

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

WILTON PLANNING & ZONING COMMISSION MINUTES JULY 8, 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.

PUBLIC HEARINGS

REGULAR MEETING

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

B. APPROVAL OF MINUTES

1. June 24, 2013 – Regular Meeting

MOTION was made by Mr. Hulse, seconded by Ms. Bufano, and carried (3-0-3) to approve the minutes of June 24, 2013, as amended. Commissioners Gardiner, Hulse and Shiue abstained.

C. SITE DEVELOPMENT PLAN REVIEW

1. SDP, National Sign Corp./Tracy Becker, 190 Danbury Road, Alternative Signage Program

Present was Tracy Becker, representing National Sign Corporation and 190 Danbury Road.

Mr. Nabulsi arrived and was seated at 7:18 P.M.

Ms. Becker referenced submitted plans for 5 new signs, including a pylon sign, 3 wall signs and 1 directional sign, comprising 104.1 square feet of total signage. Referencing the submitted package, she explained that the applicant has proposed the smallest size option shown for most of the proposed signage, noting in particular that the current plan actually represents a compromise from the applicant's original 156 square-foot signage plan.

In response to a discrepancy noted in the plan by Mr. Gardiner, Ms. Becker confirmed that although the pylon sign is shown on page 8 as 21 feet tall and on page 10 as 17 feet tall, the applicant would be happy with 16 feet in overall height. She stated that it would then conform to regulations, and she asked that the Commission consider the application so amended.

Ms. Gould arrived and was seated at 7:20 P.M.

Ms. Becker explained further the owner's concern that the monument sign will be difficult to see, given the roadway size and traffic volume, and thus the reason for the proposed pylon sign.

In response to a question from Mr. Rudolph regarding previous signage on the site, Ms. Becker stated that the existing monument sign is considerably larger than the pylon sign proposed. She noted further that the "Certified Service" sign, which is included in the 104.1 square foot total, is more of a directional sign than a branded sign.

Mr. Wilson indicated a preference for a monument sign as opposed to a pylon sign, which he felt was not really necessary, given that signage proposed for the face of the building will be quite high and therefore easily visible from the road.

Mr. Nerney explained that the application falls under the Alternative Signage program and therefore the Commission has the authority to allow more signage/square footage, but may also require other concessions from the applicant in return. He felt that monument signs in general are cleaner and sleeker and he was unaware of any visibility issues as expressed by the applicant.

Ms. Becker noted for the record that the proposed pylon sign doesn't move, has no electricity, and is considerably smaller than the existing monument sign.

In response to a question from Mr. Rudolph regarding the permitted height for a pylon sign, Ms. Becker referenced Section 29-8.A.4.c (1) of zoning regulations, noting that "in nonresidential districts, the height of any freestanding sign shall not exceed the height of the building to which it relates or a height of 16 feet, whichever is less." Mr. Nerney noted that the height of the building appears to be approximately 21 feet; thus the maximum height, if permitted, would be 16 feet. Ms. White noted further that only one freestanding sign is permitted on a lot per section 29-8.A.4.c. (4) of regulations.

Responding to further questions from the Commission, Ms. Becker stated that the owner leads her to believe that he has no immediate plans within the next 2-3 years to move forward with a second dealership.

Mr. Gardiner expressed concern with the quantity of signage proposed, noting further that the applicant does not appear to be making any effort to keep the signage consistent with the character of the Town.

Mr. Nerney asked if any wall signs would be illuminated. Ms. Becker indicated that just the pylon sign would be illuminated.

Mr. Rudolph noted that the monument sign does not obscure any sight lines (a concern voiced earlier) and Ms. Gould added that a monument sign is a little classier-looking than a pylon sign. Mr. Nerney also noted that pole signs are usually constructed of metal and therefore tend to develop rusty areas after a while.

Mr. Nabulsi noted that although a monument sign would be larger in square footage than a pylon sign, he would be prepared to make that trade-off with the applicant in order to remove the pylon sign from the proposed signage plan. Mr. Rudolph felt that while the applicant needs to be given the best chance to succeed, he was not comfortable with the idea of a 16-foot high pylon sign on the site.

