

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 – JUNE 22, 2009**

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

ABSENT: Commissioner Bas Nabulsi.

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. May 26, 2009 – Regular Meeting

MOTION was made by Ms. Gould, seconded by Mr. Bayer, and carried (6-0-2, with Commissioners Ayers and Wilson abstaining) to approve the minutes of the May 26, 2009 Regular Meeting as drafted.

C. SITE DEVELOPMENT PLAN REVIEW

None.

D. ACCEPTANCE OF NEW APPLICATIONS

1. **SP#347, Mincey, 500 Ridgefield Road, Addition/renovations to historically significant residence per Section 29-5.C.8 of zoning regulations**
2. **SUB#900, Polito, 248 Sturges Ridge Road, 2-lot subdivision**
3. **SP#288E, Ambler Farm, Town of Wilton, 257 Hurlbutt St., Restoration/Addition/Change to Public & Semi-Public Use of Raymond-Ambler House**

MOTION was made by Mr. Wilson, seconded by Ms. Ayers, and carried (8-0) to schedule SP#347 and SUB#900 for July 13, 2009, and SP#288E for July 27, 2009.

E. PENDING APPLICATIONS

None.

F. COMMUNICATIONS

Ms. Poundstone noted that a letter had been received from the residents at 24 Riding Club Road. Ms. Gould asked for clarification as the subdivision was approved with an Olmstead Hill address and they now want to put the driveway on Riding Club Road, which will destroy several trees. Mr. Nerney said the subdivision was approved in 1969. Its frontage then and today was via Riding Club Road, but, for whatever reason, it has an Olmstead Hill address, although it has never had a house on it. It is essentially a lot of record protected under the statute for lots that have never been issued a building permit. They are allowed to develop in accordance with the regulations in place at the time of subdivision approval. The issue now is there is an Inland Wetland permit that was granted some time ago, and the new owners are looking to modify the design, triggering a new Inland Wetland application. The question that may ultimately come up is are there other alternatives that will result in less impact, which may mean utilizing an easement to Olmstead Hill Road as opposed to using their fee simple frontage to Riding Club Road.

Ms. White said it is her understanding that the first Wetlands permit involved the layout of the driveway off of Olmstead Hill Road, and the new owners are considering putting it off of Riding Club Road. Ms. Gould said she would like to be involved in researching the background of the application. The communication will be handled administratively.

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A communication was received from the Town of Ridgefield. Mr. Nerney explained that it is a mandatory referral and involves a town wide change proposed to the Ridgefield zoning regulations dealing with the merger provision. The owner of lots that adjoin each other and become merged for developmental purposes are, by statute, required to notify communities where there is the potential that the property is within 500 feet of the neighboring community. The communication will be handled administratively.

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A letter was received from Attorney John Knuff who represented Consumer Petroleum of Connecticut in their application for renovations to the Exxon station across from the high school. As part of the application, the applicant had proposed a second fuel dispenser island with a canopy over it to the south, but now they don't want the canopy. Mr. Nerney noted that, in terms of the mass that the canopy would bring to the site and the added lighting with the recessed lights underneath, the elimination of it would be advantageous to the Town.

In addition, the applicant has done further research on the fuel tank and learned that it has approximately 12 years of life left, so the applicant is requesting a postponement of its replacement. Their letter states that all other proposed improvements will be completed, i.e. fuel lines from the tanks to the new dispensers, all of which will include leak detection, addition of leak detection for the existing underground tanks, and the replacement of asphalt with concrete pads with spill barriers. Mr. Nerney said if the Commissioners are comfortable with the request, he will handle it administratively.

MOTION was made by Ms. Gould, seconded by Ms. Ayers, and carried (8-0) to allow the correspondence to be handled administratively.

1. Discussion of Plan of Conservation and Development

Heidi Samokar, consultant with Planimetrics, said they were impressed with the turnout at the public informational meeting, both in terms of the number and also the substance of the comments. She has summarized the comments made at the meeting and the comments received in writing in a memo, and made recommendations on what changes to make. The memo is categorized by Plan chapter, and the first thing she needs guidance on is someone commented that Cannon Crossing is actually now called Cannondale Village, but in the zoning regulations it is still called Cannon Crossing.

