

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 – FEBRUARY 9, 2009**

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

ABSENT: Commissioners 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. SP#345, Anspach, 526 Danbury Road, Special Permit for adaptive use

Ms. Poundstone called the Public Hearing to order at approximately 7:16 P.M., seated members Ayers, Bayer, Gould, Nabulsi, Poundstone, Pratt and Rudolph, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

Barry L. Hammons, land surveyor and professional engineer, said the property is bordered on the east by the Norwalk River and on the west by Route 7. There are two existing structures on the site; one of which is a first floor office and a second floor residence, and the other is a storage facility.

They have received approval from the Inland Wetlands Commission for the site, and have been working with staff to modify the site plan to be more conforming, and in the process a better site plan has evolved.

Ms. Shalini Madaras presented information and photographs she got from the Historic Society. The property dates back to circa 1843, and was part of a larger parcel that belonged to the Taylor family. It has been used as an academy and an antique store. At one point it was owned by Ester White, who left it to her nephew, Davenport White, which is why the cottage is called the Wright Cottage. The property is on the National Registry, and is part of the Cannondale Historic District.

Mr. Hammons said the property is graded sharply down to a flood plain. The structures

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themselves are upland from the flood line. The upstairs residence and downstairs office will remain the same. A cabinetry workshop is proposed for the first floor of the other structure. The upstairs of the workshop will be used for storage. There will be no retail activity at the shop, and there will be no plumbing facilities installed. Except for some painting and cleaning up, the outside of the structures will not be touched.

Zoning regulations require a total of ten spaces and they are requesting a 20% reduction of that requirement, or eight spaces. State regulations require at least one ADA space, and while they have shown the space on the plan, they have sought an exemption from the State under adaptive use, and are requesting an exemption from the Commission. If the ADA space is not required, it would widen the planting island and provide a little more green on the parking layout and would also allow for a loading space where a 20' to 24' truck could come in, back up and swing out. Six foot high bollards will be placed along the back. Currently there is no access to the building by ADA use, and while they can build an access ramp if necessary, it will increase the coverage, which is already beyond what is allowed.

In response to staff's January 20th memo, Mr. Hammons said they originally proposed two walls, but at staff's suggestion, they added a little fill and put a one foot wall on the existing wall and terraced it back, thereby flattening the parking area and making the wall six feet high.

They are proposing grass crete pavers for the parking area, which are very strong as they are interwoven with steel and can actually handle a full size fire engine without any movement or buckling. They also deal with the issue of water quality as their permeability is much greater than pavement. Belgium block curbing is proposed. There will be four exterior lights, and the filament will be shielded.

The site is legally nonconforming with regard to building and site coverage; 12% site coverage is allowed and they are at 16%, and 7% building coverage is allowed and they are at 12%.

They have received verbal approval for an exemption of the wheelchair accessible parking space from the State, and will supply written confirmation when received. Section 29-8.C.4.c(2)(a) referred to in the memo applies to a shopping plaza where 18 spaces must be broken up by an island 9' wide. If the ADA space is exempted, they will make the island wider, and perhaps plant a shade tree.

The driveway is 21.5' wide, and they have modified the radius to allow a truck to come in a little easier. They met with the State onsite, and the State is satisfied with the sight lines. The landscaping will be low shrubs. None of the existing trees will be removed.

They are proposing to bring in public water, and have talked to Aquarion. The existing well will be abandoned in accordance with the State Health Code. The Health Department suggested that they test for a code compliant area for a reserve septic system should the

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current system fail, and they have shown that. To handle water quality issues and mitigate existing water quality problems, they propose to pitch the water down to a catch basin and then into a grit separator, where it will be piped into a level spreader and then flow into a rain garden and eventually into the Norwalk River.

David Anspach, owner of the property, said they cut and assemble cabinets, bookshelves and custom millwork. Everything is finished offsite, so there will be no paint or chemicals. They have a portable exhaust system, and dust from the woodworking is collected in bags and shipped offsite. The building was recently insulated, which helps to reduce the noise. In addition, three quarters of the first floor is subterranean, so it is not a noisy operation. He works through architects, designers and his own clients, who bring drawings to him. No retail is conducted at the shop, so they do not have customers coming to the building.