Mr. Nabulsi raised the issue of coloring, referencing the blue color that is part of the proposed signage. He recalled the Commission taking a position several years ago, in connection with a storage facility application on Danbury Road, that color treatment can essentially become a sign (i.e. branding) and thus count against signage. He felt that the Commission needs to be sure it controls this type of site improvement, which essentially becomes signage.

To that point, Mr. Nerney referred the Commission to the fairly comprehensive definition of sign in the zoning regulations, as including "any structure or part thereof, or any device

attached thereto or painted thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, emblem, device, trademark or other representation used as an announcement designation, direction or display, to advertise or promote any person, firm, group, organization”.

In response to a question from Mr. Nabulsi as to whether the blue color is part of the Chevy dealership branding, Ms. Becker indicated that she did not know. Mr. Nabulsi noted that the franchise agreement would probably address the question of whether the blue tower is part of the branding effect and, if so, the position that color falls within the category of signage would be supported. Ms. Becker indicated that she could find that out.

Mr. Nabulsi noted that many national franchises have been forced to develop alternative appearances in order to have a presence in certain communities (i.e. to be more in keeping with the character of said communities), and thus the “one size fits all” concept does not always apply.

Ms. Gould suggested that the owner be present at the next meeting to further discuss some of the Commission’s concerns, especially as regards the proposed pylon sign.

There being no further comments from the Commission or the applicant, the discussion was continued until July 22, 2013.

D. ACCEPTANCE OF NEW APPLICATIONS

1. SP#384, Canary, 110 Belden Hill Road, Accessory Apartment

It was the consensus of the Commission to schedule the public hearing on July 22, 2013.

E. PENDING APPLICATIONS

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

Mr. Gardiner recused himself and left the meeting room.

The Commission reviewed draft Resolution #0713-3S.

Ms. Gould expressed concern that approving the application could set a bad precedent for the Town going forward. When questioned by Mr. Wilson as to the grounds on which the application could be denied, Ms. Gould referenced the “Odd-Shaped Lots” regulation,

noting that the Commission has latitude in deciding whether such a lot is suitable. She felt that the lot as proposed, with its appendage/panhandle from another lot, should not be allowed since it distorts the heart of the regulations for developing residential one and two-acre lots.

Mr. Rudolph stated that this is a fact of life in real estate, noting that he has seen this type of lot development for many years. He noted that Attorney Zalantis, during the public hearing, relied on two major points in her arguments against the legality of the proposed lot (i.e. “contiguity” of the parcel and definition of “yard”). He felt that, while she presented her case well, both arguments fell short since the land is clearly contiguous and the definition of yard is not relevant in this application. He noted further that the restriction against counting the narrow panhandle portion toward minimum lot area is also satisfied. He stated that while he understands the neighbors’ concerns/objections, he feels that a landowner has a right to create a legal lot by purchasing what is needed to make it legal. Thus, it was his opinion that this is an appropriate application.

Mr. Nabulsi felt that it would actually be more destructive to the neighborhood if the applicant tore down the existing house and drew the lot line without the appendage portion, referring in particular to the resulting impacts on trees, grading, drainage, etc. He noted further that the applicant had reduced the originally proposed residence from 5 bedrooms to 4 bedrooms, and had also moved the water treatment handling area substantially back from the lot line. He stated that he intended to vote in favor of the application.

Referencing the light pollution issue raised by neighbors at the hearing, Mr. Nabulsi felt that it would be nice if Avalon made a good-faith effort to attenuate its lighting, perhaps giving some consideration to its post-11 P.M. lighting levels. Ms. Gould agreed, noting her opinion that Avalon is more of a multi-family commercial operation than residential.

Mr. Nerney stated that he would give Avalon a call in that regard.

MOTION was made by Mr. Nabulsi, seconded by Mr. Hulse, and carried (6-1) to adopt as drafted Resolution #0713-3S for **SUB#910**, effective July 13, 2013. Ms. Gould opposed.

WHEREAS, the Wilton Planning and Zoning Commission has received a **Subdivision** application **SUB#910** from Atty. J. Casey Healy of Gregory and Adams, P.C. for Margaret B. DeRose, for a two-lot subdivision located on 5 Wilton Acres, in an R-1A, single-family residential district, District, Assessor’s Map #55, Lot #6, 1.795 acres and Map #69, Lot #45, 0.286 acres, respectively, owned by Margaret B. DeRose, respectively and shown on the plans entitled:

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Vicinity Map, prepared for Margaret DeRose, prepared by Redniss & Mead, land surveyors and engineers, dated March 29, 2013, at a scale of 1"=100', sheet #VM-1.

Preliminary Subdivision Map, prepared for Margaret Beth DeRose, prepared by Lawrence W. Posson Jr., land surveyor, dated April 2, 2013, at a scale of 1"=30', no sheet #.

Property and Topographic Survey, prepared for Margaret Beth DeRose, prepared by Lawrence W. Posson Jr., land surveyor, dated April 2, 2013, at a scale of 1"=30', no sheet #.

Property Survey, prepared for Margaret Beth DeRose, prepared by Lawrence W. Posson Jr., land surveyor, dated May 20, 2013, at a scale of 1"=30', no sheet #.

Site Development Plan, prepared for Margaret Beth DeRose, prepared by Brian P. McMahon, engineer, dated April 17, 2013, last revised May 8, 2013, at a scale of 1"=20', sheet #SE-1.

Sediment & Erosion Control Plan, prepared for Margaret Beth DeRose, prepared by Brian P. McMahon, engineer, dated April 17, 2013, revised May 8, 2013, at a scale of 1"=20', sheet #SE-2.

Notes & Details, prepared for Margaret Beth DeRose, prepared by Brian P. McMahon, engineer, dated April 17, 2013, revised May 8, 2013, not to scale, sheet #SE-3.

Notes & Details, prepared for Margaret Beth DeRose, prepared by Brian P. McMahon, engineer, dated April 17, 2013, revised May 8, 2013, not to scale, sheet #SE-4.

Sight Line Evaluation, prepared for Margaret DeRose, prepared by Redniss & Mead, land surveyors and engineers, dated May 8, 2013, at a scale of 1"=10', sheet #SD-1.

WHEREAS, the Planning and Zoning Commission conducted a public hearing on April 22, 2013, May 13, 2013 and June 10, 2013 to receive comment from the public and has fully considered all evidence submitted at said hearings; 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 July 11, 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:
 1. Lot #1 shall become 5A Wilton Acres, (Map#69, Lot#45).
 2. Lot #2 shall remain 5 Wilton Acres, (Map#55, Lot#6).

B. PERTAINING TO LOT #1

4. 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; utilizing designed drainage attenuation systems.
5. Driveways shall be clearly marked to facilitate rapid identification by emergency vehicles.
6. Fuel oil tanks shall only be located above ground or within a basement.
7. Any significant change in the proposed build-out of Lot #1 or location and design of infrastructure improvements associated with this application shall be subject to Commission review and approval.
8. 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 house.
9. A copy of this resolution shall be given to the project manager of lot #1 and shall be available on site during construction.

C. PRIOR TO FILING OF FINAL SUBDIVISION MAP

10. 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 #910 for conditions of approval see Resolution #0713-3S
 - 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.

D. SUBSEQUENT TO FILING OF THE FINAL SUBDIVISION MAP

11. 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'.
- 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 (Lot #1)

- 12. Zoning permits involving new construction for Lot#1 shall be accompanied by a site development plan and drainage report, signed and sealed by a Connecticut-licensed engineer. Said site development plan shall be consistent with those plans submitted with the subdivision application and approved by the Planning and Zoning Commission. Any change in the proposed location, design or functionality of the storm water drainage system shall be subject to the review and approval of the Planning and Zoning Commission.
- 13. A site plan shall be submitted for review and approval by the Planning and Zoning Commission's staff prior to obtaining a zoning permit for the development of Lot #1. The 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. All 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. Any significant change in the site plan from that approved by the Commission during subdivision review, as determined by the staff, shall be referred to the Commission for further review, findings and action.
- 14. Given geographical site limitations and constraints, a bond estimate for all site work shall be provided by the applicant to the Commission's staff for the development of Lot#1, 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. 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 (Lot #1)