Ms. Gould pointed out that June Havoc gave the property the name Cannon Crossing, and Cannondale Village is the name that was later given it. She explained that Cannondale is the whole area. Ms. Ayers said she thinks the area should remain Cannondale Village and should

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not be referred to as Cannon Crossing. Mr. Bayer said the area is certainly much broader than Cannondale Village, and he suggested calling it the Cannondale area. The Commissioners agreed they are comfortable with that.

Ms. Samokar said next under Conditions and Trends was a suggestion to change the phrase “Vacant Land” to “Underdeveloped”. Ms. Gould suggested it be “Undeveloped Land”, and the Commissioners concurred that that was appropriate.

The next question is about tree protection, open space and biking/walking concepts, and the suggestion is to elevate those three items so they are a bit higher.

Under Natural Resources, the suggestion is to add a fifth action about reevaluating and modifying regulations so that Wilton can guide its development to meet goals 1 through 4. Ms. Poundstone said she likes the use of the word “guide”. Mr. Rudolph suggested just having reevaluation without the word modification.

Ms. Samokar said on page 29, Water Resources, it was suggested that getting into the total daily maximum load of pollutants and medical waste in the Norwalk River was too specific, but she suggested leaving it as there is only about a page on water pollution and preserving the water quality in the Norwalk River, and it is really an important factor in Wilton.

A suggestion was made to add rain gardens to help address drainage issues, and she suggests adding that to page 33 where it talks about reducing storm water runoff. Ms. Pratt asked if the Regulations Committee will specifically address rain gardens when they look at the regulations. Ms. Poundstone said the Committee will have an instruction to look at it.

Ms. Pratt asked when they talk about “encourage”, where does the Commission go with that. Ms. Samokar said that will become important when they talk about implementation. There are things called policies, which a lot of times the actions that start with “encourage” are policies. Sometimes there are startup tests to get a policy up and running, such as what are the first three things they need to do to encourage, and that will come up in the implementation plan.

Ms. Samokar said next is regarding Open Space, and the Conservation Commission would like a listing of the priority open space parcels in the Plan. Ms. Ayers said they definitely should put that in, because when the Selectmen look at acquiring open space, they look at that list. There are still several large parcels of open space that could be acquired and it is important to have the list of parcels for when they do become ripe for either development or acquisition. She said once the open spaces are gone, they are gone forever, and she thinks they have to continue to make it a priority because there are so many demands on the budget.

Ms. Samokar said they put Open Space under the broader category of “Character”, but it was

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pointed out that in looking through the table of contents you can't find the Open Space section. Another comment is that the section is down to two concise pages where before it was about six pages, and the suggestion is to take Open Space and elevate it so it will show up in the table of contents, and then take some of the explanatory language from the current Plan and pull that in to expand the section a little.

Ms. Samokar said next are wording issues, but wording gets to be important. They had referred to protected open space as dedicated open space, and the suggestion was made that they call it deed restricted, but maybe it should be called protected open space.

The golf course and other recreational areas are referred to as managed open space, and, as defined in the side bar, they are not protected but generally act and look like open space. The suggestion is to switch the definition to unprotected open space. Ms. Ayers said in terms of the public's perception of it, she thinks unprotected is a better phrase.

Ms. Samokar said on page 41 under Open Space there was a suggestion that handicap accessibility of pathways be encouraged, and the recommendation is to add a bullet saying "Where feasible, upgrade paths to be ADA accessible". Mr. Nerney suggested wording it "Where feasible and appropriate".

Ms. Samokar said on page 44, Historic Resources, the comment came up that more historic buildings should be protected. Ms. Gould said she thinks the request was to encourage additional local historic districts where appropriate.

Mr. Bayer said he has no problem with encouraging historic districts on town owned properties, but the very nature of a historic district is whether the people that live there want that protection for their neighborhood, and he thinks it is bad policy for the Town to say that is what they should do with their property. Ms. Gould pointed out that the Historic District Commission is a town commission and is completely controlled by enabling legislation of the State of Connecticut. Ms. Ayers said she thinks the State can make the enabling legislation for historic districts and the Town can encourage it, and if the people don't want it, the freedom of choice is still there. Mr. Wilson said he would prefer that it say support, that they are not forcing people to comply with it, they are supporting people that want it. The Commissioners concurred.

Regarding Trees at the bottom of page 4 of her memo, Ms. Samokar said the overall goal is to preserve the features that contribute to Wilton's character. Right now trees are lumped in with a few other things, and she would suggest elevating it to its own strategy heading, adding general language explaining why protecting trees is important, and then include some actions.

She said the issue of addressing tree clearing is very uncertain, and there aren't any tools to address it other than just getting education out and possibly requiring a drainage review to

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make sure the clearing isn't flooding the neighbor's property. They heard so much about this at the public meeting that she suggests pulling it out, elevating it, but being honest that it is difficult to regulate the clearing of trees on private property.

Mr. Osterberg asked if the reason the Town can't regulate tree cutting is because there have been cases that have said they can't, or because they just don't have the existing law. Ms. Poundstone said she thinks that is an interesting legal question to research. Mr. Osterberg said if the community wants to regulate tree cutting, he doesn't think there is anything wrong with putting something in the Plan that says they should consider regulating tree cutting. Ms. Gould and Ms. Ayers said they would like to see it as a separate bullet addressing tree clearing, and Ms. Poundstone agreed.

Ms. Samokar said on page 48, Stonewalls, there is a recommendation to amend #4 to read "Strengthen the existing stonewall guidelines to better ensure the preservation and restoration of stonewalls along roadways". Ms. Pratt noted that they had discussed the tunnel effect of stonewalls along roadways, and Ms. Samokar said that is addressed in the implementation table, #5.

Ms. Samokar said, referring to the bottom of page 48, someone made the comment that the Noise and Light Pollution part was too general. The first draft of the plan had 3 actions; encourage property owners to retrofit their lighting, continue to ensure that buffers are adequate when commercial is next to residential, and continue to require a special permit for those uses that may create noise, and the Commission felt they wanted to make it more general. She asked if the Commission now wanted to revert back to that more specific language. Mr. Wilson said he likes listing the individual items. Ms. Poundstone said it gives more emphasis, and she would like to include them.

Ms. Samokar said under Development, page 49, there were a few suggestions that they wanted stronger emphasis on promoting land use patterns that support transit use, walking and biking. It is embedded throughout, and she suggests adding a sentence just reiterating that is a premise that follows through into a lot of development discussion.

On page 54, Housing Needs, they received very detailed written comments about how many new upscale townhouses should be provided for in the Plan. She would not recommend setting an actual goal unless the Town has done the analysis. The Commission may want to include clearer language about the likely future demand for housing for seniors across a range of income levels.

Mr. Bayer said he thinks they should put some sort of language about future demand for housing across income levels, not just for seniors. Mr. Wilson said he would like to see something that included both housing for seniors and addressing the income level of all citizens without regard to age.

Ms. Samokar said the text on page 54 and 55 makes the case that there is a need for housing for seniors, and when they get to the actions on 56, the actions are for any age group. Bullet point 7 is not about new housing, it's about allowing people to age in place, thereby reducing the demand for more senior housing. Ms. Poundstone referred to the reference to age 55+ housing and said that is a good statement that should be carried forward. Mr. Bayer noted that 55+ is not senior housing, it is the childless adult developments that have sprung up, which is completely not what they are talking about. When they talk about senior housing, they are talking about people who can't afford to stay in their homes, and that is very different than the active adult developments.

