

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

## **WILTON PLANNING & ZONING COMMISSION MINUTES JANUARY 14, 2013 REGULAR MEETING**

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

**ABSENT:** Bill McCalpin (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.

## **NOMINATION & ELECTION OF OFFICERS**

### **- Chairman**

**MOTION** was made by Mr. Rudolph, seconded by Mr. Hulse, and carried unanimously (8-0) to nominate and elect Commissioner Wilson as Chairman of the Planning and Zoning Commission for 2013.

### **- Vice-Chairman**

**MOTION** was made by Mr. Wilson, seconded by Ms. Bufano, and carried unanimously (8-0) to nominate and elect Commissioner Rudolph as Vice-Chairman of the Planning and Zoning Commission for 2013.

### **- Secretary**

**MOTION** was made by Mr. Wilson, seconded by Mr. Shiue, and carried unanimously (8-0) to nominate and elect Commissioner Gardiner as Secretary of the Planning and Zoning Commission for 2013.

**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, Gould, Hulse, Nabulsi, Rudolph, Shiue, 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.

Mr. Nerney briefly reviewed a history of the application, noting that it had been under review by the Inland Wetlands Commission in December, which led to its continuance by the Planning and Zoning Commission until this evening's meeting. He explained that the Inland Wetlands Commission recently approved the application. He also referenced a previous discussion regarding the issue of whether a fire cistern would be required on the site, and he noted that the Fire Marshal subsequently determined that a cistern would not be necessary.

MOTION was made by Ms. Gould, seconded by Mr. Gardiner, and carried (7-0-1) to close the public hearing. Mr. Nabulsi abstained.

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 7:20 P.M. the Public Hearing was closed.

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

Ms. Gould recused herself from the hearing and left the meeting room.

Mr. Wilson called the Public Hearing to order at 7:20 P.M., seated members Bufano, Gardiner, Hulse, Nabulsi, Rudolph, Shiue, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. He noted that the hearing had been continued from a previous date.

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

Mr. O'Brien explained that the application was approved by the Inland Wetlands Commission this past Thursday. Addressing the issue of whether a fire cistern would be required on the site, Mr. O'Brien stated that the Fire Marshal determined that either a cistern or sprinkler system should be installed on the site. Mr. O'Brien indicated that the applicant would be fine with a condition of approval allowing the builder to make the

final choice between the two fire control options.

MOTION was made by Mr. Hulse, seconded by Ms. Bufano, and carried (6-0-1) to close the public hearing. Mr. Nabulsi abstained.

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 7:23 P.M. the Public Hearing was closed.

## **REGULAR MEETING**

Ms. Gould returned to the meeting room.

A. Mr. Wilson called the Regular Meeting to order at 7:24 P.M., seated members Bufano, Gardiner, Gould, Hulse, Nabulsi, Rudolph, Shiue, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

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

#### **1. November 26, 2012**

MOTION was made by Mr. Gardiner, seconded by Ms. Bufano, and carried (6-0-2) to approve the minutes of November 26, 2012 as drafted. Commissioners Gould and Nabulsi abstained.

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

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

1. **SP#381, ASML US, Inc., 77 Danbury Road, proposed addition to existing manufacturing facility**
2. **SP#382, Breitling USA, Inc., 206 Danbury Rd and 20 Sharp Hill Rd, proposed second floor addition and additional parking**
3. **SP#383, Redding Railroad Frozen Yogurt, LLC, 142 Old Ridgefield Road, fast food establishment without drive-in facility**
4. **SDP, Stop & Shop Supermarket Company, 5 River Road, proposed alternative signage program**

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The Commission accepted the foregoing applications and set public hearing/discussion dates as follows:

SP#381 and SP#382 – Monday, January 28, 2013

SP#383 and SDP (5 River Road) – Monday, February 11, 2013

Referencing application SP#381 (ASML US, Inc.), Mr. Wilson noted for the record that the applicant should be prepared to address EPA issues at the next meeting.

Referencing application SP#382 (Breitling USA, Inc.), Mr. Wilson suggested that Commissioners be prepared to discuss issues of design.

### **E. PENDING APPLICATIONS**

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

The Commission briefly reviewed Draft Resolution #0113-1S.

MOTION was made by Ms. Gould, seconded by Mr. Hulse, and carried (6-0-2) to adopt as drafted Resolution **#0113-1S** for **SUB#908**, effective January 17, 2013.  
Commissioners Nabulsi and Wilson abstained.

**WHEREAS**, the Wilton Planning and Zoning Commission has received a **Subdivision** application **SUB#908** from Nichols and Julia Kennedy, for a two-lot subdivision located on 66 Warncke Road, in an R-2A District, Assessor's Map #60, Lot #35, 5.381 acres, owned by Nicols and Julia Kennedy and shown on the plans entitled:

Subdivision Map, prepared for Nicols D. & Julia B. Kennedy, prepared by Neil K. Jain, land surveyor, dated May 15, 2012, last revised 10/22/12 at a scale of 1"=40', no sheet #.

Proposed Site Plan, prepared for Kennedy Subdivision, prepared by Douglas P. DiVesta, engineer, dated August 10, 2012, last revised 11/5/12 at a scale of 1"=30', sheet #1 of 3.

Details, prepared for Kennedy Subdivision, prepared by Douglas P. DiVesta, engineer, dated August 10, 2012, last revised 11/5/12 scale as noted, sheet #2 of 3.

Details, prepared for Kennedy Subdivision, prepared by Douglas P. DiVesta, engineer, dated September 26, 2012, last revised 11/5/12 scale as noted, sheet #3 of 3.

**WHEREAS**, the Planning and Zoning Commission conducted a public hearing on October 9, 2012, November 12, 2012 and January 14, 2013 to receive comment from the public and has fully considered all evidence submitted at said hearing; and

**WHEREAS**, the Inland Wetlands Commission has rendered a favorable report to the Planning

and Zoning Commission has given due consideration to the consensus of the Inland Wetlands Commission; and

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

**NOW THEREFORE BE IT RESOLVED** effective January 17, 2013 the Wilton Planning and Zoning Commission **APPROVES** the two-lot subdivision subject to the endorsement and filing of the record Subdivision Map, and subject to the following conditions:

**A. GENERAL CONSIDERATIONS**

1. It is the responsibility of the applicant to obtain any other permits or licenses required by law or regulation. Governing bodies which may have jurisdiction include the Town of Wilton; the State of Connecticut or the United States Government.
2. No equipment or material shall be deposited, placed or stored in any wetland or water course, on or off site unless specifically authorized by an Inland Wetlands Permit.
3. Housing numbers shall be as follows:

Lot #1 shall remain 66 Warncke Road, (Map#60, Lot#35)

Lot #2 shall be assigned the address of 54 Warncke Road, (Map#60, Lot#35-1)

4. For this particular application, the Commission waives the requirement for the dedication of open space. This waiver is granted on the finding that the applicant meets Section 4.5.2. of the Subdivision Regulations. The Planning and Zoning Commission has determined that a reservation of 12% of the parcel for open space is not necessary because the minimum reservation constitutes less than one acre, is not contiguous to other open space and, in light of these conditions, finds that such dedication would be of little public value.

**B. PERTAINING TO BOTH LOTS #1 and #2 (In the event Lot #1 and/or Lot #2 undergo new development or redevelopment)**

5. Development shall not alter the existing natural site grading and drainage patterns of adjoining properties. Runoff caused by new development, during and after construction, shall be minimized and diverted to natural drainage patterns.
6. Driveways shall be clearly marked to facilitate rapid identification by emergency vehicles.
7. Fuel oil tanks shall only be located above ground or within a basement.
8. Any significant change in the build-out of each lot or location and design of infrastructure improvements associated with this application shall be subject to Commission review and approval.
9. There shall be no construction activities on the site on Sundays or holidays. The

hours of construction shall be between the hours of 7:00 am and 5:00 pm Monday through Friday and 8:00 am and 5:00 pm on Saturdays, except for interior work within the individual houses.

10. A copy of this resolution shall be given to the project manager of each lot and shall be available on site during construction.

**C. PRIOR TO FILING OF FINAL SUBDIVISION MAP**

11. The Final Subdivision Plan shall be revised to include the following:
  - a. The address designation within each approved lot as specified herein.
  - b. The note: “Subdivision #908 for conditions of approval see Resolution #0113-1S
  - c. The subdivision map shall be filed within 90 days following expiration of the appeal period, unless the applicant obtains an extension from the Planning and Zoning Commission.
  - d. The applicant shall provide the Planning and Zoning Department with an electronic copy of the subdivision plan prior to the recording of said plan with the Town Clerk.
  - e. The applicant shall relocate or demolish the existing shed which is now located within the building side-yard setback on Lot #1, prior to recording the subdivision map with the Town Clerk.

**D. SUBSEQUENT TO FILING OF THE FINAL SUBDIVISION MAP**

12. The applicant shall, within thirty (30) day of the filing of the Final Subdivision Plan, submit the following:
  - a. Eight (8) paper prints of the filed subdivision plan with the Town Clerk’s notations. Said prints shall be signed and embossed by all the appropriate consultants/engineers.
  - b. The record subdivision map shall indicate any watercourses and wetlands on the lots and shall delineate the limit of disturbance on each lot.
  - c. A Mylar reduction of the approved Subdivision Plan at a scale of 1"=800'.
  - d. Three (3) copies of all other plans and documents as specified herein. Said plans and documents shall bear the seal, signature and license number of the registered professional(s) responsible for preparing appropriate sections of the plans and documents.

**E. PRIOR TO THE ISSUANCE OF A ZONING PERMIT (In the event Lot #1 and/or Lot #2 undergo new development or redevelopment)**

13. A site plan shall be submitted for review and approval by the Commission’s staff prior to obtaining a zoning permit for the re-development of either Lot #1 and/or Lot

- #2. Each site plan shall include a tree and stone wall preservation plan. Said plan shall locate each tree with a diameter (caliper) over 16" within the buildable area and 10" diameter (caliper) within the setback areas and all stone wall features on the property. The plan shall explain why any such tree or stone wall is not to be preserved, and shall explain any alternate plans that have been considered. Any trees and/or stone walls proposed to be preserved shall be depicted on the tree and stone wall preservation plan and shall be protected throughout the construction and thereafter.
14. A bond estimate for all site work shall be provided by the applicant to the Commission's staff for the redevelopment of either Lot#1 or Lot#2, which shall include, but not be limited to sedimentation and erosion controls, tree protection, grading, subsurface detention system, new driveway, seeding and a 10% contingency. Such amount shall be approved by the Commission's staff. The bond shall be in a form and amount with proper surety satisfactory to the Commission's Land Use Counsel, and shall be submitted prior to any site disturbance.
15. Zoning permits involving new construction for either Lot#1 or Lot#2 shall be accompanied by revised site development plans if the site plans of either lot differ from the submitted stamped engineering plans reviewed by the Planning and Zoning Commission. The plans are to be prepared and stamped by a Connecticut-licensed engineer.
16. Final plans shall be updated to include the Health Department certification block pursuant to Section 3.315 of the Subdivision Regulations.

**F. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE  
(In the event Lot #1 and/or Lot #2 undergo new development or redevelopment)**

17. All utilities for either Lot#1 or Lot #2 shall be installed underground prior to the issuance of a certificate of zoning compliance.
18. All lot corners shall be pinned and verification from the applicant's Land Surveyor of such lots shall be submitted prior to obtaining zoning compliance for such lot.
19. An as-built plan showing the location of the underground detention system depicted on the Site Development Plan shall be submitted prior to zoning compliance for each lot. In addition, the engineer of record shall provide a signed and sealed letter, certifying that the underground detention system is in compliance with the issued zoning permit and further attesting to the functionality of the system.
20. The applicant's land surveyor shall submit an as-built survey indicating building and site coverages.
21. The proposed catch basin serving Lot#2 shall be designed and installed to handle HS-20 loading requirements. Prior to the issuance of a certificate of zoning compliance, such improvement shall be verified in writing by the project engineer and the original correspondence, signed and sealed by the engineer, shall be provide to the Planning and Zoning Department.

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

The Commission briefly reviewed Draft Resolution #0113-2S. A minor modification was incorporated into the draft document.

MOTION was made by Mr. Hulse, seconded by Mr. Shiue, and carried (6-0-2) to adopt as amended Resolution **#0113-2S** for **SUB#909**, effective January 17, 2013. Commissioners Gould and Nabulsi abstained.

**WHEREAS**, the Wilton Planning and Zoning Commission has received a **Subdivision** application **SUB#909** from Kevin E. O'Brien for Peter Kirby Warren and Richard and Joanne Smith, for a three-lot subdivision located on 1030 and 1042 Ridgefield Road, in an R-2A District, Assessor's Map #109, Lot #28, 7.46 acres and Map #109, Lot #27, 3.3 acres, respectively, owned by Peter Warren and Richard and Joanne Smith, respectively and shown on the plans entitled:

Vicinity Sketch, prepared for Peter Kirby Warren, prepared by Roger A. Stalker, land surveyor, dated March 21, 2012, at a scale of 1"=100', sheet #1 of 3.

Existing Conditions Map, prepared for Peter Kirby Warren, prepared by Roger A. Stalker, land surveyor, dated December 10, 2011, at a scale of 1"=50', sheet #2 of 3.

Subdivision Map, prepared for Peter Kirby Warren, prepared by Roger A. Stalker, land surveyor, dated March 21, 2012, revised June 29, 2012, at a scale of 1"=50', sheet #3 of 3.

Property Survey Map Showing Lot Line Revision of 1030 & 1042 Ridgefield Road, prepared for Peter Kirby Warren and Richard and Joanne Smith, prepared by Roger A. Stalker, land surveyor, dated March 20, 2012, at a scale of 1"=50', sheet #1 of 1.

Site Development Plan, prepared for Peter Kirby Warren and Richard and Joanne Smith, prepared by Holt W. McChord, engineer, dated August 8, 2012, last revised December 6, 2012 at a scale of 1"=40', sheet #SE1.

Construction Notes and Details, prepared for Peter Kirby Warren and Richard and Joanne Smith, prepared by Holt W. McChord, engineer, dated August 8, 2012, last revised December 6, 2012 at scale as noted, sheet #DT1.

Septic System Notes and Details, prepared for Peter Kirby Warren and Richard and Joanne Smith, prepared by Holt W. McChord, engineer, dated August 8, 2012, last revised November 27, 2012 at scale as noted, sheet #DT2.



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Septic System Notes and Details, prepared for Peter Kirby Warren and Richard and Joanne Smith, prepared by Holt W. McChord, engineer, dated August 8, 2012, revised November 16, 2012 at scale as noted, sheet #DT3.

Soil Erosion Control Notes and Details, prepared for Peter Kirby Warren and Richard and Joanne Smith, prepared by Holt W. McChord, engineer, dated August 8, 2012, at scale as noted, sheet #DT4.

**WHEREAS**, the Planning and Zoning Commission conducted a public hearing on October 22, 2012, November 26, 2012 and January 14, 2013 to receive comment from the public and has fully considered all evidence submitted at said hearings; and

**WHEREAS**, the Inland Wetlands Commission has rendered a favorable report to the Planning and Zoning Commission and has given due consideration to the consensus of the Inland Wetlands Commission; and

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

**NOW THEREFORE BE IT RESOLVED** effective January 17, 2013 the Wilton Planning and Zoning Commission **APPROVES** the three-lot subdivision subject to the endorsement and filing of the record Subdivision Map, and subject to the following conditions:

**A. GENERAL CONSIDERATIONS**

22. It is the responsibility of the applicant to obtain any other permits or licenses required by law or regulation. Governing bodies which may have jurisdiction include the Town of Wilton; the State of Connecticut or the United States Government.
23. No equipment or material shall be deposited, placed or stored in any wetland or water course, on or off site unless specifically authorized by an Inland Wetlands Permit.
24. Housing numbers shall be as follows:
  - 1042 Ridgefield Road, (Map#109, Lot#27) shall remain, as shown on the Subdivision Map.
  - Lot #1 shall remain 1030 Ridgefield Road, (Map#109, Lot#28)
  - Lot #2 shall become 1036 Ridgefield Road, (Map#109, Lot#28-1)
  - Lot #3 shall become 1038 Ridgefield Road, (Map#109, Lot#28-2)
25. Dedicated open space, consisting of 1.01 acres as shown on the Subdivision Map prepared by the land surveyor, Roger A. Stalker, dated March 21, 2012, and revised June 29, 2012, shall be deeded to the Wilton Land Trust concurrent with the recording of the record subdivision map.

**B. PERTAINING TO LOTS #1, #2 and #3 (In the event Lot #1 and/or Lot #2 and/or Lot#3 undergo new development or redevelopment)**

26. Development shall not alter the existing natural site grading and drainage patterns of adjoining properties. Runoff caused by new development, during and after construction, shall be minimized and diverted to natural drainage patterns.
27. Driveways shall be clearly marked to facilitate rapid identification by emergency vehicles.
28. Fuel oil tanks shall only be located above ground or within a basement.
29. Any significant change in the build-out of each lot or location and design of infrastructure improvements associated with this application shall be subject to Commission review and approval.
30. There shall be no construction activities on the site on Sundays or holidays. The hours of construction shall be between the hours of 7:00 am and 5:00 pm Monday through Friday and 8:00 am and 5:00 pm on Saturdays, except for interior work within the individual houses.
31. A copy of this resolution shall be given to the project manager of each lot and shall be available on site during construction.

**C. PRIOR TO FILING OF FINAL SUBDIVISION MAP**

32. The Final Subdivision Plan shall be revised to include the following:
  - f. The address designation within each approved lot as specified herein.
  - g. The note: “Subdivision #909 for conditions of approval see Resolution #0113-2S
  - h. The subdivision map shall be filed within 90 days following expiration of the appeal period, unless the applicant obtains an extension from the Planning and Zoning Commission.
  - i. The applicant shall provide the Planning and Zoning Department with an electronic copy of the subdivision plan prior to the recording of said plan with the Town Clerk.
  - j. Prior to recording the subdivision map with the Town Clerk, the applicant shall file and record the proposed lot-line revision map for 1030 and 1042 Ridgefield Road.

**D. SUBSEQUENT TO FILING OF THE FINAL SUBDIVISION MAP**

33. The applicant shall, within thirty (30) day of the filing of the Final Subdivision Plan, submit the following:
  - a. Eight (8) paper prints of the filed subdivision plan with the Town Clerk’s notations. Said prints shall be signed and embossed by all the appropriate consultants/engineers.

- b. The record subdivision map shall indicate any watercourses and wetlands on the lots and shall delineate the limit of disturbance on each lot.
- c. A Mylar reduction of the approved Subdivision Plan at a scale of 1"=800'.
- d. The proposed site development plan shall be modified to reflect a means of fire suppression acceptable to the Wilton Fire Marshal. Said system is either to be a fire cistern or sprinkler system. If a fire cistern is to be installed, the precise location shall be depicted on the site development plan. Easements shall be submitted, reviewed and recorded so as to ensure access to the fire cistern. If alternative fire suppression is provided, such alternative shall be noted on the site development plan.
- e. Three (3) copies of all other plans and documents as specified herein. Said plans and documents shall bear the seal, signature and license number of the registered professional(s) responsible for preparing appropriate sections of the plans and documents.

**E. PRIOR TO THE ISSUANCE OF A ZONING PERMIT (In the event Lot #1 and/or Lot #2 and/or Lot#3 undergo new development or redevelopment)**

- 34. A site plan shall be submitted for review and approval by the Commission's staff prior to obtaining a zoning permit for the re-development of Lot #1 and/or Lot #2 and/or Lot#3. Each site plan shall include a tree and stone wall preservation plan. Said plan shall locate each tree with a diameter (caliper) over 16" within the buildable area and 10" diameter (caliper) within the setback areas and all stone wall features on the property. The plan shall explain why any such tree or stone wall is not to be preserved, and shall explain any alternate plans that have been considered. Any trees and/or stone walls proposed to be preserved shall be depicted on the tree and stone wall preservation plan and shall be protected throughout the construction and thereafter.
- 35. The applicant shall provide revised structural details of the proposed bridge and supporting retaining walls necessary to bridge the watercourse crossing along the common driveway access to Lot#2 and Lot#3. Such structural detail must be signed and stamped by a Connecticut-licensed engineer and deemed acceptable by the Planning and Zoning Department.
- 36. Zoning permits involving new construction for either Lot#1 or Lot#2 or Lot#3 shall be accompanied by revised site development plans if the site plans of a lot differ from the submitted stamped engineering plans reviewed by the Planning and Zoning Commission. The plans are to be prepared and stamped by a Connecticut-licensed engineer.
- 37. A bond estimate for all site work shall be provided by the applicant to the Commission's staff for the redevelopment of Lot#1 or Lot#2 or Lot#3, which shall include, but not be limited to sedimentation and erosion controls, tree protection, grading, subsurface detention system, new driveway, seeding and a 10% contingency. Such amount shall be approved by the Commission's staff. The bond shall be in a

form and amount with proper surety satisfactory to the Commission's Land Use Counsel, and shall be submitted prior to any site disturbance.

38. Final plans shall be updated to include the Health Department certification block pursuant to Section 3.315 of the Subdivision Regulations.

**F. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE  
(In the event Lot #1 and/or Lot #2 and/or Lot#3 undergo new development or redevelopment)**

39. All utilities for Lot#1, Lot #2 or Lot#3 shall be installed underground prior to the issuance of a certificate of zoning compliance.
40. All lot corners shall be pinned and verification from the applicant's Land Surveyor of such lots shall be submitted prior to obtaining zoning compliance for such lot.
41. The applicant's land surveyor shall submit an as-built survey indicating building and site coverages.
42. An as-built plan showing the location of the underground detention system depicted on the Site Development Plan shall be submitted prior to zoning compliance for each lot. In addition, the engineer of record shall provide a signed and sealed letter, certifying that the underground detention system is in compliance with the issued zoning permit and further attesting to the functionality of the system.

-END RESOLUTION-

**F. COMMUNICATIONS**

**G. REPORT FROM CHAIRMAN**

**H. REPORT FROM PLANNER**

**1. Report regarding Wampum Hill Road and status of property owned by Laurie Ann Deilus**

Mr. Nerney reviewed the matter, noting that although PZC approval is not required, he wanted to update Commissioners on the status of the subject property. He posted a map of the area which includes approximately 10 acres located along the Town's border with Weston, off of Wampum Hill Road, noting in particular that the roadway known as 2 Rod Highway goes as far back as colonial days.

Mr. Nerney explained that the contract purchaser, Chris Montanaro, wishes to develop two lots from the existing 10+/-acre parcel. In that regard, he noted that litigation has been ongoing, commencing in the trial court and advancing to the Appellate Court, but

with certification by the Supreme Court ultimately denied. He noted that Aspetuck Land Trust, which has holdings to the north and south of the subject parcel, was also a party to the suit. He explained that the Courts have ruled that 2 Rod Highway is a public road (although the Town has no legal responsibility to upgrade it) and the Courts agreed that a prescriptive easement of necessity was developed through the property to gain access to Wampum Hill Road.

As a result of said ruling by the Courts, Mr. Nerney explained that the developer will now be eligible to utilize the “first cut” provision of the statutes, thus dividing the subject parcel into two lots of about 4-5 acres each; and he anticipated that the applicant would be moving forward to execute that development right in the near future. He noted for the record that the Planning and Zoning Department will be requiring an opinion letter from applicant’s Counsel that the subject lot qualifies for a “first cut” division, along with supporting title information; as well as an opinion letter, supported by the court’s ruling, that there is a perpetual right to pass over property owned by the Aspetuck Land Trust. He also explained that the Town of Wilton will not issue a permit in connection with the portion of driveway that crosses over into Weston since that portion would not be under the purview of Wilton zoning.

In response to questions about the feasibility of someday creating additional lots out of the subject parcel, Mr. Nerney stated that that is always that possibility, although he noted that the topography is very rough and the Town has regulations limiting the number of rear lots permitted off a public road.

Mr. Nerney addressed the possibility of the Town’s abandonment of 2 Rod Highway, noting that Town Counsel did not recommend such an action since it could be considered “confiscatory”. In response to a suggestion from Mr. Hulse that the Town officially abandon other similar type roads in Town as a way to avoid such outcomes in the future, Mr. Nerney stated that he did not believe there were many similar situations, if any, currently existing in Town.

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Mr. Wilson briefly discussed the issue of signage in Town, noting that First Selectman Bill Brennan has indicated a preference for signage that has more of a New England feel/design to it, although Mr. Wilson noted that this Commission has no remedy to influence signage design. Mr. Nerney noted for the record that many signage applications now go through a review by the Village District Design Committee.

Mr. Wilson acknowledged that signage is becoming more and more important in Town and he invited any interested Commissioners to join him in exploring various signage options going forward.

Mr. Nerney noted further that the most flagrant signage violations have occurred in connection with temporary signs and he reminded Commissioners that regulations pertaining to temporary signage were modified a couple of years ago. However, he acknowledged that it has been a rather complex issue over the past few years given the recent economic downturn and the Town's sensitivity to the plight of small business owners in Town. He noted that Zoning Enforcement Officer Tim Bunting sometimes confiscates some of the smaller signs that are frequently posted illegally throughout the Town.

Mr. Wilson felt that there is a need to consider LED and flashing signs, as well as signs that are visible from inside a store, noting that he plans to review such issues and report back to the Commission at a future date.

**I. FUTURE AGENDA ITEMS**

**J. ADJOURNMENT**

MOTION was made by Ms. Gould, seconded by Ms. Bufano, and carried unanimously (8-0) to adjourn at 8:10 P.M.

Respectfully submitted,

Lorraine Russo  
Recording Secretary