

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

**FINAL
WILTON PLANNING & ZONING COMMISSION
PUBLIC HEARING/REGULAR MEETING
MINUTES – OCTOBER 27, 2008**

PRESENT: Chairwoman Sally Poundstone, Secretary Bas Nabulsi, Commissioners Doug Bayer, Marilyn Gould, Dona Pratt, and Michael Rudolph.

ABSENT: Commissioners Alice Ayers, Eric Osterberg and John Wilson (excused absences)

ALSO

PRESENT: Robert Nerney, Town Planner, Daphne White, Assistant Town Planner; Karen Pacchiana, Recording Secretary; members of the press; and interested residents.

PUBLIC HEARINGS

1. SUB#899, DeSola, 21 Edith Lane, 2-lot subdivision

Mr. Nerney stated a letter had been received from the applicant's representative, Attorney Casey Healy, requesting that the matter be continued to November 10th to allow the Commission an opportunity to engage an outside engineer. He noted that the Town Engineer, Harry Kabasakalian, has retired, so the Town is without his services. Under Town ordinance, the Commission has the ability to engage the services of an outside engineer at the applicant's cost, and while the applicant would prefer not to incur that cost, they understand that a number of issues were raised at the last hearing that need to be addressed concerning drainage and the potential impacts it might have down gradient. Mr. Nerney said in the past the Town has used the services of a very good civil engineer who has expertise in drainage, and he will inquire whether he would be able to get a report to the Commission by, and possibly be available to attend, the meeting on November 10th. The Commissioners agreed they would like to have an expert look over the application.

(Continued to November 10, 2008)

2. SP#343, Sale/Craven-Griffiths, 310 Chestnut Hill Road, Accessory apartment (pool cabana)

(Continued to November 10, 2008)

REGULAR MEETING

**A. CALL TO ORDER
SEATING OF MEMBERS**

Ms. Poundstone called the Regular Meeting to order at 7:21 P.M., and seated members Bayer, Gould, Nabulsi, Poundstone, Pratt and Rudolph.

B. APPROVAL OF MINUTES – October 14, 2008 – Regular Meeting

MOTION was made by Mr. Nabulsi, seconded by Mr. Bayer, and carried (6-0) to approve the minutes of October 14, 2008 as drafted.

C. SITE DEVELOPMENT PLAN REVIEW

1. SDP, AvalonBay Communities, Inc., 116 Danbury Road, Modification to approve SDP to relocate emergency accessway

Matthew Ranelli, Authorized Agent for AvalonBay Communities, stated the purpose of the proposed modification is to move the emergency accessway from Wilton Acres to Route 7. The site plan application was approved by the Commission in February 2008, and was later modified at the applicant's request and four out of five changes were approved. The request for relocation of the emergency accessway was denied, and there was indication at that time that the applicant should meet with the emergency services personnel as well as the neighbors from Wilton Acres to look into an alternative that addressed the concerns that had been expressed during the hearings. As a result, they met with the Police Chief, the Fire Chief and the Fire Marshal, as well as staff and the neighbors, and the current alternative emerged from that process.

Mr. Tom Shiel of Milone & McBroom submitted revised plans, and said the emergency accessway being proposed is located directly off of Route 7 approximately 420' from the main entrance, providing a separation distance that the emergency services personnel wanted. It is a 20' wide paved drive with a gradient of approximately 12% for a section, which is less than the slope of the primary emergency accessway, and which the emergency response officers did not think presented an issue for their vehicles. It will be plowed in the winter. There will be gates at the top and the bottom of the drive. The first 30 to 40 feet off of Route 7 will be grass

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pavers. The benefit to that is it wouldn't appear as a curb cut and the public would be less likely to drive up to the gate. The gate will have an "Emergency Access" sign on it, and will be locked. The Fire and Police Departments will have a key.

Mr. Shiel said access to the emergency service drive will be at an angle via a left-hand turn only for vehicles coming from the north on Route 7. Fire trucks will not be able to make the left-hand turn and will circle down to the main entrance. It was designed in this manner in order to maintain the 7% grade, and is a circulation effort that will take the vehicles through the site. Exit on Route 7 will be via a right-hand turn only.

