed and inaccessible to the general public at all time when the storage area is not in use.
6. No outdoor materials shall be stored outside of the approved storage area. All stored products shall be kept below the height of the fence so as not to be visible to the general public.
7. The storage area shall consist of a concrete slab or other impermeable surface deemed acceptable by the Planning and Zoning Department staff.

8. The applicant shall modify the signage plans, prior to the issuance of a sign permit, to reflect the color changes. The letters of the sign shall be depicted in a red color and the background shall be white in color.

9. The approved signs shall be designed and erected in accordance with the aforementioned plans, as shown on the signage plan as follows:

a. The proposed two facade signs, shall be consistent with the signage represented on the submitted plans and shall not differ with respect to size, color, design or appearance (except for color which shall be modified as noted above). Said signs shall be located in the area as shown on the submitted signage plans. The size of the individual panels are as follows:

1. The True Value sign adjacent to River Road, located on the front or eastern side of the building, shall be limited to 20 square feet.

2. The True Value sign, located on the rear or western side of the building shall be limited to 9.923 square feet.

10. The existing holes in the building façade shall be filled and power washed and/or painted prior to erecting any new signage.

11. All signage approved under the prior alternative signage program for 5,11,15 and 21 River Road stated in Resolution #1101-7Z, shall remain in effect.

12. The approved signs shall be non-illuminated.

**Submittal of revised plans and application prior to the issuance of a zoning permit:**

13. Two (2) complete 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. "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 October 25, 2017.

b. "For condition of approval for Sign Plan, see Resolution #1012-6Z."

One question was raised about whether the applicant would be able to put up the signage before the rest of the work was done. He was told this would be permitted.

#### **D. ACCEPTANCE OF NEW APPLICATIONS**

There were no new applications to accept at this time.

#### **E. PENDING APPLICATIONS**

1. SUB #908 Kennedy, 66 Warncke Road, 2 lot subdivision.

This application was continued to November 12, 2012.

2. SB#909 Warren and Smith, 1030 and 1042 Ridgefield Road

This application was continued to November 12, 2012.

#### **F. COMMUNICATIONS**

1. SUB#907, Cronin, 215 Belden Hill Road, Request for a second and final ninety-day extension pursuant to CT General Statutes Section 8-25(a) of the deadline to file the Mylar depicting the subdivision.

Mr. Nerney said that the request had been filed.

#### **G. REPORT FROM CHAIRMAN AND COMMISSION MEMBERS.**

Mr. Weiss said that this would be his last meeting. Mr. Wilson thanked Mr. Weiss for his time and hard work on the Commission.

#### **H. REPORT FROM PLANNER**

Mr. Nerney said that an email dated October 22, 2012 had been received from Mr. Steven Kleppin, the New Canaan Town Planner and Atty. Christopher Jarboe, the New Canaan Town Attorney regarding the John Black Lee the subdivision. That email has been sent to Atty. Sullivan for her review.



Mr. Nerney announced that there was a UConn training session coming up.

A letter has been received from a resident on Ridgefield Road regarding having 3 Alpacas on their property. It is a three acre parcel. Mr. Nerney reviewed the regulations regarding Farms.

Mr. Gary Gerard, 82 Musket Ridge Road, came forward to speak about the noise and lighting issues in his part of town. He said that he had spoken to the Selectmen about an ordinance for noise. He said that his issue has been snow blowers, leaf blowers and other equipment at the Silvermine Golf Course starting at 7:30 a.m. on week-ends. He requested that the noise ordinance hours be changed to 8:00 p.m. or 9:00 am on Saturday and 10 a.m. on Sunday. The noise levels allow 60 decibels at 7:00 a.m. Mr. Gerard requested that the Commission extend the night time hours on the week-ends.

The second issue is lighting. Mr. Gerard said that new lights have been installed by his neighbors. This is a historic area with two acre zoning. Mr. Gerard then read the regulations regarding lighting. He said that the neighbors have reduced the wattage, but it was still blinding on the corner.

Mr. Wilson said that he believed that this would have to be addressed by the zoning enforcement officer. Mr. Nerney explained that it is usually addressed within the context of site plan development. Mr. Nerney said that he had gone out to the site and seen the lights. Mr. Santos, the home owner, stated that the wattage was now 25 watts. Discussion followed about the color temperature and other lighting fixtures in the area.

Mr. Nerney said that regarding the noise, the Town regulates the noise, but as a land use commission, this Commission regulate the land uses by Connecticut General Statutes. He reviewed some of the various methods that the Commission had required applicants to do when applications are before the Commission. Most of the time, this type of situation is handled by the police.

Mr. Wilson said that from an enforcement perspective, there would be no one present over the week-end to check into night time issues.

Mr. Rudolph had several questions about the lighting issues and the noise issues. Mr. Gerard said that the Silvermine Golf Course authorities had admitted to the Chief of Police that they do in fact take advantage of the regulations. He suggested that the Commission should look at the Larchmont, NY regulations, which are very thorough.

Mr. Wilson agreed that this issue would be best handled by another department. This would be most likely be seen this a Selectman issue. Discussion followed about the details of the Quality of Life issues.

Mr. Wilson said that he would do some research on both the issues. Mr. Gerard said that the lighting fixture was totally inappropriate for the historic area.

Mr. Dennis Santo, 74 Musket Ridge Road, said that he had spoken to Zoning Enforcement Officer Bunting last week had had reduced the wattage to 25 watts.

Ms. Hyun Chou, Mr. Santo's spouse, said that there were stone pillars at the base of the driveway and that she was afraid she would hit the stone pillars when turning into the driveway. These lights were purchased at Home Depot and one of their most popular models. The lights are on a timer and go on at 6:15 p.m. and off at 10:15 p.m. She added that the lights were at the base of the drive and her house is up the hill. The light wattage was changed last week.

Mr. Gerard said that looking at the lights, the hood needs to come down more to direct the light down more.

## **I. FUTURE AGENDA ITEMS**

These were discussed earlier in the meeting.

## **J. ADJOURNMENT**

MOTION was made by Mr. Hulse and seconded by Mr. Rudolph, and carried unanimously (7-0) to adjourn at 8:22 p.m.

Respectfully submitted,

Sharon L. Soltes  
Telesco Secretarial Services