Ms. Gould said she is familiar with the historical aspects of the building, as well as the use for the last 30 years as an antique shop. Before that, it was used as an academy going way back to about 1840, so it definitely falls into the acceptable categories of adaptive use, and the National Historic District, the National Register and Wilton's own local records prove it to be.

Mr. Hammons said he spoke to staff regarding signage, and while they haven't decided on the size or location, it will be conforming with the regulations.

Mr. Nabulsi said he is concerned with how the bollards are going to look and asked if they had considered alternatives. Ms. White suggested using granite pillars such as the type used at Sheridan Interiors.

Mr. Nerney asked if there could be a problem with the grass pavers wearing down with daily traffic and becoming unattractive. Mr. Anspach said there are three employees in the woodworking shop and one in the real estate office and there would probably be about 20 exchanges of cars during a typical day.

Mr. Nabulsi referred for the record a memorandum dated February 5, 2009 from Steven Shole, Director of Health and Sanitarian, a P&Z staff report dated January 20, 2009, a letter from Barry Hammons requesting a continuation, and a memo with attachment dated January 23, 2009 from Robert Root, Building Official.

MOTION was made by Ms. Ayers, seconded by Ms. Gould, and carried (7-0) to close the Hearing at 8:06 P.M.

REGULAR MEETING

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

Ms. Poundstone called the Regular Meeting to order at approximately 8:06 P.M., and seated members Ayers, Bayer, Gould, Nabulsi, Poundstone, Pratt and Rudolph, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. January 26, 2009 – 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 January 26, 2009 as drafted.

2. December 1, 2008 – Plan of Conservation and Development

3. February 2, 2009 – Plan of Conservation and Development

MOTION was made by Ms. Ayers, seconded by Ms. Pratt, and carried (7-0) to approve the minutes of December 1, 2008 and February 2, 2009 as drafted.

C. SITE DEVELOPMENT PLAN REVIEW

1. SDP. Ramadani, 12 Center Street, Various site improvements and corrective action

Doug MacMillan, architect, described the proposal to reinstall the islands that were removed and to restore the property to the way it was. The application also includes the construction of a fixed roof structure to replace the existing awning/tent, which will be 350 square feet as originally approved. The Inland Wetlands Commission has approved a planting plan that will restore some of the plantings that were removed along the riverbank.

He noted that an open arbor is being proposed that would go across the front of the retail building and around the side with the idea to create a colonnade along the two buildings to visually join them together. He said the plan was reviewed by the Village District Design Committee (VDDC), who liked the concept of the arbor, as well as the fixed roof structure. The Committee suggested creating panels on the bottom so that the glass doesn't come down to the ground.

Ms. Poundstone noted that the Commission received the minutes of the VDDC meeting, which indicate they approve the plan subject to the design changes recommended.

Mr. MacMillan said they plan to reseal and restripe the parking lot and will lay it out so that it conforms to the regulations. They are removing the patio that was added off of the new covered roof area, and are also going to provide the walkway for the Riverwalk.

Mr. Nabulsi asked for clarification of what the Commission is being asked to express a view on. Mr. Nerney said work has occurred at the site without the benefit of Commission approval and which should have come before the Commission. He spoke with the owner, who has come a long way with getting a design team onboard and addressing some of the concerns. One of the things that is very beneficial to the Town is not only the walkway along the river, but the trellis entryway proposed between the fixed roof structure and the open arbor that will connect with the Riverwalk. He said his understanding is that it is going to be a sitting area for people who are waiting to get into the restaurant, and will be a nice gateway to the river with planters or benches or some sort of arch that would draw people there. He commented that it could be a very exciting project.

Mr. MacMillan said there is a 20' easement along the river now that follows the line for the Riverwalk, and he will talk to his client about filing something on the land records or making the gateway a condition of approval to insure access to the Riverwalk. Mr. Nerney noted that the Town is proposing to put a bridge over the river to connect with the train station and he sees the gathering area as tying in quite nicely with that.

In response to a question by Ms. Ayers, Mr. MacMillan said the trash bins are located under the roofed area in the back, and he will verify that they are not in the wetland or flood plain.

Mr. Rudolph noted that the parking spots have specific dimensions and he would like some clarification of how they propose to insure the size of the spots.

There being no further comments or questions, at 8:26 P.M. the discussion was continued to February 23rd, 2009.

2. SDP, 3 Hollyhock Properties, 3 Hollyhock Road, Construction of 3000 square foot commercial building

Clarissa Cannavino, attorney for the applicant, described the proposal as a .251-acre parcel in a DE-5 zone with an existing building and garage that will be demolished and a new 3,072 square-foot building constructed with 12 parking spaces. They are requesting a waiver of the loading space because no trucks larger than a FedEx delivery truck will arrive at the site, and also a waiver of the lighting requirements, which Ms. Throckmorton will discuss.

Ms. Cannavino stated that she met with staff to discuss the items in their memo and she

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distributed two 11x17 revisions, one to the lighting and planting plan and the other depicting revisions to the site plan. They will also be submitting full size copies to the Commission.

In response to the staff report, Ms. Cannavino noted:

- The CL&P pole will be relocated over to the side to the new location of the driveway.
- The applicant does not want to eliminate the curb cut on Danbury Road because he would lose the 70 Danbury Road address for the abutting property which is not the subject of the site plan review.
- They feel that relocating the dumpster more centrally would be aesthetically unattractive. There is going to be a 6' high wood fence along the property line, which will screen it from the abutting property owner.
- They will be hooking into Aquarion Water, which currently services the site, and will provide a letter of authorization from them.
- The existing stone wall along the rear property line will remain.
- Snow will be plowed to an excess parking space, and if that gets overburdened, it will be trucked off site.
- The 6' PVC has been relocated away from the tree.
- They have submitted a draft driveway easement and maintenance agreement for Town Counsel's review.
- The parking area will be handicap compliant.
- A revised Form B was submitted.

Kate Throckmorton, licensed landscape architect with Environmental Land Solutions, said they tried to keep the front landscape simple in keeping with the rest of the area, which is mostly commercial use. They incorporated a small boxwood hedge along the road, and added an arborvitae hedge along the parking area. The rest of the area will be lawn. Mulch beds were added to delineate the edge of the lawn from the planting area, and ground cover in the islands is specified as shade tolerant grass.

They have submitted two lighting plans. One shows two lights mounted on the back of the building, which provides an average 1-foot candle on the ground for the back of the parking lot, but to comply with the 2 ½ foot candle requirement, they have shown two additional lights on the back of the property. They believe that the two lights are adequate because it is a very small parking lot. If they are able to get the waiver for the 1-foot candle plan, there will be no light poles as the lights will be on the back of the building.

They have submitted cut sheets for the fixtures, which are the modern type fixtures with the filament up in the box enclosure so the filament won't be seen. There is a correction on comment 5, that the height of all the lights are calculated at 16' and not 6' as noted.

In accordance with comment #9, they have added one additional arborvitae which will help screen the parking lot and the activity in the back of the building. Arborvitae in that area are

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generally not susceptible to deer browse because of the intensity of development and the closeness of the buildings and the deer just seem to stay away.

There are several separate doors that service the building that come straight out to the parking lot, so the area does not lend itself to planting. Also, there was a desire to keep the back of the building simple for easy maintenance. Ms. Cannavino noted that there are four doors at the back of the building as it is going to be a multi-tenant building, and each door will service a tenant.

Tom Nelson of McChord Engineering said, with regard to the stormwater management system, the runoff from the roof will be collected by a roof leader and brought into the detention system, and the entire parking area will be collected by a single catch basin in the northeast corner and routed through the underground detention system. The detention system itself consists of 16 units of storm Tech SE740 chambers surrounded by gravel. The system is designed with an isolator row which isolates any sediment that enters the detention basin, and a manhole allows for easy access for inspection and cleaning. The second row will provide additional storage for peak runoff retention. It is designed for a 25-year storm event. Runoff from the entire site will go to the system, and the system is designed to infiltrate into the underlying soils so that there will be no outlet directly to the river or other catch basins offsite.

Mr. Nerney said they had recommended that the HVAC be put behind the building, as they tend to be noisy and could disturb the neighbor. Ms. Cannavino said when she discussed the location with Mr. Nelson, he thought it was a safety concern to put it in the walkway, but there is a possibility they could end the walkway earlier and put it in the area of the screen, and they will look into that.

Mr. Rudolph asked if they need an opinion of counsel as to whether a permanent easement is required for the shared access to the premises. Mr. Nerney said they would, because the properties could be sold. He said the reciprocal easement is being reviewed by Town Counsel, and that will be a condition.

In response to a question by Mr. Bayer, Mr. Nelson said they don't anticipate there being any overflow of runoff from the property, but if there was an overflow it would spill over into the next parking area and either into Route 7 or the next catch basin in the Danbury Road storm service system. Mr. Bayer said given the fact that there is a shared parking and flow plan between the two properties, he thinks the Commission has an obligation to ensure that it flows smoothly. Mr. Nerney said if the Commission feels strongly about it, that is something that could be deferred to Town Counsel. The State of Connecticut DOT encourages towns to minimize curb cuts whenever possible, but there are also, of course, legal issues.

In response to a question by Ms. Gould, Ms. Cannavino said the two properties are not owned by the same owner. Ms. Gould commented that they are being asked to approve a driveway

that is half on one property and half on another to access the property when the lots have not in fact been legally merged, and she thinks that presents a real problem with the application and that it should be looked into both from a site engineering and a legalistic aspect.

Mr. Nerney said the concept of a shared driveway is not uncommon. If the property were to be developed on its own, it would be difficult and perhaps impossible to put the driveway in, but there is some efficiency in trying to consolidate lots.

Mr. Nabulsi said the building meets the height requirement, the parking space requirement and the site coverage requirement, and he is struggling with the concept that because it is a bigger building than it might otherwise be, that such fact would make it unsatisfactory under the regulations.

There being no further comments or questions, at 9:16 P.M. the discussion was continued to February 23rd, 2009.

3. SDP, Wilton Library Association, 137 Old Ridgefield Road, Replacement of ground sign

Pamela Hovland, for the applicant, said the main site sign is one of the last elements of the signage system. The challenge in designing it was to keep it within the same architectural intent of the library building, which was designed by Elliott Noyes, who works with a limited palette of brick, stone, concrete and glass, so they wanted to keep the sign in that vernacular.

She displayed a prototype made by the sign vendor, and explained that the sign would be produced out of Corian, which is a common countertop material and an excellent material to use for signs. It would be laser cut with the names of the various major donors and then filled with gray.

They were the very first organization to meet with the Village District Design Commission, who made a couple of suggestions. One was to increase the width of the sign so as to provide a greater presence, and another was to reconsider how much light would be projected onto the surface, because the surface is so white that it may need less intensity, and Rob Sanders and Lucci Electric are already speaking about that revision. There was also discussion about a ground cover at the base of the proposed sign that would help conceal some of the base and some of the ground lighting that has been proposed.

Ms. Hovland said graffiti doesn't happen too often in the Village Center, but the Corian could be sanded and refilled if need be. The sign will be in the same spot as the existing sign. The lighting is very focused inground, not unlike what was there before.

Ms. Poundstone asked for a resolution approving the sign, although they still need some more detail regarding the lighting. Mr. Nerney said perhaps the lighting could be resolved between now and the next meeting and they could just work that into the resolution.

There being no further comments, at 9:27 P.M., the discussion was closed.

D. ACCEPTANCE OF NEW APPLICATIONS

E. PENDING APPLICATIONS

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

After discussion, it was agreed to amend draft Resolution #0209-1P to state “This resolution shall not be construed as, and does not, approve any existing noncompliant activities.”

MOTION was made by Ms. Gould, seconded by Mr. Bayer, and carried (6-0-1 with Ms. Ayers abstaining) to approve the resolution as amended, effective February 13, 2009.

WHEREAS, the Wilton Planning and Zoning Commission has received a Special Permit application (**SP#344**) from Consumers Petroleum of Connecticut, Inc. for approval of miscellaneous improvements to an existing motor vehicle service station; including the expansion of an accessory convenience store, replacement of fuel tanks and dispensers, replacement of an existing canopy, installation of a new canopy and various landscaping improvements for property located at 386 Danbury Road; in an General Business (GB) District), Assessor’s Map #46, Lot #7, consisting of 1.03 acres; owned by S & J Commercial Properties, LLC and shown on the plans entitled:

Cover Sheet and Vicinity Map - Prepared for Consumers Petroleum, Prepared by Spath-Bjorklund Associates, Inc., dated November 4, 2008, last revised January 26, 2009, at a scale of 1”=800’.

Data Accumulation Plan (Sheet 1/1) – 386 Danbury Road, Prepared for Consumers Petroleum, Prepared by Spath-Bjorklund Associates, Inc., dated April 10, 2008, last revised October 3, 2008, at a scale of 1”=20’.

Site Plan (Sheet S-1) – 386 Danbury Road, Prepared for Consumers Petroleum, Prepared by Spath-Bjorklund Associates, Inc., dated September 3, 2008, last revised January 26, 2009, at a scale of 1”=20’.

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Landscape Plan (Sheet S-2) – 386 Danbury Road, Prepared for Consumers Petroleum, Prepared by Spath-Bjorklund Associates, Inc., dated December 8, 2008, last revised January 26, 2009, at a scale of 1"=10'.

Parking Plan (Sheet S-3) – 386 Danbury Road, Prepared for Consumers Petroleum, Prepared by Spath-Bjorklund Associates, Inc., dated January 8, 2009, last revised January 12, 2009, at a scale of 1"=20'.

Details (Sheet (D-1) – 386 Danbury Road, Prepared for Consumers Petroleum, Prepared by Spath-Bjorklund Associates, Inc., dated October 21, 2008, last revised January 26, 2009, not to scale.

Lighting Plan (Sheet (1-1) – 386 Danbury Road, Prepared for Consumers Petroleum, Prepared by LSI Industries, dated December 9, 2008, at a scale of 1"=20'.

Alternate 2 Landscape Plan (Sheet S-2) – 386 Danbury Road, Prepared for Consumers Petroleum, Prepared by Spath-Bjorklund Associates, Inc., dated December 8, 2008, last revised January 12, 2009, at a scale of 1"=10'.

Elevations Plan – 386 Danbury Road, Prepared for Consumers Petroleum, Prepared by LMA Architects, LLC, dated September 5, 2008, not to scale.

Preliminary Drawing (for proposed canopies) (Sheet 1 of 3) - 386 Danbury Road, Prepared for John W. Kennedy, Prepared by Austin Mohawk & Co., Inc., dated November 3, 2008, drawn at varying scales.

WHEREAS, the Wilton Planning and Zoning Commission has conducted a public hearing on December 8, 2008, January 12, 2009 and January 26, 2009 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 certain site features are legally nonconforming and efforts have been made to either eliminate or reduce nonconformity in manner that renders the property safer and more attractive; and

WHEREAS, the Wilton Planning and Zoning Commission has received expert testimony from an environmental engineering firm, attesting to the adequacy of the planned improvements and further opining that such proposal is in compliance with State and local regulatory provisions as referenced in a report prepared and signed by R. G. Slayback, CPG, LEP, dated January 22, 2009; and

WHEREAS, the Wilton Planning and Zoning Commission has determined that the

application is in substantial compliance with remaining provisions of the Wilton Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission **APPROVES** Special Permit #344 effective February 13, 2009 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 Special Permit shall be completed within five years of the effective date of this resolution. This five-year period shall expire on February 13, 2014.
3. This resolution of approval shall be filed with the Wilton Town Clerk prior to the issuance of a zoning permit.
4. The proposed freestanding sign may be refaced so as to identify the new tenant; however, such sign shall not be relocated in any manner nor increased in size. Said sign shall not be internally illuminated. All signage shall be subject to the review and approval of the Zoning Enforcement Officer.
5. An itemized bond estimate and bond for all site work shall be submitted to the Commission's staff, which shall include, but not be limited to sedimentation and erosion controls, paving, curbing, drainage, landscaping, seeding and a 10% contingency. The applicant shall furnish to the Town a bond with proper surety in form and amount satisfactory to the Commission's staff. Said bond shall be delivered to and deemed acceptable by the Planning and Zoning Department staff prior to the issuance of a zoning permit.
6. If deemed necessary, the applicant shall submit detailed plans and documents to the Health Department for review and shall receive approval prior to receiving a zoning permit.
7. The applicant shall provide an as-built lighting plan demonstrating compliance with outdoor lighting standards set forth in Section 29-9 .E of the zoning regulations. Said plan shall be provided to and deemed acceptable by the Planning and Zoning Department staff prior to the issuance of a zoning certificate of

compliance.

8. The applicant shall obtain Commission approval for any change of use which results in a regulatory increase in on-site parking.
9. Pursuant to the applicant's testimony, the hours of operation for the motor vehicle service station and convenience store shall be between 6:00 a.m. and 12:00 midnight.
10. Any additional exterior illumination shall be limited to security and safety lighting only. Such lighting shall be subject to the Planning and Zoning Department staff review and restricted a single, façade-mounted and covered light fixture; located only above exterior doorways and in the vicinity of the handicapped parking space.
11. Prior to the issuance of a zoning permit, the applicant shall demonstrate in the form of an executed legal easement, all necessary legal rights to allow customers the ability to safely access the southerly fuel islands. Said easement shall specifically include provisions which allow customers the ability to turn around in locations outside of the applicant's lease area. The easement agreement shall be filed in the Wilton Land Records subject to approval by the Planning and Zoning Department staff and the Town Attorney's Office.
12. Consistent with representations shown on Sheet #S-1 of the submitted site plan, Consumers Petroleum of Connecticut, Inc. shall demonstrate by way of written agreement the right to access and utilize the proposed refuse dumpster in a location outside of the lease agreement area. Said agreement shall be subject to approval by the Planning and Zoning Department staff and the Town Attorney's Office.
13. The applicant shall comply with all relevant requirements of the State of Connecticut Department of Environmental Protection. In addition, the applicant shall adhere to emergency response procedures submitted by the applicant to the Planning and Zoning Commission.
14. Prior to the issuance of zoning compliance, the applicant shall provide an "as-built survey", prepared, signed and sealed by a Connecticut-licensed surveyor. Said plan shall provide information pertaining to building and site coverage, building/canopy height and building/canopy setbacks.
15. All dumpsters, sheds and storage trailers on the site shall be relocated to an area outside of the 100 year floodplain. No more than two dumpsters shall be maintained on the site, both of which shall be relocated to the area depicted on the

proposed Site Plan and Detail Plan dated September 3, 2008, last revised January 26, 2009. The shed and storage trailer shall be relocated to an area approved by the Planning and Zoning staff. The relocation of these structures shall be subject to the issuance of a zoning permit and shall be completed prior to receiving zoning compliance for the proposed site work.

16. This resolution does not approve nor shall it be construed as approving any non-compliant activities that may be occurring on the site.
17. The outdoor ice machine shall be removed from the site.
18. The applicant shall provide certification from a licensed engineer stating that the replacement fuel tanks have been properly installed in accordance with local and state regulatory requirements.
19. Three (3) completed revised sets, (collated and bound) shall be submitted to the 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 Special Permit shall be completed within five years after the approval of the plan. Said five-year period shall expire on February 13, 2014."
 - b. "For conditions of approval for Special Permit #344, see **Resolution #0209-1P.**"

- END RESOLUTION -

2. SP#345, Anspach, 526 Danbury Road, Special Permit for adaptive use

Tabled.

F. COMMUNICATIONS

**1. Marcus Partners, 40-64 Danbury Road (“Wilton Corporate Park”),
Modification to approved alternative signage program**

Richard Kent, President of Environmental Design Associates, said Sun Products is a tenant that is moving their corporate headquarters to Wilton and wanted some designation on the building that that is their corporate headquarters. They are leasing two-thirds of the building at 60 Danbury Road, and they have requested to have a sign put on top of the building with their logo. The sign will not be lighted.

The sign will be made of stainless steel and spray colored with their colors of blue and yellow. He presented some photographs he took from across the street at the entrance, which show that the sign will barely be visible, if at all, from Route 7. The main area of visibility will be once you come into the park and come around. They are asking to amend the master signage plan which was approved a while ago to include the new sign.

Mr. Nerney noted that Sun Products is a major tenant coming to Town leasing 50,000 square feet of floor area, and he thinks there is some justification for allowing the sign, considering that it is not going to be seen from a public right-of-way or adjoining properties and is not illuminated.

Mr. Rudolph said he thinks this is something that can be handled by staff as a communication. Ms. Poundstone said, given the fact that the sign is on the building, is not illuminated, and is only directional to people who are already on the property, she feels comfortable with staff handling it.

**2. DiBari, 22 Hanford Lane, Review of correspondence concerning Hanford Lane
right-of-way**

(Mr. Bayer recused himself from the hearing.)

Mr. Nerney explained that this was a subdivision that was approved in the 1950s, and the subdivision plans show a right-of-way that was planted, but the ownership was never transferred to the Town, and now the property owner at the end of Hanford Lane is looking to acquire the roadway and grant easements to a dozen or so homes that utilize the road. His understanding is that 22 Hanford Lane is at the end of the cul-de-sac, but the cul-de-sac was never built, and the owner would like to have the ability to have part of that land annexed to his lot so that he can maintain it. Apparently the developer, who is still alive and living in Europe, still owns the land and has agreed to the transfer.

Mr. Nerney thinks the question is should people who use the right-of-way have the ability to

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comment through the resubdivision process, which would involve a public hearing, and he stated that he would recommend that the Commission seek a legal opinion on that. He noted that Hanford Lane is in pretty bad shape and may very well be the original pavement from the 50s, however, he doesn't think it is an issue of repaving it and keeping it to a proper standard.

The real issue is the transfer of the roadway to another entity and providing proper provisions for continued access which, again, is a legal issue. The road is in one ownership of a gentleman in Europe, but it provides access to multiple parties, and he thinks that is the concern.

Mr. Rudolph said one of the issues is can a potential recipient of a portion of the road come before them and speak for all of the abutting property owners. Certainly they need to start off with opinion of counsel, but they also need advice on who can make the application.

Ms. Poundstone said the Commission doesn't ordinarily hear from members of the public at this stage, but since the gentleman is here she will let him tell his concerns.

Mr. Lou DiBari said he is the owner of the house on 22 Hanford Lane. The road is basically a dirt road with large potholes and is dangerous and hard to pass, so a number of the neighbors got together and decided they wanted to fix up the road. In checking with his attorney, he found out that a gentleman living in Switzerland owns the road and has no interest in taking care of it and said he would be willing to sell it to them for a dollar. The neighbors, who all have a right-of-way to the private road, agreed that it would enhance their property and improve the safety if they bought the roadway and then formed a homeowner's association and had the road paved, so they hired an architect to help them. That is when he discovered that there is an issue as to whether or not a transfer of a portion of the roadway to him would be considered a resubdivision, thereby requiring an application to the Planning & Zoning Commission.

Mr. Nabulsi said it appeared that time was of the essence, as it would be unfortunate if the owner of the roadway passed away while the Town was trying to figure out what to do, and then for the homeowners to be unable to resolve the issue.

Mr. Nerney said he certainly doesn't want to discourage a neighborhood from improving what might be a private road. On the other hand, he wants to make sure they are going about it the right way.

Ms. Poundstone said they will refer the matter to Town Counsel with the understanding that they need something for the 23rd of February.

3. TIAA-CREF Global Real Estate (“Teachers”), 10 Westport Road, Discussion

regarding use of Hanson House for possible conference center

Mr. Nerney suggested that they schedule a tour of the property, which consists of two very large office buildings and a former homestead residence belonging to the Hansons, who were the original owners of the property. There apparently is a prospective tenant who is looking to develop it as a conference center. He walked the site with Attorney Healy and the property owner and found it to be a unique property and something that can't be fully appreciated unless you are actually there.

He said he doesn't normally like to encourage such meetings, but sometimes it is not a bad idea to see first hand what they are dealing with and get a better context of what is likely to be proposed in the future. There is no formal application at this time, so he doesn't think there would be a conflict in going out and looking at the site and have Attorney Healy and the owner explain some of the concepts they are thinking about, but it is up to the Commission if it wants to do that.

Ms. Gould said, to give a little more background, it is a very elegant dining room, and there used to be a lot of meetings held there by the Town to honor people. There were good-sized library type meeting rooms with very nice furnishings that the original owner used when it belonged to Richardson-Vicks as their conference center.

Ms. Poundstone asked Mr. Nerney to arrange a time and those Commissioners who can make it, will attend.

G. REPORT FROM CHAIRMAN

Ms. Poundstone said they have an amended calendar and asked for a motion approving it.

MOTION was made by Ms. Ayers, seconded by Mr. Nabulsi, and carried (7-0) to approve the amended schedule.

Ms. Poundstone said she has appointed Ms. Pratt to represent them on the Energy Conservation Committee, and Mr. Rudolph and the Regulations Committee met today. Mr. Rudolph said they are going to meet again at 6:00 P.M. on the date of the first P&Z meeting in March.

Ms. Poundstone noted their new Village District Design Committee had its first meeting last week, and she understands it was a very successful, cooperative meeting, and she thanked Bob for getting the minutes out so quickly.

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

J. ADJOURNMENT

MOTION was made by Mr. Rudolph, seconded by Ms. Ayers, and carried (7-0) to adjourn at 10:17 P.M.

Respectfully submitted,

Karen Pacchiana
Recording Secretary