Mr. Shiel said the red line shown on the bottom of the plan is a stone wall that currently traverses the property line along Route 7. There will be an excavation into the hillside and a sloping back and the stone wall will be taken down during that construction and replaced once the new grade is shaped in place. No retaining walls will be required because of the grade. Approximately 15 evergreen trees and various species of ornamental shrubbery will be planted on the uphill and downhill slopes in an effort to have a residential appearance at the entrance with a nice style ornamental gate. Traveling north, the entrance will be invisible, but traveling south you will be able to look up the slope and see the gate.

A curb cut will be required, and while the initial indication is ConnDOT has no problem with the location of the driveway, they will have to go through the STC process. Obviously, if they don't get approval, they will have to come back before the Commission to remodel the plan.

Mr. Shiel said it is a very simple change relative to the actual technical relocation, and they believe it is quite satisfactory from a safety point of view. He said it is intended to be in lieu of the emergency access previously proposed onto Wilton Acres, and will provide a quicker and shorter approach for emergency service vehicles, which will be coming from the north.

Mr. Grant Jaber of AvalonBay Communities, Inc. said they have enhanced the sprinkler system by adding sprinklers in the attics and patios and heat detection systems in the garages and recycling center above and beyond the requirements of the fire code. Fire Chief Milositz advised in a memo that "The increased protection to the residents of the complex will far out weigh the benefits from the accessway off of Wilton Acres," and he now finds the proposed access from Danbury Road to be preferable over the Wilton Acres access.

Mr. Nerney said he is concerned that the water will drain down the paved portion of the accessway and channel down into the grass paver area and spill out onto Route 7. Mr. Shiel said that, because of the grading, no water will run down the drive. The basin drainage is covering only a small section of road, and there are two catch basins with a pipe that is adequately sized. Mr. Nerney said he thinks it would be helpful to get something in the record stamped by the applicant's engineer regarding the drainage plans, particularly in light of the regrading that will take place. He noted that the revised plan was just received and obviously the Commission has not had a chance to look at it.

Mr. Ranelli said they recently went before the Wetlands Commission to get a renewal of their wetlands permit and at that time presented the plan and informed them that it was pending before P&Z. IWC renewed the permit and agreed that there are no regulated activities associated with the design.

At 8:10 P.M. the Hearing was continued to November 10, 2008.

D. ACCEPTANCE OF NEW APPLICATIONS

E. PENDING APPLICATIONS

- 1. SUB#899, DeSola, 21 Edith Lane, 2-lot subdivision**
(Continued to November 10, 2008)
- 2. SP#343, Sale/Craven-Griffiths, 31- Chestnut Hill Road, Accessory apartment (pool cabana)**
(Continued to November 10, 2008)

F. COMMUNICATIONS

- 1. Discussion pertaining to the appointment of a Village District Consultant**

Ms. Poundstone announced the roster of the Architectural Review Board for Wilton Center and Cannondale as follows: Michael Bilby, Kevin Quinlan, Rob Sanders, Rosemarie Verrilli and Jonathan Weiss.

- 2. Wilton Plaza Condominium, 11 Danbury Road, Communication concerning proposed building repairs**

In accordance with the Commission's request, an opinion was obtained from Town Counsel, Patricia Sullivan, regarding the need for site plan review when a nonconforming building is being repaired or replaced after being damaged or destroyed. Such opinion stated that, pursuant to Regulation 29-4.F.4, it may be repaired or replaced to the extent that the nonconformity is not increased. There is no provision in the regulation requiring that a site plan application be submitted.

Joe Cugno, Architect, said the plans are to rebuild the building exactly as is. However, under the Building Code they must install a handicap ramp, although that will not result in an increase in site coverage. Mr. Nerney noted the applicant will need a zoning permit as well as

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a building permit, and the Town will need to see evidence that the footprint is virtually identical, including As-Built plans.

Mr. Rudolph noted that Section 29-4.F of the Regulations states repairs must be made within 6 months after the damage occurs, which he understands was over at least a two-year period. Mr. Nerney commented that the structural deterioration was an ongoing process and suggested that they use the date in the report of July 20, 2008. The Commissioners concurred that this would be acceptable.

G. REPORT FROM CHAIRMAN

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

- 1. SP#178G, Old Post Office Square, LLC, 10 Center St, Retail Photo Shop
[P.H. Nov. 10, 2008]**

J. ADJOURNMENT

(The meeting was adjourned at 8:25 P.M.)

Respectfully submitted,

Karen Pacchiana
Recording Secretary