16. All utilities for Lot#1 shall be installed underground prior to the issuance of a certificate of zoning compliance.
17. All lot corners shall be pinned and verification from the applicant's Land Surveyor of such pinning shall be submitted prior to obtaining zoning compliance for Lot #1.
18. The applicant's land surveyor shall submit an as-built survey confirming that building setbacks and building and site coverages are consistent with the approved Zoning Permit application.
19. An as-built plan showing the location of the stormwater drainage system depicted on the Site Development Plan shall be submitted prior to zoning compliance for Lot # 1. Said as-built plan shall be consistent with those plans submitted as part of the Zoning Permit application. 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-

2. Remand of SP#191E, Montessori Association, Inc., 34 Whipple Road, pursuant to directive of the CT Superior Court

Mr. Gardiner returned. Mr. Nabulsi recused himself and left the meeting room.

The Commission reviewed draft Resolution #0713-8P.

Mr. Nerney noted that the applicant continues to object to condition #7 of the resolution requiring installation of a security gate, or similar barrier, at the planned driveway entrance instead of a camera surveillance system that the applicant prefers to employ. Mr. Nerney also noted that the applicant's attorney was advised regarding a proposed addendum to the resolution requiring submission of a post-construction as-built survey and an engineer's certification of the installed drainage system, verifying consistency with approved plans, which he felt would be in the interests of both the school and the neighbors.

A discussion ensued regarding condition #7. Although a concern was expressed by Mr. Rudolph that the Commission should be careful (per court order) not to overstep its bounds with respect to imposing conditions of approval, the general consensus of the Commission was that the concern for security on the site is a valid one, particularly given the School's residential location, in addition to the fact that such a barrier would not be overly difficult to set up. A particular concern was expressed regarding the possibility of the area becoming a hangout location, which would be better addressed via a physical

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barrier on the site as opposed to a surveillance camera with video feed that may or may not be reviewed until a later date. Ms. Gould felt that it would be in the better interests of the School as well to discourage that kind of activity on the site.

A determination was ultimately made by the Commission to add to condition #7 the phrase “or other form of barrier as approved by the Planning and Zoning Commission staff”, to provide the applicant with a bit more flexibility concerning the form of barrier to be installed.

MOTION was made by Mr. Rudolph, seconded by Mr. Gardiner, and carried (6-0-1) to adopt as amended Resolution #0713-8P for SP#191E (Remand). Ms. Gould abstained.

WHEREAS, pursuant to remand from the Connecticut Superior Court (Court), the Wilton Planning and Zoning Commission (Commission) has been ordered to approved Special Permit application **SP#191E**, to allow an increase of enrollment from 230 students to 270 students and to construct a new parking lot providing thirty-seven (37) additional parking spaces, for property located at 34 Whipple Road; in a Residential One Acre (R-1A) District, Assessor’s Map #67, Lot #15, 7.585+/- acres, owned by The Grumman Hill Montessori Association, Inc.

WHEREAS, the Court found that the Commission “may imposed reasonable conditions and modifications it deems appropriate including but not limited to signage and pavement markers, blockage of the thirteen parking spaces sited on Whipple Road, waiver and/or reduction of the three landscape buffer requirements, relocation of the new parking lot and modification and/or relocation of the new parking lot curb cut”.

WHEREAS, The Commission has reviewed plans and relied on representations provided by the applicant, residents and the Commission’s staff; including but not limited to development plans entitled:

Vicinity Map- Prepared for The Grumman Hill Montessori Association, Inc.
Prepared by Douglas R. Faulds, land surveyor, dated September 15, 2009, scale: 1”=100’, no sheet#.

Zoning Location Survey- Prepared for The Grumman Hill Montessori Association, Inc.
Prepared by Douglas R. Faulds, land surveyor, dated September 15, 2009, scale: 1”=50’, no sheet#.

Planting Plan- Prepared for The Montessori School (The Grumman Hill Montessori Association, Inc.).

