

PLANNING & ZONING
COMMISSION
Telephone (203) 563-0185
Fax (203) 563-0284



TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

**WILTON PLANNING & ZONING COMMISSION
PUBLIC HEARING/REGULAR MEETING
MINUTES – NOVEMBER 24, 2008**

PRESENT: Chairwoman Sally Poundstone, Secretary Bas Nabulsi, Commissioners Alice Ayers, Doug Bayer, Marilyn Gould, Eric Osterberg, Michael Rudolph and John Wilson.

ABSENT: Commissioner Dona Pratt (excused absence)

ALSO

PRESENT: Robert Nerney, 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, Gould, Poundstone, Rudolph and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Wilson read for the record an e-mail from Casey Healy to Bob Nerney dated November 20; a memorandum to the P&Z Commission from the P&Z Department dated November 6, 2008; a draft from Anthony J. Tranquillo, PE, and the report dated November 10, 2008 from Tranquillo Engineering.

Present for the applicant was J. Casey Healy of Gregory & Adams. He noted that he had met with the Town Planner, Assistant Town Planner and Mr. Tranquillo and went point by point through Mr. Tranquillo's memorandum, and, as a result, revised plans have been prepared that address the comments and questions raised by Mr. Tranquillo.

Commissioner Nabulsi arrived and was seated.

Anthony J. Tranquillo, Civil Engineer, said he reviewed the application and prepared a 3-page memorandum dated November 5, 2008. He explained that the property is fairly steep and there are homes downstream to the south and east. The home to the south is some distance

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away, but the home to the east is in close proximity to the property line. The proposal has ameliorated the runoff by proposing an underground drainage system, a percolation system and a level spreader, which will attenuate the long-term impacts of the development, but the short-term impacts during construction when the ground has been destabilized are not addressed. Typically, bare ground will generate from two to three times the normal runoff of a grassed or forested area, and he has asked the consulting engineer to address that issue by the use of temporary seeding, hay mulch and erosion matting. He believes if those measures are used liberally during construction, the impacts to the surrounding properties will be well controlled.

Mr. Healy said the applicant has agreed to all of Mr. Tranquillo's recommendations and they have reflected that in the construction sequence.

Mr. Tranquillo said that while the method of measuring runoff used by the applicant's engineer is appropriate, in his experience, storms that really test a small watershed are thunderstorms, which typically dump their rain in 5 to 30 minutes and lead to much higher runoffs. He believes the systems that are in place as part of the application are sufficient to handle the amount of runoff one might expect during a severe thunderstorm.

Commissioner Osterberg arrived and was seated.

In response to various questions by the Commissioners, Mr. Tranquillo noted the following:

- Implementation of hay mulch, temporary vegetation and the erosion mat, if used liberally, would also minimize the impacts to the wells and septic in the area.
- The Health Code section was modified recently and allows the placement of detention systems upstream of a septic system.
- There is ledge within 3' to 4' of the surface, and if a basement 6' to 8' deep were installed, ledge would be encountered and the probability that blasting would be required is fairly high.
- An updated survey from William Seymour was submitted showing the placement of houses located within 100' of the site and the location of their wells.

Mr. Nerney noted that it is very important that the site be monitored on a more frequent than normal basis during construction given the topography and the proximity of other homes, and the applicant has agreed to employing a Clerk of the Works.

Ms. Gould pointed out that it is an extraordinarily difficult site to develop, and asked if the Commission is obligated to approve the application. Mr. Nerney said the Commission is acting in an administrative capacity and will have to look at the subdivision regulations and zoning regulations and make a determination as to whether the application is compliant or not. He noted that the limitations on the amount of contiguous steeply sloped area that can be disturbed is 15,000 square feet for a 15% slope, and 2,500 square feet for a 35% slope, which

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is very steep. A map showing those limits has been received and will have to be reviewed to determine whether they are under those thresholds.

Ms. Poundstone asked if there were members of the public who wished to speak to the application.

Bill Heyde, 23 Edith Lane, said he had several concerns. He noted that his house is completely landlocked and access to and from the property is through the right-of-way that is predominantly, if not entirely, on Mr. DeSola's property. The driveway comes down and curls around, and the well is literally in the driveway.

He stated that he was obviously also concerned about the runoff onto his property both during and post construction as the property already has water problems. When he moved there 12 years ago, water was coming underneath the house from the steep slope, and he waterproofed the area and put in a curtain drain and a trench drain in front of the garage. The trench drain works to a point, but he is concerned that during a flash thunderstorm the water could crest and completely destroy his property and the contents of his home.

Also, as brought up at the Inland Wetlands meeting, there are wetlands on both sides of the driveway and there is approximately an 8" conduit that runs underneath the driveway. During the wet season the area fills up with standing water and comes right to the edge of the driveway. It will remain for several weeks and eventually make its way across the conduit and down towards Kent Hills Lane. His concern is that with additional drainage his driveway could easily get washed out or overflow with water and access to his property will be shut off.

Mr. Heyde said his driveway is barely 10' wide and is winding and hilly. As you come up the driveway, there is an extremely steep incline and a very large oak tree, and then a sharp turn. As planned, the entrance to the proposed house will literally be at that turn, and it is going to be an extremely dangerous interchange. The driveway is very dangerous in the wintertime as it is difficult to keep clear of snow and ice. There is no possible way to have two-way traffic, and in snow and ice it is a difficult situation and will be much more difficult with four houses and the added traffic.

Mr. Healy noted that one of the things Mr. Tranquillo had asked for, which is shown on the revised plan, is a pull-off area in the northeast corner. Mr. Nerney said he would strongly recommend that.

Mr. Heyde said there is obviously ledge on the site and there is going to be blasting. His house, which is approximately 100' feet away, is on a slab on grade because a basement could not be dug. When he did a small addition, he was able to dig a very small crawl space, which fills up with water every time it rains.

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When he bought his property, he presumed the lot was virtually impossible to subdivide because of its extremely hilly and rocky nature, as well as the fact that it sits on top of wetlands. He stated that he was heartbroken to think that the subdivision is going to go forward, and that over 100 trees will be cleared from the highly wooded site.

Jim Clancy, 29 Kent Hills Lane, said his property is at the bottom of the hill below the DeSola's. In heavy storms he literally has a river running through his backyard. The property to the left of him has had the water come right up to the back door. Every time there has been new construction, regardless of what anyone has claimed, there has been an increased amount of flood waters coming down and across his backyard and wiping out vegetation or anything else in the backyard. At times they have had ducks floating around in the backyard.

Mr. Bayer asked, in light of what was just stated about the water funneling into the lower properties, is there any concern that the detention systems would dump the water in one spot as opposed to dispersing it over a larger area.

Mr. Tranquillo said the runoff is collected and brought down to a set of chambers, which will percolate some of the water into the ground, and then the high level overflow will go to a level spreader, which will then flow down gradient. He did not investigate the area off the map, but made the assumption that the discharge would eventually end up in the wetland system. Once the runoff enters a wetland system, then from an engineering standpoint, they have properly discharged the storm water. Most regulations say that you must attenuate the post-development to the pre-development for either the 10-year storm or, more typically, the 25-year storm, and the applicant has done that. Only a very exorbitant and very expensive system could protect the lower properties in a heavy thunderstorm, and that is not feasible for any piece of property unless it is a very large subdivision. He said, in his opinion, the downstream property owners will be no worse off than they were before construction.

Mr. Poundstone reminded everyone that the documents which the Commission will be studying are available for review in the Planning & Zoning Office.

At 8:01 P.M. the hearing on SUB#899, DeSola, 21 Edith Lane, 2-lot subdivision was continued until December 8, 2008.

REGULAR MEETING

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

Ms. Poundstone called the Regular Meeting to order at approximately 8:01 P.M., and seated members Ayers, Bayer, Gould, Nabulsi, Osterberg, Poundstone, Rudolph and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES – November 10, 2008 – Regular Meeting

MOTION was made by Mr. Bayer, seconded by Ms. Ayers, and carried (6-0-2 with Ms. Gould and Mr. Osterberg abstaining) to approve the minutes of November 10, 2008 as drafted.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

E. PENDING APPLICATIONS

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

Mr. Rudolph said he would like to note for the record that he thought Mr. Tranquillo was extremely helpful, and suggested that when he comes on December 8th that he go over the drainage system again.

(Continued to December 8, 2008)

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

The Commission reviewed and discussed draft Resolution #1108-20P dated November 24, 2008. Ms. Ayers noted that while she had missed part of the hearings, she listened to the tape and read the minutes.

MOTION was made by Mr. Wilson, seconded by Mr. Bayer, and carried (6-0-2 with Ms. Gould and Mr. Osterberg abstaining) to approve draft Resolution #1108-20P as amended.

WHEREAS, the Wilton Planning and Zoning Commission has received a Special Permit application **SP#178G** from David Perry of Wilton Center Photo for approval to allow a photo-finishing establishment within an aquifer protection zone, for property located at 18 Center Street; in a WC, Wilton Center District, Assessors Map #73, Lot #13 and 1.16 acres; owned by Old Post Office Square, LLC and shown on the plans entitled:

Map of Property- Prepared for Old Post Office Square, LLC

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Prepared by Roland H. Gardner, surveyor, dated September 8, 2006, at a scale of 1"=20'.

WHEREAS, the Wilton Planning and Zoning Commission has conducted a public hearing on 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 #178G effective November 27, 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. The silver residue recovery process shall not be conducted on the premises.
3. Any operational changes, including change in the use of chemicals, equipment or process, shall be strictly prohibited unless otherwise permitted by the Planning and Zoning Commission. Photo-finishing chemicals shall be limited to the use of Fujifilm CP-48S II PC cartridges (or its equivalent). Photo-processing shall be limited to the use of Digital Minilab Frontier 370, Fujifilm LP2000SC (or its equivalent).

-END RESOLUTION -

F. COMMUNICATIONS

G. REPORT FROM CHAIRMAN

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

J. ADJOURNMENT

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

Respectfully submitted,

Karen Pacchiana
Recording Secretary