

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 – APRIL 27, 2009**

PRESENT: Chairwoman Sally Poundstone, Commissioners Alice Ayers, Doug Bayer, Marilyn Gould, Bas Nabulsi.

ABSENT: Commissioners Eric Osterberg, Dona Pratt, Michael Rudolph 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 7:30 P.M., and seated members Ayers, Bayer, Gould, Nabulsi and Poundstone, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. February 9, 2009 – Regular Meeting
2. February 23, 2009 – Regular Meeting
3. March 23, 2009 – Regular Meeting
4. March 23, 2009 Regulations Subcommittee Meeting
5. April 6, 2009 – Plan of Conservation and Development Workshop

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Ms. Poundstone noted that approval of the minutes of the February meetings was carried over pending consultation with Commissioner Nabulsi, who has now had a chance to review the minutes. Commissioner Nabulsi said, with regard to the discussion about Hollyhock Properties on page 8, he wished to edit the second paragraph to read “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.”

MOTION was made by Mr. Nabulsi, seconded by Mr. Bayer, and carried (5-0) to approve the minutes of February 9, 2009 Regular Meeting as amended and the minutes of February 23, 2009 Regular Meeting as drafted.

MOTION was made by Ms. Gould, seconded by Ms. Ayers, and carried (5-0) to approve the minutes of the March 23, 2009 Regular Meeting as drafted.

Ms. Poundstone noted that the minutes of the March 23, 2009 Regulations Subcommittee meeting are received for the record.

MOTION was made by Ms. Gould, seconded by Ms. Ayers, and carried (5-0) to approve the minutes of the April 6, 2009 Plan of Conservation and Development Workshop.

C. SITE DEVELOPMENT PLAN REVIEW

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

Mr. Nerney pointed out that at the last meeting the Commission felt that an attempt should be made to try to resolve the issue of parking on Town property, and Mr. Ramadani agreed to pursue that. He said Mr. Ramadani has been in contact with the First Selectman’s office, and it has been agreed that in exchange for the Town granting an easement to allow encroachment of the parking spaces, Mr. Ramadani will give an easement back to the Town to allow for access through the parking area to Center Street. Mr. Nerney said he thinks the arrangement is a good one as it would allow a connection to the Wilton Train Station. He said there is a Mandatory Referral on the agenda for the Commission to consider, which is essentially for the purpose of granting the reciprocal easements.

Ms. Poundstone commented that the negotiation resulted in something being gained for the Town as well as something being gained for the property owner, and given the importance of maintaining a viable downtown and developing a Riverwalk, she thinks it is a big step ahead and everyone should feel very pleased.

Ms. Ayers noted that it also gave the Town a chance to memorialize a decision they had made, which had never been formally adopted.

D. ACCEPTANCE OF NEW APPLICATIONS

1. SP#346, Laaman, 125 Catalpa Road, Special Permit for accessory apartment in existing detached garage

Mr. Nabulsi said the Commission received a letter from Laura Laaman requesting a continuance of her application until their May 26th meeting. Mr. Nerney noted that statutorily they have up to 65 days to accept. The application was accepted and scheduled for Public Hearing on May 26th, 2009.

E. PENDING APPLICATIONS

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

Mr. Nerney said there had been discussion at previous meetings regarding the need for handicap accessibility to buildings on the site, and also the need for a handicapped parking space. The applicant applied to the State and received a waiver of access to the main building, but the waiver of access to the workshop/garage was denied without prejudice. He said usually that means there is a lack of information, and there is a process whereby an applicant can proceed with an administrative appeal, which they did in this case, and which afforded them the opportunity to present more thorough information before the State. Mr. Nerney said it is his understanding that the State has approved the waiver, but the applicant has not received the final letter from the State. Therefore, they have prepared a draft resolution wherein paragraph number 4 states “Prior to the issuance of a zoning permit the applicant shall submit written documentation from the State of Connecticut Department of Public Safety verifying the waiver of wheelchair access to and from the barn/workshop building.”

Mr. Bayer said number 11 in the resolution talks about the Commission determining that the use of the Grasscrete® pavers does not increase site coverage, which almost sounds like an endorsement of the product. He suggested that 11 be amended to state “The applicant shall use pervious pavers as depicted on submitted plans.”

Mr. Nerney commented that the Grasscrete® is designed to look like a lawn and it will be interesting to see when it is used as a parking lot whether it will hold up and maintain a lawn look. He said it is kind of a trial episode to see how it will function, but the Grasscrete® definitely is a pervious product.

Mr. Nabulsi noted that the language in paragraph 3 reads “Based on the proposed assemblage of uses and the counter-cyclical demand for on-site parking, the Planning and Zoning Commission approves the waiver of 20% of the required parking spaces,” and he thinks it should include the number of spaces that have been eliminated. Mr. Nerney said he thinks it

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was 8 spaces, and he will insert that number.

MOTION was made by Mr. Nabulsi, seconded by Ms. Gould and passed (5-0) to approve draft resolution **#0409-4P**, as amended, for application **SP#345**, effective April 30, 2009.

WHEREAS, the Wilton Planning and Zoning Commission has received an application from David R. Anspach for the adaptive use of a real estate office and residence within the primary structure and a cabinetry workshop within an accessory barn building for property located at 526 Danbury Road (**SP #345**), in a Residential (R-2A) Zoning District, Assessor's Map #22, Lot #22, 0.471± acres; owned by David R. Anspach and shown on the plan entitled:

Plot Plan-Prepared for Michael L. Stephen and Elizabeth J. Stephen
Prepared by Charles L. Leonard, land surveyor, dated October 15, 2007, scale 1"=20'.

Proposed Site Plan/Title Sheet-Prepared for David R. Anspach
Prepared by Barry Lee Hammons, engineer and land surveyor, dated December 1, 2008, revised February 9, 2009, scale 1"=800'.

Map of Property-Prepared for David R. Anspach
Prepared by Barry Lee Hammons, engineer and land surveyor, dated December 1, 2008, last revised April 22, 2009, scale 1"=10', sheet# 1 of 4.

Proposed Site Plan, Grading and Utility Plan-Prepared for David R. Anspach
Prepared by Barry Lee Hammons, engineer and land surveyor, dated December 1, 2008, last revised April 22, 2009, scale 1"=10', sheet# 2 of 4.

B-100a Code Compliant Reserve-Prepared for David R. Anspach
Prepared by Barry Lee Hammons, engineer and land surveyor, dated December 1, 2008, last revised April 22, 2009, scale 1"=10', sheet# 3 of 4.

Soil Erosion and Sediment Control Plan-Prepared for David R. Anspach
Prepared by Barry Lee Hammons, engineer and land surveyor, dated December 1, 2008, last revised April 22, 2009, scale 1"=10', sheet# 4 of 4.

WHEREAS, the Planning and Zoning Commission has conducted a public hearing on January 26, 2009, February 9, 2009 and February 23, 2009 to receive comment from the public and has fully considered all evidence submitted at said hearing; and

WHEREAS, the application was approved by the Inland Wetlands Commission and the Planning and Zoning Commission has given due consideration to the decision of the Inland

Wetlands Commission; and

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

NOW THEREFORE BE IT RESOLVED effective April 30, 2009, the Wilton Planning and Zoning Commission **APPROVES** Special Permit #345 for the adaptive use of a real estate office and residence within the primary structure and a cabinetry workshop within the barn 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 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 Special Permit site plan shall be complete within five years of the effective date of this resolution. This five-year period shall expire on April 30, 2014.
3. Based on the proposed assemblage of uses and the counter-cyclical demand for on-site parking, the Planning and Zoning Commission approves the waiver of 20% of the required parking spaces. Specifically, the Commission waives 2 of the 10 required parking spaces, resulting in a total of 8 parking spaces.
4. Prior to the issuance of a zoning permit, the applicant shall submit written documentation from the State of Connecticut Department of Public Safety verifying the waiver of wheelchair access to and from the barn/workshop building.
5. Prior to the issuance of a zoning certificate of compliance, evidence shall be submitted to the Planning and Zoning Department staff verifying that the proposed stone wall complies with Section 29-9.I.5.d. of the zoning regulations.
6. The applicant shall submit a plan and plant list to the Commission's staff which shall identify and locate proposed landscaping in areas adjacent to the parking lot. Prior to the issuance of a zoning permit, the Planning and Zoning Department Staff shall review and approve such information.
7. Prior to the issuance of a zoning permit, the Planning and Zoning Department Staff shall review the proposed type and location of bollards proposed around the parking

lot perimeter.

8. Unless contrary to Connecticut Department of Transportation requirements, the proposed driveway entrance at Danbury Road shall be increased in width from 21.5 feet to 22 feet.
9. Any additional lighting shall be subject to further review and approval of the Planning and Zoning Department Staff.
10. The applicant shall not modify the exterior features of either the house (including the windows) or the barn. The structures shall not be altered in character, shape, size, square footage or general appearance.
11. The Planning and Zoning Commission has determined that the use of pervious pavers does not increase property site coverage. The applicant shall use pervious pavers as depicted on the submitted plans and the pavers shall be installed prior to the issuance of a Zoning Certificate of compliance.
12. Unless otherwise approved by the Planning and Zoning Commission, the barn shall not be used for retail sales.

Submittal of revised plans and application:

13. 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 site plan shall be completed within five years after the approval of the plan. Said five-year period shall expire on April 30, 2014."
- b. "For conditions of approval for Special Permit#345, see Resolution #0409-4P."

- END RESOLUTION -

F. COMMUNICATIONS

1. MR #125, Mandatory Referral for Proposed Reciprocal Easement Agreement, Old Post Office Square, 12 Center Street

Ms. Poundstone said they have received the Mandatory Referral from the Board of Selectmen, and she would recommend a motion that it be approved.

Mr. Bayer said they had talked about making the pedestrian accessway to the Riverwalk permanent, and suggested that that be incorporated in the reciprocal easements.

Mr. Nerney said that suggestion did come up in discussions with the First Selectman and the Town Attorney, but it was felt that maybe they were reaching a bit too far. The intent was to memorialize the 1986 action of the Board of Selectmen by way of easement, and they felt that that was an equitable approach. He said Mr. Ramadani’s plan of creating an arbor connection between the restaurant and the retail building to the south will act as a gateway, and there is an easement already in place along the river itself. Getting the easement to the parking lot does connect, and allows for pedestrian access between, downtown and the train station and Merwin Meadows.

MOTION was made by Ms. Gould, seconded by Ms. Ayers, and passed (5-0) to approve the 8-24 Mandatory Referral.

Mr. Nabulsi noted that the striping of the parking lot is terrific and it is looking a lot better on Center Street, but he is concerned about compliance with sign regulations. Mr. Nerney said he will mention that to the Zoning Officer.

G. REPORT FROM CHAIRMAN

Ms. Poundstone said they tentatively have a Plan of Conservation and Development meeting scheduled for May 4th, but since their consultant has indicated that she only needs about an hour of the Commission’s time, she would suggest that they schedule the POCD meeting either at the beginning or end of the May 11th Regular Meeting.

Mr. Nerney said he would suggest having the POCD meeting at the end of the Regular Meeting. The consultant felt she needs no more than an hour, that she just has a few follow-up questions related strictly to transportation. After further discussion, it was decided to schedule the POCD meeting at the conclusion of the May 11th Regular Meeting.

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

J. ADJOURNMENT

MOTION was made by Mr. Nabulsi, seconded by Ms. Gould, and carried (5-0) to adjourn at 7:55 P.M.

Respectfully submitted,

Karen Pacchiana
Recording Secretary