Prepared by Katherine E. Throckmorton, landscape architect, dated September 28, 2009, revised November 17, 2009, scale: 1”=20’, sheet#PP1.

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Landscape Section- Prepared for The Montessori School (The Grumman Hill Montessori Association, Inc.), prepared by Katherine E. Throckmorton, landscape architect, dated February 12, 2009, scale: 1"=10', sheet#PP2.

Overall Site Development Plan- Prepared for The Montessori School (The Grumman Hill Montessori Association, Inc.), prepared by Holt W. McChord, engineer, dated September 28, 2009, revised November 20, 2009, scale: 1"=40', sheet#OV1.

Parking Travel Distance Plan- Prepared for The Montessori School (The Grumman Hill Montessori Association, Inc.), prepared by Holt W. McChord, engineer, dated January 7, 2010, scale: 1"=40', sheet#OV1A.

Site Layout and Utility Plan- Prepared for The Montessori School (The Grumman Hill Montessori Association, Inc.), prepared by Holt W. McChord, engineer, dated September 28, 2009, revised November 20, 2009, scale: 1"=30', sheet#SE1.

Site Grading and Soil Erosion Control Plan- Prepared for The Montessori School (The Grumman Hill Montessori Association, Inc.), prepared by Holt W. McChord, engineer, dated September 28, 2009, revised November 20, 2009, scale: 1"=30', sheet#SE2.

100% Code Compliant Septic System Plan- Prepared for The Montessori School (The Grumman Hill Montessori Association, Inc.), prepared by Holt W. McChord, engineer, dated September 28, 2009, revised November 20, 2009, scale: 1"=30', sheet#SE3.

Construction Notes & Details- Prepared for The Montessori School (The Grumman Hill Montessori Association, Inc.), prepared by Holt W. McChord, engineer, dated September 28, 2009, revised November 20, 2009, scale: as shown, sheet#DT1.

Septic System Notes & Details- Prepared for The Montessori School (The Grumman Hill Montessori Association, Inc.), prepared by Holt W. McChord, engineer, dated September 28, 2009, revised November 20, 2009, scale: as shown, sheet#DT2.

Plan Provides 1 Average Footcandle- Prepared for Montessori School (The Grumman Hill Montessori Association, Inc.), prepared by Collin Thomas, lighting expert, dated January 5, 2009, revised December 9, 2009, scale: 1"=20', no sheet#.

Plan Provides 2.5 Average Footcandle- Prepared for Montessori School (The Grumman Hill Montessori Association, Inc.), prepared by Thomas Golden/Collin Thomas, lighting experts, dated December 18, 2008, scale: 1"=20', no sheet#.

WHEREAS, the Planning and Zoning Commission conducted a public hearing on May 13, 2013 and continued said hearing to June 10, 2013 and June 24, 2013, for purpose of receiving

comment from the applicant, the Commission's staff and the public and has fully considered all evidence submitted at said hearings;

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission **APPROVES** Special Permit #191E to allow an increase of enrollment from 230 to 270 students and to permit the construction of a new 37 space parking lot, subject to the following modifications and 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 Permit, Sign Permit, Building Permit, Certificate of Zoning Compliance; or from the State of Connecticut or the Government of the United States. Obtaining such permits or licenses is the responsibility of the applicant.
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 site plan shall be completed within five (5) years of the effective date of this resolution. This five-year period shall expire on July 8, 2018.
3. The applicant shall remove fourteen (14) head-in parking spaces contiguous to the Whipple Road right-of-way. Pavement shall be removed from the subject area, finish-graded with topsoil and seeded so as to establish a lawn area. The paved apron providing access to an existing fire lane shall be removed and replaced with grass pavers and landscaped to the satisfaction of the Planning and Zoning Department. For purposes of discouraging unauthorized parking on lawn areas along Whipple Road, a row of shrubs, such as Viburnum, shall be strategically planted in areas where head-in parking has been removed. Prior to commencement of removing the head-in parking spaces, the applicant shall obtain a "Road Opening" permit from the Town of Wilton Department of Public Works. The applicant shall meet all requirements for a road opening permit; including but not limited to the posting of a road opening performance bond and liability insurance.
4. The driveway serving the proposed parking lot, excluding the radii at the Whipple Road intersection, shall be limited to a width of not more than twenty feet (20').
5. To the greatest extent possible, the applicant shall protect all existing landscaping which is intended to remain following construction. The applicant shall replace any such landscaping damaged as a result of construction.
6. In order reduce unnecessary light spillage, three (3) overhead cobra light fixtures owned and maintained by the Montessori Association, Inc. (including one along Whipple Road), shall be removed.
7. Access to the planned parking lot shall be restricted during periods of school closure or non-use of the facilities. A security gate or a visible chain supported by bollards or other form of barrier as approved by the Planning and Zoning Commission staff, shall be installed at the planned driveway entrance (on the school's property outside the Whipple Road public right-of-way) so as to prohibit unauthorized entry during hours of school closure. The final design of the barrier shall be approved by the Planning and Zoning

