

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 26, 2009**

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

**ABSENT:** Commissioners Alice Ayers 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#346, Laaman, 125 Catalpa Road, Special Permit for accessory apartment in existing detached garage.**

Ms. Poundstone called the Public Hearing to order at approximately 7:15 P.M., and seated members Gould, Nabulsi, Pratt, Rudolph, and Poundstone, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

Mr. Nabulsi read into the record the legal notice, a Planning and Zoning Staff Report dated May 20, 2009 and a memo from the Department of Health dated May 22, 2009.

Present was Ms. Laura Laaman, applicant. She said her plans are to make the upstairs of the garage into a living area for her college son, that with their expanded family it was time to find more room and that was the logical place. She believes she has provided everything requested, which is in the packet.

Mr. Nerney noted that item #2 of the staff report required that an affidavit be provided. Ms. Laaman said she just received that today and submitted it for the record.

Mr. Nerney noted that the plans show an existing detached garage with an upstairs area, where there will be a kitchen, bedroom, living area and bath.

Whereupon Commissioner Bayer arrived and was seated.

Ms. Gould asked how long she expects her son to be occupying that space. Ms. Laaman said he is between his sophomore and junior year at Villanova, and while they are not sure what his plans will be after graduation, they have three other boys who would like to take claim to the apartment. She is an author and right now the area is being used for storage of her books. It is already heated and air conditioned. Nothing will be changed to the outside of the structure.

Mr. Nerney said, looking at the plan, he does not find there to be anything unusual. Most accessory apartments do have a defined bedroom area and a living room area. It meets the area requirements, and is pretty innocuous compared to ones they have seen in the past.

Ms. White noted that the Health Department was given the plans, and once the State approved it, they were comfortable approving it as a separate detached living area with a shared septic system.

There being no further comments from the Commission or the public, at 7:25 P.M. the Public Hearing was closed.

## **REGULAR MEETING**

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

Ms. Poundstone called the Regular Meeting to order at approximately 7:25 P.M., and seated members Bayer, Gould, Nabulsi, Poundstone, Pratt and Rudolph, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

### **B. APPROVAL OF MINUTES**

#### **1. May 11, 2009 – Regular Meeting**

Ms. Pratt said she wanted the minutes to reflect the discussion that she had initiated about the recommendations to the transportation portion of the Plan of Conservation and Development. Ms. White asked if she would submit her proposed change in writing.

**MOTION** was made by Mr. Rudolph, seconded by Mr. Bayer, and carried (6-0) to approve the minutes of the May 11, 2009 Regular Meeting as amended.

Mr. Rudolph asked that the minutes of the Regulation Subcommittee be approved, with some changes he would propose. Ms. Poundstone noted it is not a Subcommittee, it is a Committee. She said she thinks it is important for the Commissioners to see the minutes, but does not feel they should be listed on the agenda because they are not the minutes of the

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Planning and Zoning Commission meeting, they are minutes of the Regulation Committee meeting, and, as such, should be approved at the next Regulation Committee meeting.

**C. SITE DEVELOPMENT PLAN REVIEW**

**D. ACCEPTANCE OF NEW APPLICATIONS**

**E. PENDING APPLICATIONS**

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

Ms. Poundstone noted that staff had ready a draft Resolution for the Commissioners' review.

In response to a question by Mr. Rudolph, Mr. Nerney said the apartment could go automatically from the son to a rent-producing property without further presentation to the Commissioners. He said the Commission needs to look at the application strictly from a land use perspective, and it either complies or it does not.

**MOTION** was made by Mr. Nabulsi, seconded by Mr. Rudolph, and carried (5-0-1, with Mr. Bayer abstaining) to approve draft Resolution #0509-9P.

**F. COMMUNICATIONS**

Ms. Poundstone said the Commission has received a further communication in regard to the DeSola property. On February 20<sup>th</sup> the applicant requested a 90-day extension, which the Commission granted, and they have now requested a further 90-day extension.

Mr. Nerney said, under Connecticut State law, a subdivision must be recorded within 90 days of the expiration of the appeals period for the approval. Under the statute, the Commission can grant up to two extensions, totaling 180 days.

Mr. Bayer asked what is the holdup causing the applicant not to be able to file the subdivision. Mr. Nerney said he is not certain what the reason is, whether it is personal or financial, but if there is a change in the subdivision, the applicant would have to come back before the Commission. The mylar showing what has been approved, which is a division of one lot into two lots, has to be recorded in the land records to become effective.

