

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

## **WILTON PLANNING & ZONING COMMISSION MINUTES NOVEMBER 12, 2012 REGULAR MEETING**

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

**ABSENT:** John Wilson (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. SUB#908, Kennedy, 66 Warncke Road, 2-lot subdivision**

Mr. Rudolph, acting as Chairman in the absence of Commissioner Wilson, called the Public Hearing to order at 7:16 P.M., seated members Bufano, Gardiner, Gould, Hulse, McCalpin, Rudolph, and Shiue, 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 Doug DiVesta, engineer, on behalf of the applicant.

Mr. DiVesta noted that the Inland Wetlands Commission closed its hearing for the subject application (plan revision 3, dated November 5, 2012) on November 8, 2012, and he noted that the Health Department has also reviewed and issued a feasibility approval for the revised plan.

Mr. DiVesta distributed revised site plans with sight line distances noted as follows: 182 feet to the north and 252 feet to the south. He reviewed his letter of October 22, 2012 responding on a point by point basis to comments/issues raised in the Planning and

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Zoning Staff Report of October 3, 2012.

In particular, he noted that:

- On-site wetlands, at 4.3% of the site, conform with maximum 20% permitted per Section 29-4.B.7.b of zoning regulations.
- A memo from Fire Marshal David Kohn has confirmed that no underground fire cistern/fire suppression alternatives will be required.
- No reservation of open space is necessary per sections 4.5.2.1 and 4.5.2.3 of subdivision regulations since adequate open space is available in the immediate neighborhood, and any potential open space reservation, at a minimum of 12% of the total site, would result in less than one acre.
- Per Town Engineer Ahern's request, a plan detail has been provided for the subsurface detention systems (under driveway and behind house) on page 3 of 3, which shall meet the H-20 loading requirements.
- Coverage calculations and lot area calculations per section 29-4.B.7.a of zoning regulations have been provided on the surveyor's plan, along with revised lot numbering per section 3.3.7 of subdivision regulations.
- Limits of disturbance have been added to the revised site plan.
- Underground utilities will be installed.
- A tree protection detail has been provided.
- The existing pool is to remain, and existing shed is to be relocated.

Mr. DiVesta distributed responses to Town Engineer Ahern's memo of October 25, 2012, and he reviewed responses on a point by point basis. He explained that all engineering items/concerns have been addressed, noting in particular that the detention system would only utilize 79 cu. ft. of storage out of the 106 cu. ft. that are available, and Belgium block curbing will be installed around the courtyard and driveway to facilitate drainage.

Mr. DiVesta also distributed a statement dated November 12, 2012 in favor of the proposed subdivision, signed by four neighbors at 67, 72, and 79 Warncke Road.

In response to questions from Ms. Gould, Mr. DiVesta confirmed that all calculations were based on a paved driveway surface and runoff would be captured via a corner catch basin, toward which the driveway would be pitched.

Mr. Nerney explained that an extension of the deadline to close the application would need to be granted by the applicant until January 14, 2013, which would be the date of the Planning and Zoning Commission's first meeting after the presumed Inland Wetlands approval of the application on December 13, 2012. The applicant agreed to provide such an extension letter via email tomorrow. Mr. Nerney noted for the record that any unexpected meeting cancellation on January 14, 2013 would require the convening of a Special Meeting before January 18, 2013 in order to meet the maximum 100-day

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extension timeframe allowed by CT Statutes.

It was the consensus of the Commission to continue the application until January 14, 2013, pending receipt of required extension memo from the applicant.

Mr. Gardiner referred for the record to a memorandum dated October 25, 2012 from Michael Ahern to Daphne White; a letter dated October 25, 2012 from Douglas DiVesta to Daphne White; a letter of transmittal dated November 8, 2012 with attached site plan/details; and a statement of support from four Warncke Road neighbors dated November 12, 2012.

Mr. Rudolph 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 7:44 P.M. the Public Hearing was continued until January 14, 2013.

**2. SUB#909, Warren and Smith, 1030 and 1042 Ridgefield Road, 3-lot subdivision**

Mr. Rudolph called the Public Hearing to order at 7:44 P.M. and referenced a letter dated November 12, 2012 from Kevin E. O'Brien to Planning and Zoning Commission requesting a continuation of the hearing until November 26, 2012.

Mr. Rudolph 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 7:45 P.M. the Public Hearing was continued until November 26, 2012.

**REGULAR MEETING**

- A. Mr. Rudolph called the Regular Meeting to order at 7:45 P.M., seated members Bufano, Gardiner, Gould, Hulse, McCalpin, Rudolph, and Shiue, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

**B. APPROVAL OF MINUTES**

**1. October 22, 2012 – Regular Meeting**

MOTION was made by Mr. McCalpin, seconded by Mr. Hulse, and carried (7-0) to approve the minutes of October 22, 2012 as amended.