Department staff. Such structure shall be durable; yet innocuous in appearance so as not to detract from the residential appearance of the neighborhood. In no event shall access be allowed between the hours of 11:00 p.m. and 6:30 a.m.

8. All new parking lot light fixtures associated with this application, shall comply with specifications and requirements outlined in Section 29-9.E of the Zoning Regulations; including but not limited to location from property lines. The height of the light poles shall not exceed ten (10) feet and light bulbs shall be recessed into an opaque hooded light casing. The applicant shall employ use of light emitting diode (LED) lights so as to minimize light spillage and glare. The intensity of light associated with the illumination of the planned parking lot, shall not exceed one (1) foot candle. Lighting within both the existing and planned parking lots, shall be extinguished no later than 11:00 p.m.
9. Two (2) stop signs, one oriented in an easterly direction and the other from a westerly direction, shall be placed at the intersection of the proposed crosswalk and existing access drive.
10. For reasons of enhancing public safety and facilitating efficient traffic movement, the school shall continue to engage use of an on-site traffic monitor during periods of student pick-up and drop-off.
11. The Commission acknowledges the applicant's offer to establish off-site landscaping on property located at 19 Whipple Road. Though such proposal cannot be regulated by the Planning and Zoning Commission, the Commission nonetheless encourages such dialogue; recognizing that increased and strategically placed vegetation will serve to further minimize impacts associated with lighting within the planned parking lot.
12. Approval of this special permit application is limited to option "D" as shown on Site Grading and Soil Erosion Control Plan (SE2D), dated June 24, 2013 (no revision date).
13. The Commission reduces the minimum 50 foot side yard parking lot landscape buffer to a width of 18 feet, subject to installing a vegetated buffer per Planting Plan PP1. Site Grading and Soil Erosion Control Plan (SE2D) shall be modified to include and specify landscaping along the northerly boundary of the planned parking lot. Landscaping shall be consistent with planned buffer improvements shown on Planting Plan PP1, dated September 28, 2009, last revised June 24, 2013.
14. Prior to receiving zoning compliance, the applicant shall submit a post-construction as-built survey, stamped and signed by a Connecticut-licensed surveyor, verifying that site coverage, the location of the new parking lot and visible storm water drainage infrastructure is consistent with approved plans. In addition, a Connecticut-licensed professional engineer shall provide a signed and sealed letter, certifying that the drainage system was constructed in accordance with approved plans and specifications.
15. A bond estimate for all site work shall be provided by the applicant to the Planning and Zoning Department, which shall include, but not be limited to sedimentation and erosion controls, grading, drainage, paving, curbing, retaining walls, landscaping, seeding, lighting, and sidewalk and shall include a 10% contingency. The applicant shall furnish to the Town a bond with proper surety, in form and amount satisfactory to the Commission's land use counsel and Wilton's Town Planner, prior to the issuance of any zoning permit.

16. Two (2) completed revised sets, (collated and bound) shall be submitted to the Commission's office for endorsement as "Final Approved Plan" by the Town Planner prior to receiving a zoning permit. 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. "According to Section 8-3.(i) of the Connecticut General Statutes, all work in connection with this Special Permit amendment shall be completed within five years after the approval of the plan. Said five-year period shall expire on July 8, 2018."
 - b. "For conditions of approval for Special Permit SP#191E, see **Resolution #0713-8P**."