Ms. Gould said she thinks there is a need in Wilton for housing for people who want to downsize from larger land holdings, but stay in the area and still live in a nice environment, so there is a need for both. Mr. Bayer said there is also a need for people that want to move to Wilton that are 28 years old, but he doesn't think they should put that into the POCD. He thinks referring to age 55+ is very dangerous from a legal perspective, and is a bad concept. Ms. Gould said she doesn't like the 55+ figure, but what she does like is housing for seniors across a range of income levels, because she thinks that says what it is. Ms. Ayers said that is why she is so interested in protecting all of the small houses in the Georgetown area. Ms. Samokar suggested saying future demand for housing across a range of income levels and ages including seniors, so it is not all about seniors but they are named.

Ms. Samokar said the comments they heard regarding the River Walk was that it shouldn't only be about Wilton Center, that it is really a bigger town-wide issue. Page 41 has the Open Space section, and she would suggest introducing the larger greenway concept there, add an insert box on the map referring people to flip over to the Wilton Center section, and then sort of pan out to show the parks immediately to the north and south. They would take option C off, but otherwise keep the text on the River Walk within the Wilton Center section, because it really is a big part of Wilton Center.

Ms. Gould pointed out that if they have a River Walk the entire length of the Norwalk River, they are losing the natural look of the river. Ms. Ayers said there are places on the east section where you could do a River Walk, but not a continuing River Walk. People enjoy the river, so she wouldn't want to exclude it.

Mr. Nerney said he thinks the dynamics in Wilton Center are different than stretches to the north, and certainly there are a lot of other benefits besides just the environment. There is pedestrian transportation value to it, and it is linking residential with the train station, so it goes beyond just the nature and aesthetic value.

Mr. Rudolph asked if the Commission is taking a position on whether the River Walk should be improved to increase the convenience to users or whether it should remain natural, because

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there is a difference between having gravel and having blacktop, and if they start talking about bike paths, obviously blacktop is more convenient than gravel. Ms. Poundstone said they are setting out a vision for the future and should remain flexible.

Ms. Samokar said quite a few residents from Cannondale spoke out and asked to please make sure that they are involved from the beginning in whatever the Town does, and she would suggest that they add that explicitly as an option on page 64. Another Cannondale comment was someone mentioned that the Norwalk River also goes through there, and she would suggest adding, under action 2, what measures would help to protect the Norwalk River.

Similar comments were made by Georgetown residents about how they can make sure that they are involved in anything that happens there, and she had a similar recommendation to add as an explicit action to engage residents at the onset of any process.

Quite a few people mentioned the Gilbert & Bennett School and said they want it kept as a community space and the fields kept for open space. She suggested that within the Community Facilities section, they have a sidebar that explains what the school is, why it is important and how residents would like to use it, and then maybe come up with an action to do something, or simply have a callout that they know it is important.

Mr. Bayer said he has no problem with a sidebar giving the history of the school and saying the residents have expressed their preference of what should be done with it, but the Commission should not take a position on what should be done with it. It is shortsighted to say the best use is to have it open to the Town when maybe the best use is to sell the property and the residential units and use it to develop senior housing. It is a valuable piece of property, but what the best use is to benefit citizens of the town is very much open for debate.

Mr. Nerney suggested keeping it simple and just say encourage only those uses which fit the landscape and provide a public benefit, without necessarily locking the Town in. Mr. Bayer said he has no problem with a statement that the Town, in considering the future uses of the Gilbert and Bennett School, will take into account its historical significance and value as an open space.

Ms. Samokar said they need some direction with regard to a town pool. Ms. Gould said she doesn't think they should mention a town pool or a hockey rink or anything of that sort. Mr. Wilson said he thinks something should be said regarding the value of the Comstock property and how it is underutilized. Ms. Poundstone suggested using a variation on the sentence they just agreed upon regarding Gilbert and Bennett, that the Town carefully consider the nature of the property and the public benefit. Ms. Gould asked why can't they say they want to see it developed as a community center, because that is the plan. Mr. Bayer said he would be 100% against that, because he doesn't think they should be determining what is the best use for this town-owned asset. Mr. Wilson suggested they just say it is underutilized and should be

reexamined as to its best use for the Town.

Ms. Samokar said page 84, action #3, says “aim to reduce the demand for parking at the high school, and if needed, explore options for additional parking”. It was suggested that they put a period after “aim to reduce the demand for parking at the high school.” Ms. Pratt said she thinks they haven’t studied the parking situation enough to materially give advice on it. Ms. Poundstone said she would suggest putting a period after high school.

Ms. Samokar said someone suggested taking a proactive approach to parking at the train station so the Town is ready to move forward when the State moves forward, and she thinks that is a reasonable action. She said a suggestion was made that the Plan provide funding sources for the transportation actions, but she feels that is best left up to the regional transportation agency and gets very complicated when you’re talking about startup versus capital versus operation.

Lastly, under Future Land Use Map, they put Existing Natural Resources above many of the other layers, because even if you have already developed areas, there still may be natural resources, and so she recommends that it is kept as it is.

Ms. Samokar said she will make the edits discussed, and the 65-day review period will begin July 31st. The one additional task, which she needs the Commission to work on within the next couple of weeks, is to populate the implementation table with the “who” and the “priority”. There are about 40 actions, which is too many. This is the hardest part, because there are so many things that a community wants to get started with. She will coordinate with the Town Planner’s office whether she is coming back for another meeting.

Mr. Wilson commented that he has noticed a proliferation of signs and thinks the Commission needs to deal with it in some sort of a policy method. Mr. Nerney said in terms of the signs in the public right-of-way, the Zoning Enforcement Officer just confiscates them. The real estate signs, especially in this market, are a constant battle. Ms. White said the ZEO did talk to the owner about the large sign on Mountain Road.

G. REPORT FROM CHAIRMAN AND COMMISSION MEMBERS

1. Report from Commissioner Osterberg concerning Affordable Housing Conference

Mr. Osterberg said he went to the SWERPA Affordable Housing Summit in Darien. Jim Himes spoke and basically said he has been up against the wall on affordable housing in Fairfield County for years, and is coming to the conclusion that it is not feasible in a lot of ways. He is very discouraged. The First Selectman from Westport had an interesting report,

which is something that Wilton’s Regulations Committee might consider. They have taken a very aggressive approach with respect to their accessory dwelling regulations, and have passed new regulations that include amnesty for those who have “under the table” accessory dwellings, not only to bring them into compliance, but to impose some sort of rent caps with the idea of making them affordable or lower cost. They have structured the regulations to try to address senior housing as well as use the accessory dwelling regulation.

Ms. Ayers agreed that the general tenor of the meeting was that affordable housing is very difficult in Fairfield County because they don’t like multiple dwellings on a property. Most of the zoning codes discourage it, or won’t allow it at all, and if they want to open up, they are going to have to look at the Smart Growth decisions.

Mr. Nerney said he thinks Wilton has been very progressive in its approach on accessory units. When he first came to Wilton, he had never heard of such a concept, but has come to very much appreciate the design of it, and wonders how putting rental caps on them would work. Ms. Ayers said it would be interesting to learn how Westport plans on doing it.

Mr. Osterberg said he thinks Westport is not necessarily proposing to bring the properties into compliance, but basically allow them to continue what they have historically done without any enforcement action, in other words recognize them as non-conforming accessory units, and in exchange they have to agree that they are going to rent for a certain amount for x number of years and be made available to the elderly, people who work in town, etc.

Ms. Poundstone said clearly they need more information, and asked the Town Planner to get a printout of Westport’s regulations. She said she gathers it is a fairly recent regulation, and she would be interested to know what their experience is in a year or two.

Ms. Gould asked if there was any discussion of the need to petition the State legislature to change the rules on what is recognized as affordable housing. Ms. Ayers said Jim Himes touched on that, and said that that is one of the major problems they have.

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

J. ADJOURNMENT

MOTION was made by Mr. Wilson, seconded by Ms. Ayers, and carried (8-0) to adjourn at 9:27 P.M.

Respectfully submitted,

Karen Pacchiana
Recording Secretary