**C. SITE DEVELOPMENT PLAN REVIEW**

**D. ACCEPTANCE OF NEW APPLICATIONS**

**E. PENDING APPLICATIONS**

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

Tabled.

**2. SUB#909, Warren and Smith, 1030 and 1042 Ridgefield Road, 3-lot subdivision**

Tabled.

**F. COMMUNICATIONS**

**1. Toll Brothers, 127 River Road, proposed site plan revisions to previously approved plan**

Present were Jack Lannamann and Daniel Masterson, on behalf of Toll Brothers.

Mr. Nerney referenced a letter from Daniel R. Masterson dated November 6, 2012 regarding Toll Brothers' ongoing due diligence process in connection with its possible purchase of the now defunct Grey Rocks development at 127 River Road. Mr. Nerney gave a brief overview of the project, noting that 20 units were originally approved by the Planning and Zoning Commission in early 2007, and recently the affordable housing component was waived by the Commission. He noted that Toll Brothers is exploring the feasibility of acquiring the property, with a view towards developing a slightly different product on the site, including first level master bedrooms in a number of the units in order to better market the product to empty-nesters.

Mr. Lannamann distributed a plan entitled “River Ridge Comparison Plan” which delineated the site plan changes proposed.

Mr. Nerney explained that the applicant is proposing a reduction of side-to-side and front-to-back setbacks from 40 feet to 25 feet (where current zoning code permits 20 feet) for infield units numbered 13-20. He stated that perimeter buffers would be maintained and overall unit square footage caps would remain the same, noting that the requested internal reduction of setbacks is related to the applicant’s desire to shift some of the upper story mass down to the lower level.

Mr. Lannamann distributed color brochures outlining Toll Brothers’ track record in Connecticut. He noted that proposed homes in the development would be deeper, not wider and, overall, they would have a uniform and cohesive look/design. He also noted that the proposed separation distance for units numbered 1-8 would be approximately 25 feet.

Mr. Nerney explained that Section 29-10 of zoning regulations allows the Town Planner to administratively approve minor plan changes to previously approved Special Permits. He suggested that the Commission discuss the proposed changes and if it deems said changes satisfactory, then revised plans could be submitted by the applicant to the Planning and Zoning Department for staff review/approval. He stated that an amended resolution of approval could then be drafted, noting that all previously stated conditions of approval would remain intact.

Ms. Gould commented that first floor master bedrooms are a necessity for the targeted empty-nester market and she felt that 25-40 foot separation distances among units is reasonable. In response to a question from Ms. Gould regarding the anticipated number of units with first floor master bedrooms, Mr. Lannamann stated that approximately 6 or 7 are currently proposed, although he noted that if the market demands more, the applicant could come back before the Commission to modify its plan further.

After a brief discussion, it was the consensus of the Commission to allow the Town Planner to handle the application administratively. Mr. Nerney requested that the applicant provide all appropriate plans, including but not necessarily limited to, an updated site plan and an updated drainage report stamped by a certified engineer.

**MOTION** was made by Ms. Gould, seconded by Ms. Bufano, and carried unanimously (7-0) to give Town Planner Nerney authority to approve the applicant’s proposed plan modifications, as per submitted “River Ridge Comparison Plan”, and letter to Chairman Wilson and Commissioners dated November 6, 2012, and to administratively handle any resulting changes of a minor nature to the original approval.

Mr. Nerney noted for the record that if anything were to arise in the course of the amended application process that he felt was in any way questionable, he would not hesitate to bring the application back to the Commission for further review/approval. In response to a question from Mr. Rudolph as to whether there is anything the Commission should be wary about prior to closing this discussion, Mr. Nerney stated that he was not aware of any issues. He noted that surrounding property owners are supportive of the application; approvals have been extended out by Statute to nine years; and the Environmental Affairs Department has no issues with the changes as proposed; so nothing was raising a red flag for him in connection with the plan modifications as proposed.

**G. REPORT FROM CHAIRMAN**

Mr. Rudolph noted that former Commissioner Bas Nabulsi has expressed interest in joining the Commission again and filling the vacancy created by John Weiss's recent resignation. He asked that Mr. Nerney confirm the legality of Mr. Nabulsi serving again on the Commission given the approximate one-year interlude since the end of his last term.

A discussion ensued regarding the necessity of vetting the former Commissioner. It was the consensus of the Commission that, although Mr. Nabulsi is well-known to most of the current Commission, it would still be desirable to go through the standard public vetting process. It was determined that a special meeting should be held at 7 P.M. on November 26<sup>th</sup>, 2012, prior to the Commission's regularly scheduled 7:15 P.M. meeting, to vet prospective Commissioner Bas Nabulsi.

**H. REPORT FROM PLANNER**

**I. FUTURE AGENDA ITEMS**

**J. ADJOURNMENT**

MOTION was made by Mr. Hulse, seconded by Mr. McCalpin, and carried unanimously (7-0) to adjourn at 8:17 P.M.

Respectfully submitted,

Lorraine Russo  
Recording Secretary