- END RESOLUTION -

Mr. Nabulsi returned to the meeting room.

F. COMMUNICATIONS

1. Adaptive Use properties – Ongoing discussion

Mr. Gardiner referred for the record to a letter dated July 3, 2013 from Robert Faesy, Jr., AIA in support of the proposed draft revisions to the Adaptive Use regulations.

Mr. Nabulsi referenced proposed Section 29-5.C.5.e. (4) (c) which excludes from adaptive use eligibility "historic structures where 50% or more of the building's gross floor area has been demolished or significantly altered". He expressed concern that such a provision might incent people to "game" the regulation (i.e. to add just under 50% of the gross floor area to a structure prior to coming before the Commission to apply for further expansion under this revised adaptive use regulation).

Ms. Gould felt that the regulation as proposed gives property owners a way of deriving some benefit from an older structure and disinclines them from asking for a zone change to a commercial zone, which would ultimately change the historic character of the property/area. She stated that there are no pristine structures left in Wilton, noting that the proposed regulation would encourage maintenance and enhancement of these eligible properties, via compatible materials, color, window treatments, etc. that would make them more historically appropriate. She was not overly concerned with the under-50% gross square footage allowance referenced by Mr. Nabulsi, noting that size will ultimately be moderated by all of the other restrictions inherent in the regulation such that the

structure would not become a behemoth.

Ms. Gould referenced the Canine Fence building on Danbury Road, which she noted is now so much better than it was, with additions that have been done properly and have preserved the historical character of the property. She explained that the historical aspect of properties continues over time, noting that subsequent additions, when done appropriately, contribute to the ongoing historical significance of a property. In that regard, she cited Alice Snyder's property, which has had a number of additions since its original construction in 1802, and which she felt not only enhances the area but also serves a real use.

Mr. Nabulsi raised the issue of parking for adaptive use properties, referencing Section 29-8.B.5.a (4) of zoning regulations which restricts adaptive use parking to 1 per 300 square feet. He questioned whether the Town would be better served utilizing a more flexible approach/evaluation on a case-by-case basis as opposed to a formulaic method.

In that regard, Ms. Gould expressed concern that the current parking limitations for adaptive use properties are too limiting, noting that properties located along Route 7 are quite different from a Belden Hill Road or Chicken Street location, for example.

Mr. Rudolph expressed concern with the proposed expansion allowance of up to 50% of total gross floor area, questioning the rationale behind the percentage proposed. He was concerned that the number was somewhat arbitrary, noting that he would prefer building up to the 50% number, perhaps in two stages of regulations.

Mr. Nerney noted that the adaptive use regulations remain discretionary, with requirements that new construction be consistent in architecture, style, materials, etc., and he noted further that the Town continues to maintain rather strict coverage requirements as well.

Mr. Nabulsi felt that the 50% number was not arbitrary, noting that it was grounded in the fundamental basis of the regulation which is to preserve historic structures in Wilton. Mr. Wilson felt that it would not be an issue as long as all other requirements are satisfied as stipulated in the proposed regulation.

Mr. Hulse felt that any allowable expansion should be large enough to make it worthwhile to the property owner.

The general consensus, after discussion, was to move forward with the regulation as proposed, with some minor changes as requested, and with the understanding that current adaptive use parking regulations would be repealed in favor of parking to be "as determined" by the Commission.

Mr. Nerney stated that he would check the Statutes and determine if notification to Regional Planning Agencies would be required, based on the areas of Town that will be impacted by the proposed regulation and their proximity to adjacent municipalities.

In light of that potential notification requirement, it was determined that the proposed regulation would likely not be heard until sometime in September at the earliest.

G. REPORT FROM CHAIRMAN

1. Reports from Committee Chairmen

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

J. ADJOURNMENT

MOTION was made by Ms. Gould, seconded by Mr. Gardiner, and carried unanimously (7-0) to adjourn at 9:10 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary