

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

**WILTON PLANNING & ZONING COMMISSION
PUBLIC HEARING/REGULAR MEETING
MINUTES – FEBRUARY 23, 2009**

PRESENT: Chairwoman Sally Poundstone, Commissioners Alice Ayers, Doug Bayer, Marilyn Gould, Eric Osterberg, Dona Pratt and Michael Rudolph.

ABSENT: Commissioner Bas Nabulsi 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
(None)

REGULAR MEETING

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

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

B. APPROVAL OF MINUTES

1. February 9, 2009 – Regular Meeting

Ms. Ayers asked for clarification of the statement on page 7 by Mr. Nabulsi, "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, it makes it unsatisfactory according to their regulations." She asked according to whose regulations? Ms. Poundstone said they will need to wait until Bas is present to answer that.

Mr. Bayer noted a spelling correction in the first paragraph of the Anspach application where

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it refers to Shalini Nadaras, and said it should be Shalini Madaras.

Ms. Gould said on page 1 the reference to the Wright Cottage should be deleted and instead it should read “the property, known as the Taylor Lockwood Academy, is on the National Register.” Mr. Nerney noted that the minutes are merely a reflection of what was said, but since the approval of the minutes is going to be tabled until the next meeting, the Commission at that time could simply correct them.

Ms. Gould said under DiBari, 22 Hanford Lane, on page 13 where it states “the subdivision shows a right-away-that was planted”, it should say platted.

Ms. Poundstone said they will table the minutes until the March 23rd meeting.

C. SITE DEVELOPMENT PLAN REVIEW

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

Doug MacMillan, architect, handed out materials replacing Form B showing the coverages and the building footprint, as well as worksheets showing how they arrived at the numbers. He indicated that the second page was the parking calculations.

Mr. Rudolph said he recalls that the parking was partially on property the applicant didn't own, and asked if it was going to be moved back or are they getting an easement.

Mr. MacMillan said in the package there is a document that refers to an A2 survey which refers to an easement, which was granted at the First Selectman's meeting on June 16, 1986. He did not know if the easement was recorded.

Ms. Gould said she was at the First Selectman's meeting in 1986, and was also on the P&Z Commission at that time. She said she recalls the discussion focusing on the landscaping, not the fact that the parking spaces were beyond the Town line. She said it is an interesting question, because clearly there is not enough parking without the easement.

Mr. Rudolph asked if the applicant is required to maintain a certain number of parking spaces as a condition of their application. Mr. Nerney said they are bound to do that by way of the Site Development Plan, and are required to have 49. He said there appears to be an excess of aisle width and some of the parking spaces may be able to be adjusted at the base of the slope. However, there isn't much leeway on the spaces opposite Higgins Realty.

Mr. Bayer commented that all of the parking spots from Higgins all the way down encroach on the Town's right-of-way, and he thinks it is ridiculous for the applicant to say the property

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meets all of the parking requirements. He said he thinks there should be some formal action taken to memorialize the parking or to at least explore with the Board of Selectman and Town Counsel how they can formalize the parking.

Ms. Ayers said she agrees that getting an easement from the Town for the parking spaces would be worth exploring. Parking is very tight in that area, particularly when there are a lot of people going into Portofino's, and it would be helpful to the public to have the parking places be actual parking places.

Ms. Poundstone noted that people often park in the bend and go to Merwin Meadows, especially on Saturdays and Sundays. Mr. MacMillan said he thinks that was part of the easement/minutes of the Selectman's meeting, because it refers to having access through there. He said for a mixed use development in the Wilton Center District, they are allowed a 30% reduction in the parking, but they have not taken the reduction. The 49 spaces is a straight calculation.

