

PLANNING & ZONING
COMMISSION
Telephone (203) 563-0185
Fax (203) 563-0284



TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

**WILTON PLANNING & ZONING COMMISSION MINUTES
NOVEMBER 26, 2012 - REGULAR MEETING**

PRESENT: Chairman John Wilson, Vice Chairman L. Michael Rudolph, Secretary John Gardiner, Commissioners Lori Bufano, and Peter Shiue

ABSENT: Marilyn Gould, Chris Hulse, Bill McCalpin (notified intended absences)

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. Wilson called the Public Hearing to order at 7:15 P.M., seated members Bufano, Gardiner, Rudolph, Shiue, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. He noted that the hearing was being continued until January 14, 2013.

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 January 14, 2013.

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

Mr. Wilson called the Public Hearing to order at 7:16 P.M., seated members Bufano, Gardiner, Rudolph, Shiue, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Wilson noted that the hearing was continued from a previous date.

Present was Kevin O'Brien, on behalf of the applicant.

Mr. O'Brien referred to a posted site plan, noting that a few outstanding issues still needed to be resolved. Addressing the issue of sight distances for the proposed new common driveway associated with Lots 2 and 3, Mr. O'Brien distributed a signed/sealed letter dated November 21, 2012 from Roger Stalker (Stalker Land Surveying, Inc.), indicating that the northerly sight distance along Ridgefield Road is 464 feet and the southerly sight distance is 512 feet. He stated that these sight distances are more than adequate per State highway requirements.

Addressing the issue of open space, Mr. O'Brien confirmed that the Wilton Land Conservation Trust has agreed to accept the proposed gift/dedication of 1+ acres of open space, noting that the space will not be land-locked and will have frontage out to Fox Run.

Mr. O'Brien next addressed the issue of fire protection on the site. Citing the high cost of installing a sprinkler system from a well source (at \$40,000+/- per residence) and the correspondingly high cost of constructing a cistern on the site, he stated that he has asked Fire Marshal Dave Kohn whether the subject site could possibly utilize an existing cistern that was constructed on a subdivision to the north at 1068 Ridgefield Road. Pending a decision by the Fire Marshal, Mr. O'Brien indicated that the applicant would ultimately comply with whatever recommendations are issued by the Fire Department in that regard.

Mr. Wilson raised the question of whether the applicant would have the right to use the other cistern to the north and he asked that the applicant obtain an answer to that question. Mr. O'Brien stated that Mr. Kohn was looking into that issue and he was awaiting the Fire Marshal's response.

Town Planner Nerney confirmed that fire cisterns can be required by subdivision regulations, based on a number of factors/considerations as defined in the regulations (e.g. number of homes in the development, proximity to bodies of water, response times, etc.). He noted that Fire Marshal Kohn had initially recommended that sprinkler systems be installed in the homes as a first choice or a cistern constructed as a less preferable alternative. Mr. Nerney explained that ultimately the final decision belongs to the Planning and Zoning Commission although he noted that the Commission has generally

P&Z Minutes – 11/26/12 – Page 3

relied on Fire Department recommendations in the past.

Mr. O'Brien also addressed the issue of Health Department approval, noting that their approval had been issued today.

Mr. Nerney felt that it would be productive for the applicant to meet with staff in the near future to methodically go through all comments/issues raised in the Planning and Zoning Staff Report dated October 18, 2012. Mr. O'Brien agreed.

It was the consensus of the Commission to keep the hearing open pending Inland Wetlands Commission approval (anticipated for December 13, 2012), and final Fire Department recommendation as noted heretofore. Mr. O'Brien agreed to grant the Commission an extension of the deadline to close the hearing until January 14, 2013, which will be the first Planning and Zoning Commission meeting following the Inland Wetlands meeting on December 13, 2012.

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 7:36 P.M. the Public Hearing was continued until January 14, 2013.

REGULAR MEETING

A. Mr. Wilson called the Regular Meeting to order at 7:36 P.M., seated members Bufano, Gardiner, Rudolph, Shiue, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. November 12, 2012 – Regular Meeting

MOTION was made by Mr. Gardiner, seconded by Mr. Shiue, and carried (4-0-1) to approve the minutes of November 12, 2012 as drafted. Mr. Wilson abstained.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

E. PENDING APPLICATIONS

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

Tabled until January 14, 2013.

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

Tabled until January 14, 2013.

F. COMMUNICATIONS

1. SP#8A, 190 Danbury Road Assoc, LLC, 186-190 Danbury Road, Proposed modifications to Resolution #0612-4P

Present was Attorney Jim Murphy, on behalf of the applicant.

Mr. Murphy referenced his letter of November 20, 2012 summarizing his application to amend three conditions and add one new condition to Resolution #0612-4P for SP#8A.

He reviewed details of the proposed changes to:

1) Condition 4 regarding the need for a test pit and detailed drawings prior to WPCA (Wilton Water Pollution Control Authority) application or review;

2) Condition 7 to reflect submission of an easement map/deed prior to issuance of a Certificate of Zoning Compliance, instead of a Zoning Permit as was originally written;

3) Condition 17 to more accurately reflect recent changes to CT State Statutes on the scope of municipal bonding requirements, and thus clarifying the need for a bond estimate for erosion and sediment controls only, as opposed to the additional bonding categories previously also included;

4) Add a condition 28 (to further clarify Condition 7) regarding a revised easement map and deed as to the driveway easement, which shall be recorded prior to issuance of Certificate of Zoning Compliance.

Mr. Nerney noted for the record that Assistant Town Counsel Pat Sullivan reviewed and had no objection to all of the proposed modifications.

MOTION was made by Ms. Bufano, seconded by Mr. Gardiner, and carried unanimously (5-0) to modify original Resolution #0612-4P for Special Permit #8A with language as proposed in Attorney James Murphy's letter to the Commission dated November 20, 2012.

G. REPORT FROM CHAIRMAN

1. Reports from Committee Chairmen

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

J. ADJOURNMENT

MOTION was made by Mr. Rudolph, seconded by Mr. Gardiner, and carried unanimously (5-0) to adjourn at 7:54 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary