

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 – MAY 11, 2009**

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

**ABSENT:** None.

**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 7:15 P.M., and seated members Ayers, Bayer, Gould, Osterberg, Poundstone, Pratt, Rudolph and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

**B. APPROVAL OF MINUTES**

1. April 27, 2009 – Regular Meeting

**MOTION** was made by Ms. Ayers, seconded by Ms. Gould, and carried (5-0-3, with Commissioners Osterberg, Rudolph and Wilson abstaining) to approve the minutes of the April 27, 2009 Regular Meeting as drafted.

Whereupon Commissioner Nabulsi arrived and was seated.

**C. SITE DEVELOPMENT PLAN REVIEW**

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

Mr. Nerney noted that the wording of condition number 4 was changed slightly to more accurately reflect the provision of the regulation, and that is shown in bold print.

He explained that the development involves approval for the conversion of an outdoor seating area in conjunction with Portofino's restaurant. The application has been before the Village District Consultant Committee, which approved it, and was subsequently before the P&Z Commission, which has reviewed it. The Commission had some concerns regarding the encroachment of parking on Town-owned property, and it was recommended that the applicant approach the Board of Selectmen to seek an easement. They have done that and the easement has been drafted. In exchange for the Town granting the right to continue the use of Town land for parking, the applicant has agreed to an easement back to the Town that would allow access through the Portofino parking lot, effectively connecting Merwin Meadows, and potentially, at some point in the future, the railroad station with the downtown. The Town Attorney will be working with the applicant's attorney to execute the document and record it on the land records.

Mr. Rudolph said the resolution should have a new Whereas clause that specifically makes reference to what the Board of Selectmen has granted, so that in paragraph 6 when they refer to the proposed reciprocal easement, they have some idea what they are talking about.

Mr. Nerney said he would prepare the wording and insert the clause.

Mr. Osterberg asked what the wording in 14, "all light fixtures shall be installed with no visible light sources," means. Mr. Nerney said basically it means that the filaments, etc., are to be covered and in compliance with lighting regulations.

Mr. Bayer said the applicant made a representation that the path down to the proposed Riverwalk would remain open to the public, and he would like that made a condition of the resolution.

Mr. Doug MacMillan noted that he was at the site and the Riverwalk is in and is very nice. A section of the fence has been removed, so now you can walk from one end all the way through to the other end. It is a stone pathway, and is a level, easy walk.

Mr. Osterberg asked what is meant in paragraph 19 by "Tree protection shall be provided for all trees to be saved". Mr. Nerney said it refers to the fencing, be it silt fencing or the

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construction orange fencing, around the trees to insure that they are not damaged. Ms. Poundstone suggested rewording 19 to read “Tree protection shall be provided for all trees designated to be saved.”

MOTION was made by Mr. Wilson seconded by Mr. Bayer, and passed (9-0) to approve draft **Resolution #0509-5Z** as amended.

Ms. Poundstone said she would like to acknowledge the input and the success of the Commissioners in working through some very difficult problems which have been a cause of concern to many people for a long time. She believes they have reached a very successful conclusion to the negotiations, which involved the Board of Selectmen, lawyers, Commissioners and staff.

#### **D. ACCEPTANCE OF NEW APPLICATIONS**

#### **E. PENDING APPLICATIONS**

#### **F. COMMUNICATIONS**

Ms. Poundstone introduced Gail Lavielle of the Connecticut Public Transportation Commission.

Ms. Lavielle said very few people know what the Connecticut Public Transportation Commission is, although it has been around about 20 years. She said the CPTC is an advisory body. Its mandate is to advise the governor, the DOT and the Transportation Committee of the General Assembly on anything to do with public transportation, i.e. mass transit.

There are two mechanisms for doing this. One is having a number of experts on the Commission who bring their expertise and advice, and the other mechanism is to hold public hearings to solicit the point of view of the public in various regions of the State. What is different about their public hearings from other public hearings is that they are designed to make geographic comparisons, because public transportation in Connecticut is not so much of a political issue as an upstate/downstate issue. The public hearings are held in the spring and fall. Sometimes only three people show up, and on occasion there might be 30, but there hasn't been a concerted effort to expand that audience.

Mass transit has now become the subject of a lot of monetary negotiation and how much stimulus money will be given to it, etc., so they are trying to focus more on the public hearings as a way of fixing on the issues and recommending how money should be allocated. Ms. Lavielle noted that there is a public hearing in Norwalk on May 19, 2009 at 7:30. There will be a short presentation of the State's long range rail plan, and then they will open the floor to anyone who wants to make a comment.

About two months ago, the governor asked the DOT Commissioner to form a new Rail Parking Task Force to evaluate the different issues involving rail parking. That task force is scheduled to meet for the first time in about a month. She is a member of it. A question of congestion pricing and border tolls that impact on public transportation has come up. She has spoken to the Conservation Commission and the Energy Commission, but wanted to bring the issues to P&Z particularly because transportation touches just about everything it does.

High speed rail is getting a tremendous amount of attention on the federal level, and has on the state level, primarily with regard to the New Haven/Hartford/Springfield corridor. The Transportation Commission deals primarily with transportation issues intrastate, although discussion has come up about extending their service to Penn Station.

Mr. Wilson noted that they have discussed from time to time the Kent Road Station that used to be in effect, and he would like to see that pushed before the Traffic Commission, because that could have an impact on their future. Plans for putting in a hotel and a lot of executive offices in that area are being discussed, and the ability for people to go from downtown Wilton to that section could be helpful in alleviating volume on Route 7. He said he would also like to see some discussion about the Georgetown station, because that needs to have something scheduled before the Wire Mill program gets developed.

Ms. Lavielle pointed out that physical appearances and numbers at the public hearings make a large impact, and asked if he would be willing to come and testify. Ms. Poundstone suggested that Bas might team up with John for the meeting.

Bas asked how does the Commission go about getting data on usage. He noted that there are not enough seats for the people riding on the trains on the Danbury line, and it is not acceptable. He suggested presenting blown-up pictures of people standing for the train ride.

Ms. Poundstone noted that the Commission clearly has concerns and interests, and will endeavor to have some representation on the 19<sup>th</sup>. Ms. Lavielle said if any of them can't come but would like to submit written comments, she would encourage them to do that.

## **1. Discussion of Plan of Conservation and Development**

Mr. Chalder said they are starting on page 85, and their goal is to work through to the end. Heidi has already updated the documents from the discussions to date, and her goal and intention is to get all of the changes made so that they can issue documents in anticipation of the public meeting, which is to be held the beginning of June.

Ms. Poundstone pointed out the map on page 87, and said they weren't going to call it a

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utilities plan, because it really is only water and sewer. She said she was unable to identify the area covered by the Wilton Aquifer Protection Agency in the southeastern corner. Mr. Chalder said there is a map on page 29 that shows it, which is part of the conservation section, and he thinks they should make sure they refer back to that.

Mr. Bayer said they had talked about alternative treatment systems shown on page 86, particularly as it pertains to the map on 87. The captions on 87 talk about primary sewer avoidance area, but because about 60% of the map is not labeled as sewer avoidance area, it gives the impression that sewers are feasible in the remainder of the area, and that is not the message the Commission wants to give.

He said he would be wary of having a statement that Wilton should outline areas where alternative systems may be desirable in the Plan of Conservation and Development. Instead he would suggest a statement along the lines that the Town has a policy not to allow alternate treatment systems, or is not going to look favorably upon them unless there is overwhelming evidence that they are effective.

Mr. Chalder suggested they strike the last two lines at the bottom of page 86, and say something to the effect that Wilton has generally discouraged such facilities in the past and should consider adopting a formal policy to address these types of systems.

He said a directive has been sent to all towns in the State asking them to put together a map, which is very similar to the one they are proposing, identifying which areas of town have public water supply/watersheds and other areas which the State plan identifies as conservation and preservation areas where sewer will not be extended. If Wilton were to adopt this map, it would be one of the first towns in the State to have it in their POCD. The issue about the alternative treatment systems should be considered as part of that, and that policy actually gets made by the WPCA. If WPCA says these systems should be allowed everywhere, he would encourage the Commission to disagree with that, because that could allow land uses in places that may not be appropriate. They should simply word it that such a policy should be decided on in the future.

Mr. Chalder said he thinks the designations on the map legend on page 87 could be improved. What DEP is looking for is that the green area is a public water supply/watershed area and they absolutely oppose the extension of sewers into those areas. He would suggest under the green designation in the legend that it say “public water supply/water shed area”, and after that “primary sewer avoidance area”, and then “other sewer avoidance area and septic management”.

Mr. Nabulsi said there has been discussion in the course of handling applications that drainage in developments is being changed such that it causes downhill septic systems to have problems, and should there be an action item for the Commission to undertake a regulation

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review to determine what guidelines or rules might be put in place to address and minimize the potential impact on adjacent properties.

Mr. Chalder said they actually get into techniques and strategies related to drainage on page 29 and 30, but he thinks the issue that Bas raised is something they should touch on in this section. He said secondary impact of drainage is an important issue to address and he will make sure it gets in.

Mr. Bayer said the drainage issues they deal with are in the context of a new application. What they don't deal with is the person who is doing things on their property, such as cutting down trees, that affect the drainage coming off the property, and he feels some type of review procedure should be created for non development activities.

Mr. Wilson said, conversely, he would like a provision which provides for review by the Commission to determine if there is a potential problem with the proposed location of a well, and would give the Commission the ability to move the well or not put it as deep.

Mr. Chalder said he will work with Heidi on the conservation section, where it gets into a discussion about water runoff versus ground water depletion and sprinklering. That section of the Plan is mostly focused on public water and public sewer, and the well and septic are more environmental issues, and he will work on making that connection back.

Ms. Gould suggested that the Plan have a requirement that the Commission work with the WPCA to help them understand land use issues and what the extension of the sewer system can do to land use. Mr. Chalder said he thinks the effort that is going on now with the DEP/OPM will be setting the stage for the WPCA in terms of the map, and is the first step for P&Z and WPCA to work together. The WPCA administrator is under DEP orders that by the end of 2009 to have created a map to find the areas that sewer service cannot go outside of, and that gets reported back to DEP and basically becomes State policy.

Mr. Bayer said the primary focus of the telecommunications section on pages 88-89 is cell phone coverage and other wireless coverage, and he thinks there should be a statement about high speed data and transmission. If Wilton is going to attract high level service industries, it should have a utilities structure that is as modern as possible.

Mr. Chalder said towers are regulated by the Siting Council, and the only area where the municipality has jurisdiction is because the tower is either going on an existing municipal facility or is being sited on a steeple or some other type of facility.

Mr. Nabulsi suggested this is the spot where they might say something about encouraging utilities replacement underground.

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Mr. Bayer suggested that they also put in something to the effect that cable lines go underground wherever possible. Also, he would suggest they just refer to a cable provider and not specify Cablevision of Connecticut, because it may not be around in ten years or so.

Mr. Wilson said he strongly encourages that they put in something about the bike trails. Ms. Pratt said not only bike trails, but having places to park your bike in town and places that encourage bike traffic.

Mr. Chalder asked if they should put an icon on the map on page 94 for a desirable station on Kent Road. Mr. Wilson said he would very much like to focus on that. He would also suggest that they make a statement to the effect that they explore the advantages of the Georgetown Train Station in alleviating traffic along Route 7.

Mr. Chalder said he made a couple of notes on page 99 to the effect that they want to talk about promoting dual tracks, they want to talk about promoting the service level, and they don't necessarily want to pick Georgetown over Branchville.

Mr. Nerney mentioned that there is an ongoing study where ConnDot is looking at a number of options for reintroducing electrification with an eye toward reducing travel time, but the takings in order to get the trains up to certain speeds would be drastic and would drastically change the community. They are opting instead to go with computerized switching and additional sightings where they could pull off at strategic locations to allow trains to pass, and thus reduce the amount of time between trains.

Mr. Chalder noted that there is quite a bit of consistency between Wilton's plan and the State plan, which will help in efforts to get State funding for issues they may undertake.

Mr. Bayer asked if it is appropriate to put in a statement that the Town strongly believes in the concept of individual town planning as opposed to regional planning, or even a preamble to say they developed this Plan and they strongly believe in the principal of town control over its planning and development, so when the State starts its regional planning they have made it clear in their Plan of Conservation and Development that they believe that that it is the wrong way to go.

Ms. Poundstone suggested on page 7, where they talk about regional rules and implications, they can make a statement about their independence. Mr. Nabulsi suggested something to the effect that while they recognize the interrelation of the eight SWERPA communities, they believe that the interests of Wilton are best served by a Planning and Zoning Commission.

Mr. Rudolph asked on page 109, the Plan Implementation Committee, can they say that it is under the aegis of the Planning and Zoning Commission of the Town. Mr. Chalder said it has been their experience that the Plan has its most impact on a community in the first three years

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after adoption. If you can get a group together for a couple of years, it will take care of the big things, and then hopefully that energy would continue.

Mr. Nerney said his understanding is that they have a deadline of getting the POCD to the printer Wednesday or Thursday and to have the Plan on the web by May 14<sup>th</sup> in anticipation of the June 1<sup>st</sup> meeting.

The POCD Agenda was to include discussion of recommended changes/additions to the transportation section but Planimetrics was not prepared to discuss at that time. Mr. Nerney distributed the list of changes for future discussion.

**G. REPORT FROM CHAIRMAN**

Ms. Poundstone said the next scheduled meeting will be on Tuesday, May 26<sup>th</sup>, because of the Memorial Day holiday. They have one application on the agenda and they will have a report from Mike Rudolph and the Regulations Subcommittee.

**H. REPORT FROM PLANNER**

**I. FUTURE AGENDA ITEMS**

**J. ADJOURNMENT**

**MOTION** was made by Mr. Wilson, seconded by Ms. Ayers, and carried (9-0) to adjourn at 9:06 P.M.

Respectfully submitted,

Karen Pacchiana  
Recording Secretary