Mr. MacMillan said the revised Form B addresses a lot of the comments from staff, and in addition he noted the following:

- The entire parking lot will be resealed and restriped.
- The handicap signs will be mounted permanently.
- The ramp will have its material changed from Belgian block to a smooth surface.
- The site lighting will be put back to what was there, which is fairly similar to the Town lighting. It has been reviewed by the Village District Design Committee.
- There is no seating plan under the trellis area.
- The seating is shown on the 350 square-foot outdoor roofed patio, which is going back to the original approved square footage.
- The pathway along the Riverwalk will be a stone dust pathway.
- The 100 year floodway is shown on Holt McChord's plan.
- They are reviewing consolidating the dumpsters, and will check to see if there is a manhole underneath the dumpsters.
- They have corrected the wrong labeling on drawing A101.
- The service drive is going to remain gravel.
- They have done the calculation for the signage on the whole site and everything conforms.
- The survey has been submitted.

He said they will pursue the parking easement, because while they can take the 30% reduction, it would be in their best interest to have the easement. If they are unable to obtain the easement by March 23rd, the Commission could make it a condition of approval.

There being no further comments or questions, at 7:45 P.M. the discussion was continued to March 23rd.

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

Ms. Poundstone seated members Ayers, Bayer, Gould, Osterberg, Poundstone, Pratt and Rudolph, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

Clarissa Cannavino, attorney for the applicant, noted that Kate Throckmorton of Environmental Land Solutions and Holt McChord of McChord Engineering Associates were present to answer any questions.

She noted that:

- They have prepared a revised set of plans, which include a revised site layout and utility plan showing all the setbacks.
- They have shown the 40-foot wide curb cut on Hollyhock Road.
- They have relocated the HVAC units, one on the western side of the building, and the other two to the rear of the building. Mr. Nerney said the variance on the western side of the site of 14.4' is compliant, and the new location of the units has the added advantage of being away from the residential property and closer to the commercial building.
- The planting plan has been revised to include planting areas to the rear of the building along the rear doors.
- The architectural plans have been revised and updated to depict the three rear doors and a Bilco door.
- They have provided a revised Declaration of Driveway Easement and accompanying map for Assistant Town Counsel's review, which include some changes she had suggested.

Ms. Gould said she had raised a concern at the last hearing that the concept of the shared driveways allows a larger building on each lot than would otherwise be possible. Mr. Rudolph said he thought they were going to get an opinion on the matter from Town Counsel.

Mr. Nerney said there were some problems with the original easement and Attorney Cannavino adjusted the easement and it is now being reviewed again by Assistant Town Counsel. He said there is some benefit in having a combined driveway in that it allows more flexibility for designing the Hollyhock Road property. There is also a public benefit in that it results in only one curb cut, which is desirable.

Ms. Poundstone commented that the reciprocal easement is being reviewed by Town Counsel and could be made a condition of approval. She will ask the Town Planner to prepare a resolution for the March 23rd meeting subject to conditions.

Ms. Cannavino reminded the Commission that they had requested a waiver of the lighting requirement to have the lower foot candle and also a waiver of the loading space.

There being no further comments or questions, at 8:00 P.M. the discussion was continued until March 23rd.

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

Kathy Leeds, for the applicant, said as a result of the last discussion as well as the meeting with the Village District Design Committee, the one item that needed more investigation was the wattage of the lighting on the white Corian sign, and Rob Sanders from the Design Committee and Chris Reed from Lucci Electric came up with the solution to use the same fixture but a lot lower wattage. Instead of a 70-watt metal Halide lamp, it will be a 26-watt compact fluorescent, and provides a more suitable lighting in a much more energy conservative way. They checked with the manufacturer as to whether the Corian should be coated, and the recommendation was that it should not be coated as it could actually discolor the sign. The Corian could be sanded if there were any graffiti or damage to it. There were a few other things that were suggested by the Design Committee, such as the depth of footings and the actual width of the sign, which will have to be addressed at the time of construction.

Mr. Nerney said they have prepared a resolution #0209-2Z, which includes the reduction in lighting. He noted that one of the issues the Village District Design Committee brought up was to increase the width of the sign to at least 6” so it would have a little more substance, and they have stipulated that the width be at least 6”. Mr. Bayer suggested the resolution state the sign shall be at least 6” wide, but no wider than 12” in accordance with the regulations.

MOTION was made by Ms. Gould, seconded by Mr. Rudolph, and carried (7-0) to approve the resolution as amended.

D. ACCEPTANCE OF NEW APPLICATIONS

E. PENDING APPLICATIONS

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

Tabled until March 23rd.

F. COMMUNICATIONS

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

(Mr. Bayer recused himself from the discussion.)

Ms. Poundstone noted that they received a legal opinion from Pat Sullivan, Assistant Town Counsel, which she thinks makes clear that the matter should be taken off the agenda.

Mr. Lou DiBari, owner of 22 Hanford Lane, said the roadway is owned by an individual who lives in Switzerland and is elderly. The road is not maintained by him. The Town of Wilton considers Hanford Lane a private road and, therefore, will not maintain it, although the homeowners are paying the taxes on it.

Mr. Nerney said Attorney Sullivan has indicated that the title in the road can be transferred to the neighbors if they purchase it from the gentleman in Switzerland or get permission from him, and they would then have the right to pave it.

He said the second question is can they take a portion of the platted right-of-way and deed it and annex it into an existing lot, and Attorney Sullivan has said no, noting that such an action rises to the level of a resubdivision. In response to a question from Mr. Rudolph, Mr. DiBari said the road extends about 400 yards and has eight homes off it. They received a quote for paving it of \$22,000.

Ms. Poundstone said that, while the Commission is sympathetic to Mr. DiBari's situation, the opinion from Town Counsel gives them limited powers, and thinks it is up to the homeowners to pursue it at this point.

Mr. Nerney noted that Connecticut State Statutes apply, which indicate that if you change a street it is considered a resubdivision. A resubdivision application would have to come before the Commission and problems with the design of the street would be encountered, as it would have to be 22' wide and would require a much larger turnaround area. He pointed out that Town Counsel's letter doesn't say that they cannot improve the road; it says they cannot alter the configuration of the platted road, so if they got permission from the owner in Switzerland to improve it and grass it, he thinks they would have that right. It would probably be in their interest to have the land transferred to an association, although they should talk to their attorney, because there are liability issues in owning a road to be used for public purposes.

There being no further comments or questions, at 8:10 P.M. the discussion concluded.

2. TIAA-CREF Global Real Estate (“Teachers”), 10 Westport Road, Discussion regarding use of Hanson House for possible conference center

Ms. Poundstone noted that those Commissioners who can make it will meet at 10 Westport Road at 4:00 P.M. on February 24, 2009 to take a look at the Hanson House.

G. REPORT FROM CHAIRMAN

H. REPORT FROM PLANNER

Mr. Nerney referred to his memo of February 19, and said the budgets are very tight and they are trying to reduce postage costs by asking the Commissioners to pick up their packets on the Thursday prior to the meeting after 1:00 P.M. in the Annex vestibule. He will continue to email the Planimetrics materials because they are more time sensitive. Ms. Pratt suggested putting in a lockbox.

Mr. Osterberg agreed that electronic communications are getting out of control, and asked if they had looked into going paperless. Mr. Nerney said they are gradually making progress in that direction, but one of the downfalls is that plans get stale, and looking at something on a screen can have its drawbacks.

Ms. Gould suggested using reduced 11x17 copies of plans and omitting pages that are not needed. Mr. Nerney said the plans are oftentimes a work in progress, and the first ones that come before the Commission usually result in changes, and there is a lot of detail, be it architectural, engineering or legal documents. He said they might encourage using smaller plans as long as they can be read, and maybe highlighting the changes.

Ms. Poundstone said her dream is that some day they each will have a little screen on the table in front of them.

I. FUTURE AGENDA ITEMS

J. ADJOURNMENT

MOTION was made by Mr. Osterberg, seconded by Ms. Ayers, and carried (7-0) to adjourn at 8:17 P.M.

Respectfully submitted,

Karen Pacchiana
Recording Secretary