

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 APRIL 8, 2013 REGULAR MEETING

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

ABSENT: Bas Nabulsi (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

REGULAR MEETING

A. Mr. Wilson called the Regular Meeting to order at 7:15 P.M., seated members Bufano, Gardiner, Hulse, McCalpin, Rudolph, Shiue, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. March 11, 2013 – Regular Meeting

MOTION was made by Mr. Hulse, seconded by Ms. Bufano, and carried (5-0-2) to approve the minutes of March 11, 2013 as drafted. Commissioners McCalpin and Shiue abstained.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

1. SUB#910, DeRose, 5 Wilton Acres and Wilton Acres (0.32 acres), 2-lot subdivision

It was the consensus of the Commission to schedule a public hearing for SUB#910 on April 22, 2013.

E. PENDING APPLICATIONS

F. COMMUNICATIONS

1. SP#191E, Montessori Assn., Inc., Procedural Discussion

Mr. McCalpin recused himself from the discussion and left the meeting room.

Present was Pat Sullivan, Town Counsel for Wilton.

Ms. Sullivan referenced a Memorandum of Decision of “The Grumman Hill Montessori Association, Inc. v. The Planning and Zoning Commission of Wilton and The Town of Wilton”, dated May 4, 2012. She explained that the substantive portion of the decision, as it relates to the Planning and Zoning Commission going forward, is contained in the last two pages of the document where the application is remanded to the Commission.

In particular, Ms. Sullivan cited landscape buffer requirements that the School must have the opportunity to comply with in the event its waiver request is denied by the Commission on remand. She recommended that Commissioners read the last two pages of the decision and subsequently hold a public hearing to allow the School to come in and make its presentation before the Commission, with particular emphasis on the issue of landscape buffer requirements and/or waiver of same if it is determined that existing forestation should be preserved on the site. She noted that the Commission, per the Court’s decision, would have a bit of flexibility with respect to imposing reasonable conditions and modifications regarding, but not limited to, signage, pavement markers, parking spaces on Whipple Road, the aforementioned landscape buffer requirement, etc.

Also present was Terry Joe Williams, attorney for the School.

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Mr. Williams asked whether the Commission wished the School to bring in a fully designed plan addressing all parking and buffer issues prior to, or in connection with, the anticipated public hearing. He indicated that the School would be happy to provide such a presentation for the Commission at its next scheduled meeting, with a civil engineer and/or landscape architect available as well. He noted that the primary issue appears to be whether there is enough screening already existing on the site which might potentially allow for a waiver of the required landscape buffers and thus preserve many existing trees that would be lost as a result.

Mr. Rudolph stated that he would like some time to review the 50+ page opinion issued by the Court. He noted that he would also like to see either a new application from the School or perhaps a reprinting of relevant portions of the old application.

Ms. Sullivan noted that any documentation submitted by the School cannot be considered a new application, although it was acknowledged that re-issuing certain plans/documents to the Commission would be helpful to bring Commissioners back up to speed on the original application. She suggested scheduling a meeting with the relevant parties, including neighbors, prior to meeting with the Commission in order to obtain input and to determine if there is any common ground among the various parties.

Ms. Gould arrived and was seated at approximately 7:30 P.M.

Mr. Nerney agreed that a pre-meeting with the relevant parties would be helpful, noting that it might generate some consensus that could help limit issues that the Commission would have to consider.

In response to Mr. Rudolph's request to see the original application again, Ms. Sullivan indicated that the applicant would provide that to the Commission.

Mr. Wilson felt that a hearing should be scheduled at least a month out from tonight to give Commissioners adequate time to review the issues and give staff time to coordinate a meeting of the related parties.

Mr. Williams expressed a preference to come back before the Commission in two weeks, at its next regularly scheduled meeting, to obtain guidance and facilitate the process going forward.

Ms. Gould felt that the Court-rendered decision was very far-ranging and would ultimately change the whole concept of Special permits throughout the State of Connecticut.

Upon further consideration, the Commission ultimately decided to put a placeholder for the item on the Commission's agenda for May 13, 2013, with the understanding that a

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legal notice of the hearing would need to be placed in the newspaper approximately two weeks in advance of that date.

G. REPORT FROM CHAIRMAN AND COMMISSION MEMBERS

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

J. ADJOURNMENT

MOTION was made by Mr. Hulse, seconded by Mr. Gardiner, and carried unanimously (7-0) to adjourn at 7:37 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary