

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

DRAFT
WILTON PLANNING & ZONING COMMISSION
PUBLIC HEARING/REGULAR MEETING
MINUTES – NOVEMBER 10, 2008

PRESENT: Chairwoman Sally Poundstone, Secretary Bas Nabulsi, Commissioners Alice Ayers, Doug Bayer, Dona Pratt, Michael Rudolph and John Wilson.

ABSENT: Commissioners Marilyn Gould and Eric Osterberg (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

Ms. Poundstone called the Public Hearing to order at approximately 7:00 P.M., seated members Ayers, Bayer, Nabulsi, Poundstone, Rudolph and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Nabulsi read for the record a letter dated November 10, 2008 from Gregory & Adams, a memorandum attaching a report from Anthony J. Tranquillo, and a letter dated November 5, 2008 from Tranquillo Engineering.

Clarissa Cannavino, attorney for the applicant, said a continuance has been requested so they can meet with the engineer and go over his report point by point in order to prepare their response.

(Continued to November 24, 2008.)

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

Ms. Poundstone called the Public Hearing to order at approximately 7:03 P.M., seated members Ayers, Bayer, Nabulsi, Poundstone, Rudolph and Wilson, and referred to Connecticut General Statutes Section 8-11.

Mr. Matthew Schoenherr, architect for the applicant, said it was suggested that the application was confusing in terms of the language of the special permit description, and they therefore

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changed the section on their application from 29-10 to 29-4.D.1. Mr. Nerney noted that the legal notice did not state the section number, only that it is for a special permit for a detached garage with an accessory dwelling unit on the second floor.

Commissioner Pratt arrived and was seated.

Mr. Schoenherr explained that the cabana area is in the lower level of a newly built garage/barn with no access to any other portion of the building. There is a single exterior door dedicated solely to outdoor use. There is no outdoor stairway and no additional driveway to the cabana area. The entire garage structure is 4,000 square feet, 252 square feet of which are allocated towards the cabana area. A separate egress would not be required by the Fire Marshal in a room of that size. The owners intend to maintain their occupancy of the main dwelling, and an affidavit to that effect has been provided.

Sewage disposal for the proposed cabana/bathroom and the attic half bath will be tied into the existing septic system, and approval for that connection was granted by the State of Connecticut Board of Health as well as the Wilton Sanitation Commissioner.

If approved, written confirmation of the Commission's decision, along with the floor plans, will be recorded in the land records, and no one could take down a wall and enlarge the area without first coming back to P&Z for a special permit.

There being no further comments from the Commission or the public, upon motion by Mr. Wilson, seconded by Mr. Nabulsi, and passed unanimously (7-0), at 7:20 P.M. the Hearing on SP#343, Sale/Craven-Griffiths, 310 Chestnut Hill Road, Accessory apartment (pool cabana) was closed.

3. SP#178G, Old Post Office Square, LLC, 10 Center St, Retail Photo Shop

Ms. Poundstone called the Public Hearing to order at approximately 7:20 P.M., seated members Ayers, Bayer, Nabulsi, Poundstone, Pratt, Rudolph and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Nabulsi read the legal notice for the record. He referenced for the record the P&Z staff report dated October 31, 2008.

Present for the applicant was Mr. David Perry. Mr. Perry said, in response to the staff report, they consulted Chris Allen of LandTech, an environmental consulting firm from Southbury, who advised that there is no need for an aquifer impact assessment as there is no interaction between the photo shop and the aquifer zone. Chemicals within the cartridges are non volatile, and the Fuji machine rinses out its own cartridges. The waste goes into the silver recovery unit, for both the printing and the negative machines, and silver recovery is done offsite, so nothing goes through the drainage at the photo shop. A letter from the operations

manager of Fuji has been provided stating that the cartridges can be recycled in a conventional manner. In the event of the river flooding, there have been precautions taken by placing everything in sealed plastic containers and putting the cartridges on a platform.

In terms of the operation of the business, film is taken out of the cartridges brought in by customers and is digitally scanned as it runs through the film processor. Everything is contained in plastic and then in cardboard and is double sealed, so there are no loose liquids. Unlike film processing in the past where chemicals were mixed in vats, now everything is premixed and contained in cartridges, so there is literally no spillage.

Mr. Nerney pointed out that the regulations provide for certain uses in an aquifer protection area by special permit, photo finishing being one of them. His understanding is the applicant's operation is primarily finishing and sales and is not an industrial large scale operation. The use is permitted by right, but the fact that it is in an aquifer triggered the special permit. Any future change in equipment or type of processing done at the site would require Commission approval, and should be made a condition of approval.

There being no further comments from the Commission or the public, upon motion by Mr. Wilson, seconded by Ms. Pratt, and passed unanimously (7-0), at 7:42 P.M. the Hearing on SP#178G, Old Post Office Square, LLC, 10 Center St, Retail Photo Shop was closed.

REGULAR MEETING

A. CALL TO ORDER SEATING OF MEMBERS

Ms. Poundstone called the Regular Meeting to order at 7:43 P.M., and seated members Ayers, Bayer, Nabulsi, Poundstone, Pratt, Rudolph and Wilson.

B. APPROVAL OF MINUTES – October 27, 2008 – Regular Meeting

MOTION was made by Mr. Nabulsi, seconded by Mr. Bayer, and carried (6-0-1 with Ms. Ayers abstaining) to approve the minutes of October 27, 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, attorney for the applicant, said there were questions at the last Hearing about the drainage basin, and they have supplied a letter from Milone & McBroom stating that the detention pond is adequately sized to accommodate the very small amount of runoff, and that,

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in a second letter, Milone & McBroom states that the embankment has been designed to ensure that the slope is stable. Steps will be taken to make sure there is no water runoff onto Route 7 during construction. In addition, since STC approval is needed, that commission will also monitor the site and see that it remains stable.

Mr. Nerney said they have put together a draft resolution in which there is a requirement that the applicant be responsible for complying with all other conditions of approval outlined in Resolution 0708-6Z dated July 21, 2008. The resolution also required that the applicant deposit funds with the Town of Wilton to be used to hire a site monitor who will be in the field on a weekly or biweekly basis to review the work and look for things such as erosion problems.

In response to a question by Mr. Bayer, Mr. Ranelli said nothing in the court's decision precludes further action by the P&Z Commission. The Commission still has its normal discretion to amend the site plan. The court facilitated action on a particular plan that was presented at the time of the hearing. What has changed in the interim is there has been dialogue with the Wilton Acres neighbors and a willingness to explore a solution that will make everyone happy. This plan came about as a result of their meeting with staff and town officers, and really meets everyone's needs. Road access going from Route 7 directly onto the property is far superior than road access going up through Wilton Acres, and it will shorten the response time.

Mr. Bruce Reznik, 7 Wilton Acres Road, said he is satisfied that the residents prefer this plan, and he has written a letter to that effect.

Mr. Shiel said there will be no disturbance associated with the Wilton Acres passageway, that it will remain wooded. Ms. Poundstone noted that that should be put as a condition in the resolution. Mr. Ranelli said they have no intention of abandoning the easement they acquired to Wilton Acres, but they certainly are not going to make any use out of it.

There being no further questions or comments from the Commissioners or the public, at 8:10 P.M. the discussion on SDP, AvalonBay Communities, Inc., 116 Danbury Road, Modification to approve SDP to relocate emergency accessway was closed.

The Commission reviewed and discussed draft Resolution #1108-8Z.

MOTION was made by Ms. Ayers, seconded by Mr. Nabulsi, and carried (6-0-1 with Mr. Wilson abstaining) to approve draft resolution #1108-8Z as amended.

WHEREAS, the Wilton Planning and Zoning Commission has received an application for an amendment to Resolution #0708-6Z from AvalonBay Communities, Inc for a modification to allow the relocation of an emergency accessway on Danbury Road in lieu of Wilton Acres

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Road for property located at 116 Danbury Road (Assessor's Map #55, Lot #5), consisting of 10.64 acres, owned by AvalonBay Communities, Inc. (formerly owned by James and Marilyn O'Halloran) and shown on the plans entitled:

TITLE SHEET AND LOCATION MAP - Prepared for Avalon Springs 11, Prepared by John M. Milone, Jr., Engineer, dated October 10, 2003, last revised October 17, 2008, at a scale of 1"=100'.

PROPERTY/TOPOGRAPHIC SURVEY - Prepared for O'Halloran Property, Prepared by Milone & MacBroom, Engineers and/or Robert A. Jackson, Jr., dated July 19, 2002, last revised January 15, 2003, at a scale of 1"=40', Sheet #1.

ZONE VICINITY MAP - Prepared for Avalon Springs 11, Prepared by John Milone Jr., Engineer, dated October 10, 2003, at a scale of 1"=200', Sheet #2.

SITE PLAN-LAYOUT - Prepared for Avalon Springs 11, Prepared by John Milone Jr., Engineer, dated October 10, 2003, last revised October 17, 2008, at a scale of 1"=40', Sheet #3.

SITE PLAN-LANDSCAPING - Prepared for Avalon Springs 11, Prepared by John Milone Jr., Engineer, dated October 10, 2003, last revised October 17, 2008, at a scale of 1"=40', Sheet #4.

SITE PLAN-GRADING - Prepared for Avalon Springs 11, Prepared by John Milone Jr., Engineer, dated October 10, 2003, last revised October 17, 2008, at a scale of 1"=40', Sheet #5.

SITE PLAN-UTILITIES - Prepared for Avalon Springs 11, Prepared by John Milone Jr., Engineer, dated October 10, 2003, revised last August 19, 2008, at a scale of 1"=40', Sheet #6.

SITE PLAN-SEDIMENTATION AND EROSION CONTROL - Prepared for Avalon Springs 11, Prepared by John Milone Jr., Engineer, dated October 10, 2003, last revised August 15, 2008, at a scale of 1"=40', Sheet #7.

SEDIMENT AND EROSION CONTROL SPECIFICATIONS AND DETAILS - Prepared for Avalon Springs 11, Prepared by John Milone Jr., Engineer, dated October 10, 2003, last revised August 15, 2008, scale as shown, Sheet #8.

SITE DETAILS - Prepared for Avalon Springs 11, Prepared by John Milone Jr., Engineer, dated October 10, 2003, last revised August 15, 2008, scale as shown, Sheet #9.

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SITE DETAILS - Prepared for Avalon Springs 11, Prepared by John Milone Jr., Engineer, dated October 10, 2003, last revised August 15, 2008, scale as shown, Sheet #10.

SITE DETAILS - Prepared for Avalon Springs 11, Prepared by John Milone Jr., Engineer, dated October 10, 2003, last revised August 15, 2008, scale as shown, Sheet #11.

ACCESS DRIVE PLAN & PROFILE STATION: 0+00.00-8+58.44 - Prepared for Avalon Springs II, Prepared by Milone & MacBroom, Engineers, dated October 10, 2003, revised August 15, 2008, at a scale of 1"=40'H and 1"=4'V, Sheet #P1.

LOOP ROAD PLAN & PROFILE STATION: 10+00.00-22+00.00 - Prepared for Avalon Springs II, Prepared by Milone & MacBroom, Engineers, dated October 10, 2003, last revised August 15, 2008, at a scale of 1"=40'H and 1"=4'V, Sheet #P2.

LOOP ROAD PLAN & PROFILE STATION: 22+00.00-23+50.51 & ACCESS DRIVEWAY SECTIONS -50 FT. INTERVALS - Prepared for Avalon Springs II, Prepared by Milone & MacBroom, Engineers, dated October 10, 2003, revised August 15, 2008, at a scale of 1"=40'H and 1"=4'V, Sheet #P3.

LOOP ROAD – TYPICAL SECTIONS - Prepared for Avalon Springs II, Prepared by Milone & MacBroom, Engineers, dated October 10, 2003, last revised August 15, 2008, at a scale of 1"=40'H and 1"=4'V, Sheet #P4.

DANBURY ROAD STORM DRAINAGE PROFILE & SECTION - Prepared for Avalon Springs II, Prepared by Milone & MacBroom, Engineers, dated October 10, 2003, last revised August 15, 2008, at a scale of 1"=20'H and 1"=2'V, Sheet #P5.

SITE PLAN – PHOTOMETRIC ANALYSIS - Prepared for Avalon Springs II, Prepared by Milone & MacBroom, Engineers, dated October 10, 2003, revised February 5, 2008, at a scale of 1"=40', Sheet #PM-1A.

WHEREAS, the Commission has reviewed the site development plan application and finds that the modifications, as proposed, do not substantially deviate in ways that negatively impact the health and safety of the original site development plan approved by the Commission under court directives;

WHEREAS, the Commission has fully reviewed materials submitted by the applicant, neighboring property owners and Town officials and has considered all testimony obtained at the October 27, 2008, and November 10, 2008 meetings and

WHEREAS, in addition to performing improvements depicted on the aforementioned plans, the applicant has agreed to employ enhanced fire suppression improvements more specifically

outlined in correspondence dated October 27, 2008 from Grant Jaber of AvalonBay Communities, Inc.

THEREFORE BE IT RESOLVED effective **November 25, 2008**, the Wilton Planning and Zoning Commission approves the requested modifications to the previously approved site development plan to allow the relocation of an emergency accessway on Danbury Road in lieu of Wilton Acres Road for property located at 116 Danbury Road (Assessor's Map #55, Lot #5), consisting of 10.64 acres; owned by AvalonBay Communities, Inc. (hereinafter referred to as "the Project"). This resolution of approval is for the express purpose of relocating the emergency access driveway from Wilton Acres Road to Danbury Road (Route 7). The applicant shall be responsible for complying with all other conditions of approval outlined in Resolution #0708-6Z, dated July 21, 2008. Said application is approved subject to the administrative procedures and conditions noted below.

GENERAL CONDITIONS:

1. The applicant is required to apply for and obtain any and all 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 United States Government. 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 development plan application shall be completed within five years of the effective date of this resolution. This five-year period shall expire on November 25, 2013.
3. Prior to the issuance of a zoning permit, the applicant shall submit a letter of approval from the Connecticut Department of Transportation confirming that agency's approval of the site development plan, including but not limited to planned curb cuts on Route 7.
4. The applicant shall install the emergency access driveway from Danbury Road (north of the main entrance) in accordance with the following procedures:
 - i. The emergency access driveway shall incorporate the use of grass pavers in the front entry so as to minimize visual impacts caused by clearing and paving. The remainder of the driveway shall be paved and maintained in perpetuity by the applicant. The entire emergency access driveway shall be maintained in a serviceable condition and shall be kept clear of ice and

- snow during winter conditions and be kept clear of obstructions at all times, except those approved by the Wilton Fire Department.
- ii. The amount of clearing necessary for installation of the emergency driveway shall be kept to a minimum.
 - iii. Except for emergency access purposes, all vehicles shall be prohibited from entering and/or exiting the development from the emergency access driveway. A gate secured by means of a break away lock shall be installed at each end of the emergency access driveway. The design and precise placement shall be subject to review and approval of the Planning and Zoning Department and the Fire Department.
 - iv. Keys to the gates shall be submitted to the Fire Department prior to zoning compliance.
 - v. Signage shall be installed at the Danbury Road and AvalonBay-ends of the emergency access driveway stating "Emergency Use Only".
5. Prior to the issuance of a zoning permit, a revised planting plan, grading plan and detailed tree protection plan for the area around and including the proposed emergency driveway and the formerly proposed Wilton Acres Road accessway shall be submitted to the Planning and Zoning Department staff for review and approval.
6. The applicant shall implement an enhanced fire protection system that meets the requirements of the National Fire Protection Association Standard 13R plus additional fire protection measures as agreed to by AvalonBay Communities, Inc. Such additional fire protection measures shall include the installation of sprinkler protection on the building decks and in the building attics. The applicant shall also provide heat detector systems in the 32 attached garages and in the recycling area. The applicant shall install individual fire communication panels in each building. Such improvements shall be completed to the full satisfaction of the Wilton Fire Chief and/or Fire Marshal prior to occupancy or use.

SUBMITTAL OF REVISED PLANS AND APPLICATION:

7. Three (3) completed revised sets, (collated and bound) shall be submitted to the Planning and Zoning Commission's office for endorsement as "Final Approved Plan" by the Town Planner. 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 site development plan shall be completed within five years after the approval of the plan. Said five-year period shall expire on November 25, 2013."
- b. "For conditions of approval for modified Site Development Plan, see Resolution #1108-8Z".

D. ACCEPTANCE OF NEW APPLICATIONS

- 1. **SP#344, Consumers Petroleum of CT, Inc, 386 Danbury Road, Addition/modifications to existing convenience store/gas station**

MOTION was made by Mr. Nabulsi, seconded by Mr. Wilson and carried (7-0) to schedule the Public Hearing on December 8, 2008.

E. PENDING APPLICATIONS

- 1. **SUB#899, DeSola, 21 Edith Lane, 2-lot subdivision**
(Continued to November 24, 2008)
- 2. **SP#343, Sale/Craven-Griffiths, 31- Chestnut Hill Road, Accessory apartment (pool cabana)**

The Commission reviewed and discussed draft Resolution #1108-18P dated November 10, 2008. Ms. Ayers noted that, while she had missed part of the Hearings, she had listened to the tapes and read the minutes.

MOTION was made by Mr. Nabulsi, seconded by Mr. Bayer, and carried (7-0) to approve draft resolution #1108-18P as amended.

WHEREAS, the Wilton Planning and Zoning Commission has received a Special Permit application (**SP#343**) from Matthew Schoenherr of Z Architecture for approval of a detached accessory dwelling unit for a pool cabana, for property located at 310 Chestnut Hill Road; in an R-2A (Single Family Residence District), Assessor's Map#17, Lot #19-2, and 2.087 acres; owned by Julian Sale and Joanna Craven-Griffiths and shown on the plans entitled:

Zoning Location Survey, Proposed Revised Lot 2B- Prepared for Julian Sale and Joanna Craven-Griffiths, Prepared by Douglas R. Faulds, land surveyor, dated August 18, 2006, at a scale of 1"=40'.

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Site Plans- Prepared for The Sale/Craven-Griffiths Residence, Prepared by Matthew E. Schoenherr, architect, dated September 17, 2008, scale as noted, sheet #PZ1.

Proposed Garage/Barn Floor Plans- Prepared for The Sale/Craven-Griffiths Residence, Prepared by Matthew E. Schoenherr, architect, dated September 17, 2008, as a scale of 1/4"=1', sheet #PZ2.

Garage/Barn Elevations- Prepared for The Sale/Craven-Griffiths Residence, Prepared by Matthew E. Schoenherr, architect, dated September 17, 2008, as a scale of 1/4"=1', sheet #PZ3.

WHEREAS, the Wilton Planning and Zoning Commission has conducted a public hearing on October 14, 2008 and November 10, 2008 to receive comment from the public and has fully considered all evidence submitted at said hearing; and

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

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission **APPROVES** Special Permit #343 for approval of a detached accessory dwelling unit for a pool cabana, effective November 13, 2008 subject to the following 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 years of the effective date of this resolution. This five-year period shall expire on November 13, 2013.
3. Unless otherwise authorized by the Planning and Zoning Commission, the approved accessory unit shall be limited to the area shown on submitted plan #A101, dated November 10, 2008, attached hereto.
4. This resolution of approval, including a copy of the attached addendum floor plans, shall be filed in the Office of the Wilton Town Clerk prior to the issuance of a zoning permit.

5. Finish grading adjacent to the accessory dwelling unit shall not exceed a 2:1 slope.
6. Any restrictions on the lot referenced in the deed of the property shall be the responsibility of the owner to review and not the Wilton Planning and Zoning Commission.
7. Use and occupancy of the accessory building, including the accessory unit (cabana), shall be prohibited until such time the town has issued a zoning certificate of compliance and a building certificate of occupancy.
8. Three (3) completed revised sets, (collated and bound) shall be submitted to the Commission's office, prior to receiving a zoning permit, for endorsement as "Final Approved Plan" by the Town Planner. 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 shall be completed within five years after the approval of the plan. Said five-year period shall expire on November 13, 2013."
 - b. "For conditions of approval for Special Permit #343, see **Resolution #1108-18P.**"
9. The owners of the property have certified in the form of an affidavit that they are living in residence in one of the dwelling units on the property. Certification of owner occupancy shall subsequently be made to the Planning and Zoning Department on an annual basis.

- End Resolution -

3. **SP#178G, Old Post Office Square, 10 Center St, Retail Photo Shop**
(Continued to November 24, 2008 for Resolution)

F. COMMUNICATIONS

G. REPORT FROM CHAIRMAN

Ms. Poundstone noted that a communication had been received regarding the boundaries of the Cannondale Historic District.

She stated that the Town of Wilton website, located at www.wiltonct.org , is very informative and attractive.

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

J. ADJOURNMENT

(The meeting was adjourned at 8:18 P.M.)

Respectfully submitted,

Karen Pachiana
Recording Secretary

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