**MOTION** was made by Ms. Gould, seconded by Mr. Nabulsi, and carried (6-0) to approve a further 90-day extension.

Mr. Bayer asked if there is any circumstance under which the Commission would not grant an extension. Mr. Nerney said the statute uses the word "may", but it does not provide any

guidance in terms of whether it should or should not be denied.

Ms. Poundstone asked when does the 90-day period start. Mr. Nerney said, again, the statute is not clear, but he has always interpreted it as 90 days from the expiration of the appeals period, noting that the first extension will expire sometime in June. Mr. Nerney said the applicant cannot ask for a third extension. If they do not record the subdivision, then the approval lapses.

In response to a question by Mr. Bayer, Mr. Nerney said the way the statute is written, granting a request for a 90-day extension appears to be discretionary, but he thinks it is fairly routine. He supposes the Commission always has the ability to ask for a reason for the extension, but he does not think it would look good to deny somebody something that routinely is approved without there being a strong reason for doing so.

**G. REPORT FROM CHAIRMAN AND COMMISSION MEMBERS**

**1. Request from Commissioner Rudolph regarding progress of Regulations Subcommittee.**

Mr. Rudolph said the Regulations Committee met on May 11<sup>th</sup>, and had an interesting presentation by Gregory and Adams, seeking to amend various definitions and provisions of the DE-10 Zoning Regulations. They gave the Committee a list of roughly three properties that could conceivably fall within the scope of their proposed amendment, but indicated that they were there primarily on behalf of the 10-20 Westport Road conference center to permit use for “eating, sleeping and indoor recreational facilities”, and even suggested they would like to be able to rent the center out and do catering on weekends. Mr. Rudolph said the Committee focused on the vagueness of the definitions as being unduly broad and vague, and asked if they would like to come back with a revised proposal, and they accepted that offer.

Ms. Gould noted that since what was being proposed is not allowed under the current regulations, it would require a completely new set of regulations.

**2. Report from Commissioner Osterberg concerning Affordable Housing Conference.**

Ms. Poundstone said, since Commissioner Osterberg had not yet arrived, they will defer hearing from him about the Affordable Housing Conference.

**H. REPORT FROM PLANNER**

**I. FUTURE AGENDA ITEMS**

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Ms. Poundstone said they do not have anything on the agenda for June 8<sup>th</sup>, and asked if someone would make a motion to cancel the meeting.

**MOTION** was made by Ms. Gould, seconded by Mr. Rudolph, and carried (6-0) to cancel the Planning and Zoning meeting scheduled for June 8, 2009.

Ms. Poundstone said she would remind the Commissioners of the Plan of Conservation and Development meeting scheduled for Monday night, June 1<sup>st</sup>, at the library.

Mr. Nabulsi asked if they have gotten any feedback or any sense of what kind of interest there might be in town. Mr. Nerney said they have been putting up flyers around town, the press has been doing stories, and the cable access channel is running information about the meeting, but he is not sure what the interest is. Ms. Poundstone said they have also sent specific letters to all boards and commissions.

Mr. Nerney said, as to the format of the meeting, the consultants will make a brief presentation, but the bulk of the time is intended to let the citizenry and the stakeholders be heard. The Plan is on the website and there are copies at the library, so they are hopeful that they will be able to get some constructive feedback based upon people actually reading the document.

Ms. Gould said, to organize the discussion a little bit, she thinks it would be helpful to prepare a hand-out of one or two pages pointing out the major changes.

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Mr. Rudolph pointed out that two young gentlemen from the Boy Scouts are present, who are earning their merit badges in communications.

Andy Sandor, sophomore at Wilton High School, said he is working on his Eagle Scout badge.

Charlie Sandor, who goes to school in Virginia, said he is working on a Star.

Ms. Poundstone welcomed them both, and said she hopes they will come sometime when they have a busier agenda.

Whereupon Commissioner Osterberg arrived and was seated.

Ms. Poundstone said they were ready to adjourn, but will give Commissioner Osterberg time to make his presentation.

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Mr. Osterberg asked if he could be put back on the agenda for the next meeting. Ms. Poundstone said that would be June 22, as they have cancelled the June 8<sup>th</sup> meeting.

**J. ADJOURNMENT**

**MOTION** was made by Mr. Nabulsi and carried (7-0) to adjourn at 8:51 P.M.

Respectfully submitted,

Karen Pacchiana  
Recording Secretary