

PLANNING & ZONING
COMMISSION
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TOWN HALL ANNEX
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**WILTON PLANNING & ZONING COMMISSION
PUBLIC HEARING/REGULAR MEETING
MINUTES – NOVEMBER 9, 2009**

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

ABSENT: Commissioners Doug Bayer, Dona Pratt (notified intended absence).

ALSO

PRESENT: Robert Nerney, Town Planner; Daphne White, Assistant Town Planner; Karen Pacchiana, Recording Secretary; members of the press; and interested residents.

PUBLIC HEARINGS

Ms. Poundstone called the Public Hearing to order at approximately 7:15 P.M., and seated members Ayers, Gould, Osterberg, Poundstone, Rudolph and Wilson.

Ms. Poundstone suggested moving item F-1, which is an 8-24 referral, to the front of the agenda in deference to the First Selectman's busy schedule.

F. COMMUNICATIONS

1. MR#127, 8-24 Mandatory Referral, Grant of Conservation Restriction to Wilton Land Trust involving 4.45-acre parcel located off Erdmann Lane

First Selectman Brennan congratulated the Commission in getting the Plan of Conservation and Development approved. He said it was a big job and took a number of years to accomplish, but it came out great and he thanked the Commissioners for all the work they put into it.

He said that in June of 2005 the Board of Selectmen made a motion, which was unanimously approved, to designate the parcel on Erdmann Lane as open space and also requested that arrangements be made with the Land Conservation Trust to be overseers of the land. He noted that Commissioner Ayers and Commissioner Gould were Selectmen at that time. They met with the Land Conservation Trust to discuss the property and agreed on the provisions for preservation as open space for recreational purposes. Mr. Brennan pointed out that there is not a lot of open space in that area, and the Selectmen unanimously support this action. The document is ready to be signed and the last hurdle is approval of the 8-24 Mandatory Referral

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Whereupon Commissioner Nabulsi arrived and was seated.

Ms. Poundstone asked if there were any comments or questions from the Commissioners.

Ms. Gould said she for one is delighted that this has come forward finally. Ms. Ayers noted that the land belonged to the Town and nothing much was going to happen to it, but she is glad to see it doubly protected by the Town and the Land Conservation Trust.

MOTION was made by Ms. Gould, seconded by Ms. Ayers, and passed (7-0) to approve the 8-24 Mandatory Referral.

PUBLIC HEARINGS

1. CHZ#09317, Trygve Hansen and Muriel T. Hansen, 19 Cannon Road, Zone change from R-2A to DRB and the Cannon Crossing Overlay District

Mr. Nabulsi read into the record a letter dated November 8, 2009 from Casey Healy of Gregory and Adams requesting a continuance of the application to November 23, 2009.

Ms. Poundstone asked if anyone wished to speak to the application.

There being no further comments, at 7:21 P.M. the Hearing was continued to November 23, 2009.

2. SUB#902, Gaboriault, 1031 Ridgefield Road, 2-lot subdivision

Ms. Poundstone called the Public Hearing to order at approximately 7:21 P.M., and seated members Ayers, Gould, Nabulsi, Osterberg, Poundstone, Rudolph and Wilson.

Present for the applicant was Mr. Peter Gaboriault, applicant.

Mr. Gaboriault said revisions were made to the map to address the comments in the Staff Report. Notably, there was a triangular piece which decreased to a width below the 66' minimum, and that was squared off so that it counts towards the two acres. In addition, hypothetical building and site coverage calculations were added to reflect a realistic footprint.

In response to a question by Mr. Nabulsi regarding drainage issues, Mr. Gaboriault said the Town Engineer was concerned about stormwater runoff impacting the property at 21 Fullin Lane, and while they do not have a house design nor a roof leader design, they will address that concern during construction and in fact that can be made a condition of approval.

Mr. Nerney said they could tie the issue of drainage to the zoning permit to be looked at at the time of construction. Typically there are some sites that by their very nature give rise to concern, but this site does not have those characteristics.

Mr. Holt McChord of McChord Engineering said Steve McAllister from his office is the engineer

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who is working on the property, and he is not aware of any concerns that Mr. McAllister had.

Ms. Ayers noted that although the access is from Fullin Lane, the address is on Ridgefield Road and asked if the Fire Department was aware of that. Mr. Nerney said there is a requirement that the address be based on whatever street the access is on, so if the access is on Fullin Lane as shown, it would have to have a Fullin Lane address.

There being no further comments or questions from the Commission or the public, at 7:26 P.M. the Public Hearing was closed.

3. REG#09318, Amend zoning regulations to establish zoning provisions pertaining to the location of retail package stores selling alcoholic beverages

Ms. Poundstone called the Public Hearing to order at approximately 7:26 P.M., and seated members Ayers, Gould, Nabulsi, Osterberg, Poundstone, Rudolph and Wilson.

Ms. Poundstone noted that the Commission had not heard from SWERPA, so while they can discuss the proposed revisions, they cannot conclude their action until the next meeting.

Mr. Rudolph pointed out that 2(c) has been added, which provides that a package store shall not be allowed within 50' from the property line of any parcel comprising an Educational Residential Facility, which addition was suggested by Commissioner Pratt. Ms. Poundstone said the location issue was of particular concern to Commissioner Pratt, and perhaps they should wait until the next meeting to discuss it so she can be present to express herself.

Mr. Nabulsi pointed out that the amendment does not address whether a school or an educational residential facility could move into the sphere of a package store in violation of the proposed provisions, and wondered if they are allowing a potential inconsistency by not addressing it from both directions. Mr. Rudolph said it is an interesting point, because if they are trying to protect the youth of the community, it seems they ought to protect them both ways.

Mr. Nerney said groups, such as schools or churches, have choices, and where there is a preexisting package store, that land use has been established. Mr. Wilson said he would imagine there is some tested legislation regarding that type of situation.

Ms. Poundstone asked if any member of the public would like to speak to the proposal.

Ms. Deborah McFadden, Westport Road, said she supports the 1,000' distance between any public or private school, as well as the 500' from any religious facility. She is concerned about the ABC House as she does not think 50' is enough distance. She also expressed a concern about the sale of liquor on Sundays, and Ms. Gould noted that there is a state statute that prohibits the sale of liquor on Sundays.

Ms. McFadden observed that it is easier to loosen regulations than to tighten them, and since they are new at the business of having liquor stores in Wilton, she suggests they have a rigorous

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standard to begin with, and if down the road the community deems it appropriate to loosen it, then it could do so in the future.

Mr. Nabulsi noted that the only document new to the record was the revised draft dated November 5, 2009 and cover memo.

There being no further comments from the Commission or the public, at 7:38 P.M. the Public Hearing was continued until November 23, 2009.

4. SP#191E, Montessori Assn, Inc., 34 Whipple Road, To increase enrollment and construct additional parking

Commissioner Nabulsi recused himself from the Hearing.

Ms. Poundstone called the Public Hearing to order at approximately 7:39 P.M., and seated members Ayers, Gould, Osterberg, Poundstone, Rudolph and Wilson. Acting Secretary Wilson read the legal notice for the record, a memo dated November 9, 2009 from Jennifer Zbell, Assistant Town Sanitarian, a memo dated November 5, 2009 from Michael Ahern, Field Engineer, a memo dated November 6, 2009 from Michael Ahern, Field Engineer, a letter dated November 4, 2009 from Casey Healy of Gregory and Adams, a Planning and Zoning Staff Report dated November 5, 2009, a letter dated November 1, 2009 from Steven A. Kranzlin, a letter dated November 2, 2009 from Doug and Kimberly Johnson and J. Lansing and Barbara Valk, a letter dated November 1, 2009 from Carolyn Reifers, a letter dated November 4, 2009 from Sharon N. McKenna, a letter dated November 2, 2009 from Helen Majlinger, a letter dated November 1, 2009 from Randy and Gwenna Williamson, a letter dated November 4, 2009 from Kimberly Karus, a letter dated November 2, 2009 from Derek Moe, a letter dated November 3, 2009 from Andrea Emmerich O'Meara, a letter dated November 2, 2009 from Carmine Tomas and Tracy Castelli Thomas, a letter dated November 2, 2009 from Larry and Trisha Cooper, a letter dated November 3, 2009 from Christine and Brent Donnelly, a letter dated November 4, 2009 from Nicola and Alan Davies, a letter dated November 4, 2009 from Laurie McTeague, a letter (undated) from Laura C. Owen, and a letter dated November 4, 2009 from Zoe Tarrant.

Present for the applicant was J. Casey Healy, attorney.

Mr. Healy noted that the school owns the property located at 34 Whipple Road, which encompasses a former abutting parcel of land that was located at 22 Whipple Road. The school is seeking to amend its existing Special Permit #191 to accomplish three things: (1) to increase the permitted enrollment from 230 to 270 students, (2) to allow the construction of additional parking on the former 22 Whipple Road site, and (3) to remove head-in parking located along Whipple Road, which is legally non-conforming.

He pointed out that the 34 Whipple Road property was formerly known as the Angelina M. Post School, which was constructed by the Town in 1954. The Town sold the property and the school buildings to the Montessori School in 1988, retaining an easement to access the back portion on which an athletic field is located, and that included the right to maintain the athletic field.

The Montessori School opened in 1989 after substantial renovations and began their pre-school through 6th grade programs. In 1998 the school purchased the abutting property at Whipple Road, which enabled them to enlarge some of the classrooms. The Commission reviewed the existing Special Permit at that time and approved that amendment. As part of that review process, an enrollment cap was placed on the school of 230 students, which is in effect today.

In the 90s the Board of Directors recognized that to implement the Montessori philosophy more fully the school should consider adding a 7th and 8th grade and in 2004 the school signed a contract with the Town to purchase the abutting property of approximately two acres. The application came before the Commission as an amendment to the Special Permit, but was opposed by neighboring property owners and was subsequently withdrawn. Eventually, an alternative location for the 7th and 8th grade programs was found in Norwalk.

The first purpose of the application is to improve the circulation and parking and the queue issues encountered during drop-off and pickup. The teachers will park in the new lot, freeing up the parking in front of the school for use by the parents. The Montessori School program is a little different than a conventional public school or private school. The parents have much more interaction with teachers and staff and they park and go into the school, so it is not just drop-off and pickup of the children.

Increase in enrollment from 230 to 270 students is the second purpose of the application. The school has decided that 270 is the ideal number of students. Montessori education emphasizes development in early years, so pre-school is the most popular point of entry to the school. Montessori School learning is more independent and student driven than conventional public or private school programs, and as a result not every student continues all the way from the preschool program through 6th grade.

Attorney Healy noted that they did not receive the P&Z Staff Report or the memos from Field Engineer Ahern until late last week, so they did not have time to prepare a formal response and will be asking for a continuation to do so.

Holt McChord, professional engineer, noted that the existing building is served by septic system and an on-site well.

There are 66 parking spaces currently, which include a handicap space as well as the head-in parking spaces on Whipple Road that will be eliminated. There is a one-way loop road that comes into the school, and the proposed improvements include a widening of that entrance radius to provide better circulation.

The plan shows drainage improvements, both as to the quality and quantity of runoff. The first flush runoff from the two parking areas will go into the underground detention facilities which will promote infiltration. In a larger storm event, when the capacity of the infiltration facilities is exceeded, it is routed down to an above grade retention basin adjacent to Whipple Road and then discharges into the existing watercourse system that runs along Whipple Road, crosses over and ultimately ends up in the Norwalk River.

The layout shows 18 parking spaces in the upper pod and 19 parking spaces in the lower pod. Staff has cited that landscape islands are typically shown at the end of parking areas, and they can provide such landscape islands, but the parking pod will then push to the south and a few trees would be lost.

A drainage report was supplied, which analyzes the 2 through 25 year storm events as well as the 100 year storm event. They have reductions in peak flows for all of those storm events. They ran the 100 year storm event to make sure the detention facility isn't overwhelmed in a larger storm, and the outlet structure and retention structure holds the flow and is metered out properly for the 100 year storm event. Soil erosion controls are shown on the plans.

There are 66 existing parking spaces, 12 are going to be deleted, and 37 new spaces are coming in, so a total net of 25 additional spaces will be added totaling 91 once the parking lot is implemented. Sidewalks are proposed, which connect to the crosswalk to the school.

There are two residences on one side of the proposed parking lot and another on the other side. Staff's report cites a regulation requiring no asphalt and no parking within 50' of a residence, and as they show the closest point at 12', they are asking for a waiver of the regulation. Their design is based on the layout of the property prior to the house being removed, and they have tried to preserve the wooded area and keep the development within the lawn area, as well as follow the path of the existing drive to reduce the encroachment into the woods.

Mr. Osterberg asked how many trees would have to be removed if they were to move the parking lot closer to the school. Mr. McChord said he will have to get back to him on the exact count, but they are talking about significant trees, i.e. a 30' oak, 32' oak, 12' beech, 20' oak, 20' maple, 12' hickory, 39' oak, 14' maple.

Kate Throckmorton, licensed landscape architect with Environmental Land Solutions, discussed the landscape and lighting plan which focused on the screening issues of the parking area. The plan shows a double staggered row of evergreens in all areas adjacent to the neighbors. The throat of the parking access follows the old existing driveway, and a significant amount of trees will be added as the drive turns to block off the view from the road to the parking. That will be accomplished with a couple of groupings of trees at the road, midsection, and at the parking lot itself. There are two existing trees, a 30' maple and a 24' tulip, that will be saved by going in between them.

Shade trees are provided in the islands, and along the northern side of the lot will be a 6' solid wooden fence that runs the length of the parking lot, between the parking lot and the residences to the north. The area of the parking lot that will be regraded will be replanted with a double row of evergreens and some lower bushy junipers, which will fill in and make sure the screening for the parking is maintained.

Two lighting plans that show two-foot candles have been provided, but the formal presentation, and their preference, shows eight 10' high lights with an average of 1' candles, with two lights at the bottom, two at the top and two in between. An alternative plan, which does meet the letter of

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the law in the regulations, has been provided that show an average of 2 ½ foot candles. In their experience the 2 ½ foot candle is standard for large commercial parking lots, but the 1' candle plan has been acceptable in the past, especially in sensitive areas.

Ms. Throckmorton submitted cut sheets for the parking lot lights, as well as the path lights that connect to the school, which will be low bollard type lights set about 10' apart, with a very low light and shielded to prevent any glare.

The entrance will be supplemented with smaller evergreen shrubs so that visually it is more in keeping with a residential neighborhood, and will be a mixed variety of small and large evergreens. The trees on the northern side of the parking lot are deciduous, and will be supplemented with a buffer at the fence on the parking lot side of forsythia, which are very dense bushes.

Mr. Wilson pointed out that although the light poles are 10' high, the effective height from Whipple Road is about 26' because there is a 16' differential between the parking area and the road, so the lights will be visible walking down the road.

Ms. Throckmorton said that is why there are significant additional trees planted strategically in front of and directly behind the lights. Foot candles are measured on the ground. The specific fixtures force the light down, and the bulb is within the housing, so it won't be visible. Mr. Wilson asked if a photometric emission plot for the lighting had been provided, and Ms. Throckmorton said she will get that.

Ms. Osterberg asked if she was familiar with the lighting plan that the Commission approved for the Lake Club. Ms. Throckmorton said she was part of that development, but did not personally work on the lighting. The plan was prepared by a lighting consultant who was specific for paddle courts, but she will check into that.

Michael Galante, principal at Frederick Clark Associates, discussed traffic and parking. The purpose of a traffic study is to identify and analyze traffic volumes on the roadway system, and what the impact is of the additional 40 students on the roadway system. Traffic studies were done in late spring 2008 and in February 2009, and a variety of times in between, as well as field observations by people in his office and by him. The traffic volumes shown on the graphics represent a peak hour condition. In any school they look at the morning arrival and the dismissal time, which in this case tends to be a split condition, depending on the scheduling of activities.

Figure 3 of the report shows 2009 existing traffic volumes identified between 8:15 A.M. and 9:15 A.M. Grumman Hill Road carries about 450 vehicles during the morning peak, while Whipple Road has around 270 vehicles. 128 vehicles arrived at the school during that one hour period and 101 vehicles exited, so the school itself generated 229 vehicle trips during that one hour period.

Figure 4 shows the afternoon dismissal time, which they identified as between 3:00 and 4:00 P.M. That is not to say there is no traffic at noon or 1:00 P.M. in the afternoon, but they look at

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the peak dismissal time, and the volume of school traffic was 154 trips, with 70 vehicles arriving and 84 leaving.

The traffic counts of 229 trips during the one hour period in the morning and 154 trips in the afternoon indicates there is one trip per student in the morning and about two-thirds trip per student in the afternoon. Applying those trip generation rates to the additional 40 students, 41 vehicles would be added in the morning peak and 27 vehicles in the afternoon peak, so it would go up to 270 vehicle trips in the morning and 181 vehicle trips in the afternoon.

Mr. Galante explained that level of service is a measure of delay; A is everything is great, F is failure. The 4-way stop sign at Grumman Hill Road is operating at level service B or better during the two time periods before and after they add the 41 and 27 vehicles to the roadway system. The driveway to the school itself is operating at level of service A, which means there is absolutely no delay. The addition of 40 vehicles in the A.M. or 27 vehicles in the P.M. will not change the level of service.

The Grumman Hill Road intersection is a stop sign controlled intersection, so every approach stops. They are able to determine that the entire intersection is operating at an overall level of service B, which is an average delay per vehicle of 10.4 seconds. At 15.1 seconds it goes to the next level of service, or C. If the intersection was operating at level service D or E today, adding a small amount of traffic would easily change it to the next level of service, but when it is operating at level of service A and B you can add quite a bit of traffic before it changes to the next level of service.

Ms. Gould said her recollection is there have been several traffic studies done for this location for prior applications, and asked whether he had compared his study with prior studies. Mr. Galante said he has not seen those traffic studies; his report is based on current conditions.

Mr. Rudolph said he would like to see a drawing showing all doors, ingress and egress, to the school and the distance from the new parking and the 12 spots that are going to be removed to the doors. He would also like to know the size of the staff and how many parking spaces they typically use, and what is going to be the size of the staff if they get approval to increase the enrollment. He also wants some testimony about why they need the additional parking at all.

Mr. Wilson noted that there was a traffic study that was done on November 2, 2006, and suggested that it would be good to compare the two traffic studies. Mr. Galante said he will get a copy of that from the town.

Mr. Galante said the other part of the traffic study is the parking evaluation, and like any school, it is difficult to put a number on the exact number of parking spaces needed because there is constant turnover. A parent may come in at 8:30, park, walk in with their children, and come back out 10 minutes later. Someone else may use that same space next and stay 15 minutes or may stay 2 minutes, so that one parking space in the front of the building has constant turnover, with the exception of a staff person parking for the entire day.

Typically 65 to 70 parking spaces are being used under current conditions. There are 66 spaces

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total. The difference is someone may be in the parking aisle and has not yet parked, or dropping off and is not parking at all, so the number fluctuates. With the implementation of the new parking lot there will be an additional 25 spaces, or 91 spaces total, which they believe will accommodate the increase in enrollment.

Mr. Galante said their report makes a recommendation about traffic control signing and pavement markings. The driveway to the school is a one-way loop, and they are recommending one-way signs, a stop sign, and a stop bar on the road.

Ms. Gould said she is assuming parking for Town's people will continue on the site to use the field in the back. She noted that there has been afternoon usage. Mr. Healy said absolutely the parking will continue, and he will check with Parks and Recreation as to the usage, because they are in charge of assigning the fields.

Ms. Gould said it is her recollection that prior applications for expansion of enrollment referred to a van to be used for delivery of students to relieve the amount of traffic on Whipple Road. Mr. Healy said he didn't work on the prior applications, but he will check into that.

Mr. Nerney said a couple of years ago the school voluntarily engaged the services of a traffic monitor who would help keep traffic moving. Mr. Galante said the person or persons are there, but parents typically want to park and go into the school.

In response to a question by Ms. Poundstone, Mr. Healy said he will check as to what portion of the new applicants are expected to be in pre-K, K or 1. He noted that the move from 230 to 270 students, if it was approved by the Commission, would take several years to work its way through the system. Other than students who are transferring or moving into the area who have been in Montessori schools and want to stay in the Montessori school system, there is not a tendency to suddenly enroll a child in the third grade. One of the issues the school is facing is they don't have room for younger siblings to enroll in the pre-K programs because of the enrollment cap. There are siblings who aren't getting in, and that is one of the issues they would like to address.

Ms. Gould pointed out that in Wilton, as well as other communities, there is a drop in enrollment, and asked if the Montessori School is expecting to experience a decrease in enrollment. Mr. Healy said he is sure they are experiencing a decrease, but he will verify that, and he will ask what they are projecting in the next couple of years. Their ideal maximum is 270 students, although they wouldn't be able to achieve that right away even if the economy was doing well.

Ms. Poundstone asked if any members of the public wished to speak to the application.

Alan Spirer, Esq. said he represents Derek and Tammy Moe, 55 Whipple Road; Sari Weatherwax, 19 Whipple Road, Philip DiIorio, 23 Whipple, Bonnie Dickinson, 23 Whipple, Barbara and Lans Valk, 43 Whipple, Carolyn and Mark Reifers, 19 Ivy Lane, Joe Bruno, 12 Ivy Lane, R.J. and Jackie Kelly, 18 Ivy Lane, and Doug and Kimberly Johnson, Exeter Lane.

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He handed out a memo detailing the history of the Montessori School. It was a Town school that was bought by the Montessori Association in 1988. The school has applied for a number of Special Permits over the years. It is significant that this application is denominated as SP191E as it indicates there was an A, B, C and D that have preceded it. The applications started with a limitation of 216 students, it was then increased at the request of the school to 230 students, and now they want an increase to 270 students.

He was involved with proceedings before the Board of Selectmen a few years ago concerning the potential sale of adjoining Town property, and there were discussions as to what the school could live with as an overall cap on its enrollment. The number in those negotiations was 295 students, so the school has lofty ambitions in terms of the number of students they would ultimately like to see, and his clients think it should stop at 230 students.

He has quoted extensively from a recent decision by the Connecticut Supreme Court in *Cambodian Buddhist Society of Connecticut, Inc. versus the Planning and Zoning Commission of Newtown*, and in its 2008 decision the Supreme Court stated that the whole idea of a Special Permit is to make it compatible with the residential neighborhood, and the court went on to specifically not only talk about the standards, but to talk about traffic, and said churches and schools by their nature generate different traffic patterns and more intense traffic than residences.

Whipple Road and Ivy Lane are not through streets. There is no circulation pattern in the area. You go into these streets either to go to one of the houses or to go to the school. When you look at the peak hour traffic from 8:15 to 9:15, only 12 of those 127 cars are going to the neighborhood, so 90% of the peak hour traffic is generated by the school. This is a classic residential neighborhood, and it has ten times more traffic than any other residential neighborhood of a similar character, and when you add 40 more students you add 40 more cars at the peak hour.

There was an application a few years ago to add a 7th and 8th grade to the school. It was ultimately withdrawn, and the school found a facility in Norwalk that houses 36 students who come to the Whipple Road campus for soccer games after school. This is the main campus for the Montessori Association, and when they have evening functions or athletic events, all of those interested parents come to this school.

Barbara Valk displayed a poster board containing photos of the neighborhood. She pointed to the empty lot at 22 Whipple Road and said for a while the school was using the lot as an unauthorized parking area. A complaint was registered with the Town. They put some crime tape there, but that didn't stop it, and at the Town's request they put the fence back up in about June 2005.

Over the years the Montessori School has come to dominate their neighborhood in terms of traffic and activity. Residential life on Whipple, Ivy and the neighboring streets has been diminished and destabilized. When it opened in 1989 the school's enrollment was 110 students and now it has more than doubled to 230. The middle school population and their parents are frequent guests at the site, and the reality is it is more congested than the school's traffic report suggests.

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The original Post School had an enrollment of close to 300, but there were six buses that delivered the kids everyday, a total of 24 passes. Everyone else arrived on foot. Montessori's daily schedule generates traffic throughout the entire day starting right after 7:00 A.M., which she knows because she lives across the street from the spots that are to be removed. The middle school kids are going to be there more and more and soon there are going to be over 300 kids. How did this happen from 110 kids? It's got to stop now.

Philip Gran said he has lived at 23 Whipple Road for 17 years. It is a very fragile neighborhood. They are stuck between large scale commercial structures on one side and an institutional building on the other side. He pointed to a 1988 map showing a woodland buffer separating their community from the Route 7 development, and then pointed to a 2009 map. The school has expanded into the residential lot they bought to the north. The area has increased from 5.97 acres to 7.50 acres, and the population has swelled from 110 students to the 230. To the west along Route 7, the Wilton Corporate Park cleared much of the woodland buffer which served as their protection, and built a 3-story office building and parking structure.

The school is big enough. It has 230 students, the maximum population limit approved in June of 2000. Today they are asking for 270. It has to end now.

Kimberly Johnson, 25 Exeter Lane, addressed the traffic generated by the Montessori School on Whipple Road. Their research uncovered a traffic report that the Wilton Police Department did in 2006. The major difference between the school's report and the Wilton P.D. report is significant. The school chose only to measure traffic on what they termed as peak hours, which was 8:15 to 9:15 and 3:00 to 4:00. In fact a big percentage of the students are picked up at noon. In addition, the school offers a late day program which goes until 6:00 P.M. for working parents, which was not measured. The Wilton P.D. traffic report uses Nu-Metrics, which are strips that go on the road. They measured volume and speed at 15 minute intervals for 24 hours a day for a five day period. According to the information from the Wilton P.D. report, 64% of the northbound traffic and 74% of the southbound traffic on Whipple Road exceeded the speed limit. So not only is the school generating more than 90% of the traffic on Whipple Road, it is traveling at a substantial speed.

The school report indicates that 40 more students on area roads will have an insignificant, if any, impact on the overall operation of the roads during the two peak hours. Their report underestimates the actual traffic, but more than car passes and traffic volumes, the discussion should be about the quality of life and the livability of the residents. It is a one-acre residential zone. Traffic activity generated by the school is not what you would expect to encounter in a small neighborhood.

Carolyn Reifers, 9 Ivy Lane, passed out a leaflet entitled "Who is at the School". She pointed to paragraph one of the original Special Permit from 1988 which excludes, among other things, traditional day care center. She believes that was put in the document to protect the neighborhood, because traditional day care is an all day, dawn to dusk, operation.

Page 3 indicates that 230 students, 14 months old through grade 6, are allowed under the

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Special Permit. There are approximately 41 or so staff members, and then the regular presence of 32 middle school students who travel by van to the Whipple Road campus for the late day soccer and sports programs, the Montessori School chorus and larger all-school events. Parents of both the lower and middle school students, a combined total of 262 children, are encouraged to attend regular programs, board meetings and special events on the Whipple Road campus.

Page 4 is a listing of before and after school programs. Page 5 is a listing of their music and performing arts programs, and notes that all elementary and middle school students are a part of the Montessori School Chorus. She questioned why the middle school children come to the campus on a regular basis as they are not included under the Special Permit for the Whipple Road campus.

Page 6 shows that Montessori encourages active participation by the parents, families and caregivers. If you combine the 230 students in the lower school, the 32 middle school children and the children's parents that come there on a regular basis, plus the staff and the custodial staff, you start to get the true and complete traffic picture.

Page 7 shows the hours of operation. Early day arrivals begin at 7:45 for primary and elementary school children, regular day arrivals are 8:45, toddler program pickups are noon, regular day pickups 3:00 P.M., late day program and soccer arrivals from the middle school 3:15 P.M. and soccer and late day pickups 6:00 P.M. So it is an all day operation, a constant stream of traffic in and out.

Page 8 shows a picture of the sign posted outside the playground which states the hours the school is open, and page 9 gives an overview of the sports element. The schedule posted on the school's website shows that the middle school children have practices and games at Whipple Road on a regular basis. The children arrive by van, their parents arrive by car to watch them, as do the parents of the opposing teams, and those children arrive by van and then they all leave by car. That is a lot of traffic generated on their street, which is a dead end street.

Sari Weatherwax, 19 Whipple Road, said when she moved into her neighborhood 25 years ago, it was a quiet little cul-de-sac. She passed out the Montessori School Events Calendar at the Whipple Road Campus 2009-2010, pointing out that the events often include the entire student body, including parents, families and friends. Larger events comprise not just a single day, but up to three days of pre-party, tent setup, catering, audio and support trucks with incessant backup beeping followed by a day or two of tear-down activity. The neighbors literally are driven out of their homes during the spring auction and alumni events because of noise generated by the public address system. Forty more students driven to their campus by close to 40 more cars, which totals at least 160 car passes, will not make their already delicate oversaturated situation a better one.

Her house is opposite the proposed new parking lot, and when it was an illegal parking lot, the headlights came directly into her house. The lights from the school come directly into her house, and the lights in the huge building on Route 7 come into the back of her house, and as a result she has her shades pulled down most of the day.

Bonnie Dickenson said the map of the proposed parking lot doesn't show how Whipple Road slopes down. Her driveway slopes down from Whipple Road, and if it is a little icy and with a car going by every ten seconds, it is almost impossible to get out of her driveway. She really doesn't care about cutting down trees; the real issue is their quality of life.

She read a quote from a former Commission member, Richard Paulkner, at a prior application, "My guess is that when this matter came before this Commission many years ago, they probably used the restriction on both the overall number of students and the grade as a redundant means of trying to control the size of the school, because they recognized it was in a residential neighborhood on a street that was not a thoroughfare. If you believe that the current conditions that exist there today do not meet the standards that would otherwise be imposed if this had been a new application brought in, then I don't think we can give this the okay and simply say because it's not getting any worse we're going to give it our approval. If it doesn't meet the same standards and the same conditions that a brand new proposal would be forced to meet, it's not good enough that it doesn't make it any worse. No, it's got to be able to meet the standards that a new application would be forced to meet."

Mark Reifers, 9 Ivy Lane, said he is a contractor and is always thinking about safety. There are 350 elementary schools in Fairfield County and there is only one on a dead-end street as far as he can find. It just seems that either by statute or by common sense, if Whipple Road is closed off and there is a fire at that school, it is going to be a disaster. If they need an ambulance, if they need any kind of emergency, it is going to be horrendous. It is bad now and it will be worse if there are more kids.

Joe Bruno said he has lived at 12 Ivy Lane since 1984. In late October he and his neighbors were invited to meet with a few of the members of the Montessori School board where they informed them of their intention to apply for a permit to expand their enrollment and to expand their parking. The neighbors retained the services of an attorney, they hired a traffic engineer and they spoke to each other. Traffic was something that came up repeatedly. The engineer for the school advised that the street can easily accommodate the current traffic, as well as whatever additional traffic the proposed increase in enrollment will generate. Their engineer concurs. A road can accommodate a seriously large number of cars and trucks, but there are more important factors at play here, and he urges the Commission to listen to what he and his neighbors are saying and to turn down the application and limit the growth of the school to its present size.

There being no further comments from the Commission or the Public, at 10:03 P.M. the Hearing was continued to November 23, 2009.

(Whereupon a short recess was taken.)

REGULAR MEETING

- A. CALL TO ORDER
SEATING OF MEMBERS**

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Ms. Poundstone called the Regular Meeting to order at approximately 10:08 P.M. and seated members Ayers, Gould, Nabulsi, Poundstone, Osterberg, Rudolph and Wilson.

B. APPROVAL OF MINUTES

1. October 26, 2009 – Regular Meeting

MOTION was made by Mr. Wilson, seconded by Mr. Rudolph, and carried (6-0-1, with Ms. Ayers abstaining) to approve the minutes of the October 26, 2009 Regular Meeting as drafted.

C. SITE DEVELOPMENT PLAN REVIEW
(None)

D. ACCEPTANCE OF NEW APPLICATIONS

1. SDP, Rutkowski, 14 Spruce Drive To bring in 494 cu. yds of fill to level portion of back yard measuring approximately 140 x 40 feet.

Scheduled for December 14, 2009.

E. PENDING APPLICATIONS

1. CHZ#09317, Trygve Hansen and Muriel T. Hansen, 19 Cannon Road, Zone change from R-2A to DRB and the Cannon Crossing Overlay District

Continued to November 23, 2009.

2. SUB#901, Polito, 248 Sturges Ridge Road, 2-lot Subdivision

The Commission discussed draft Resolution #1109-1S. They amended condition #3 to add language that the parcel shall be maintained in perpetuity as conservation land, i.e. non-developable, and the property deed shall so provide.

Ms. Ayers said she was not present for the Hearing, but reviewed the minutes and listened to the recording.

MOTION was made by Mr. Nabulsi, seconded by Mr. Wilson, and carried (7-0) to approve draft Resolution #1109-1S as amended.

WHEREAS, the Wilton Planning and Zoning Commission has received a **Conservation Development** application **SUB#901** from Kevin O'Brien, for a two-lot subdivision located on 248 Sturges Ridge Road, in an R-2A District, Assessor's Map #5, Lot #23, 5.0 acres, owned by Ropo Nine, LLC and shown on the plans entitled:

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Subdivision Map prepared for Polito Builders, prepared by Dennis A. Delius, land surveyor, dated April 24, 2009, no sheet #, at a scale of 1"=30'.

Conservation Subdivision Map prepared for Polito Builders, prepared by Dennis A. Delius, land surveyor, dated April 24, 2009, no sheet #, at a scale of 1"=30'.

Subdivision Study Conservation Subdivision- Site Plan prepared for Ropo-Nine, prepared by Thomas S. Quinn, engineer, not dated but stamped received September 9, 2009, at a scale of 1"=30', sheet#S-1.

Subdivision Study Conservation Subdivision- Site Plan prepared for Ropo-Nine, prepared by Thomas S. Quinn, engineer, no original date, but revised September 29, 2009, at a scale of 1"=30', sheet#S-1.

Subdivision Study Conservation Subdivision- Site/Septic Plan-Lot 1 prepared for Ropo-Nine, prepared by Peak Engineers, LLC, engineers, dated September 29, 2009, at a scale of 1"=20', sheet#SI-1.

Subdivision Study Conservation Subdivision- Site/Septic Plan-Lot 2 prepared for Ropo-Nine, prepared by Peak Engineers, LLC, engineers, dated September 29, 2009, at a scale of 1"=20', sheet#SI-1/2.

Subdivision Study Conservation Subdivision- Notes and Details prepared for Ropo-Nine, prepared by Peak Engineers, LLC, engineers, dated May 5, 2009, not to scale, sheet#SI-2.

Subdivision Study Conservation Subdivision- Notes and Details prepared for Polito Builders, prepared by Thomas S. Quinn, engineer, dated May 5, 2009, not to scale, sheet#S-2.

Subdivision Study Traditional Subdivision- Site Plan prepared for Polito Builders, prepared by Thomas S. Quinn, engineer, dated May 5, 2009, at a scale of 1"=30', sheet#S-1.

Subdivision Study Traditional Subdivision- Notes and Details prepared for Polito Builders, prepared by Thomas S. Quinn, engineer, dated May 5, 2009, not to scale, sheet#S-2.

WHEREAS, the Planning and Zoning Commission has conducted a public hearing on October 12, 2009, and October 26, 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 and the Subdivision Regulations of the Town of Wilton;

NOW THEREFORE BE IT RESOLVED effective November 12, 2009 the Wilton Planning and Zoning Commission **APPROVES** the two-lot conservation development subject to the endorsement and filing of the record Subdivision Map, and subject to the following conditions:

A. GENERAL CONSIDERATIONS

1. It is the responsibility of the applicant to obtain any other permits or licenses required by law or regulation. Governing bodies which may have jurisdiction include the Town of Wilton; the State of Connecticut or the United States Government.
2. No equipment or material shall be deposited, placed or stored in any wetland or water course, on or off site unless specifically authorized by an Inland Wetlands Permit.
3. Housing numbers shall be as follows:
 - a. Lot 1 shall remain 248 Sturges Ridge Road, (Map#5 Lot#23)
 - b. Lot 2 shall become 242 Sturges Ridge Road, (Map#5, Lot#23-1)
 - c. The parcel designated as conservation land shall become referred to as (Map#5, Lot#23-2). Said land shall be maintained in perpetuity as conservation land and shall be non-buildable. The property deed shall so provide.

B. CONDITIONS PERTAINING TO BOTH LOTS

4. Driveways shall be clearly marked to facilitate rapid identification by emergency vehicles.
5. Fuel oil tanks shall only be located above ground or within a basement.
6. The applicant shall employ all reasonable measures to ensure that any use of explosives during construction of either lot does not damage neighboring properties.
7. All existing stone walls and existing trees and shrubs shall be preserved to the fullest extent possible.
8. The site plan for both lots shall be in accordance with the applicant's approved site development plans for a conservation subdivision and not for a traditional subdivision.
9. Any change deemed significant in the discretion of the Planning and Zoning Department staff in the build-out of each lot or location and design of infrastructure improvements associated with this application shall be subject to the review and approval of the Commission.

10. Unless otherwise approved by the Planning and Zoning Department staff, all site disturbance shall be performed in a manner as indicated on the grading plan.
11. There shall be no construction activities on the site on Sundays or holidays. The hours of construction shall be within the hours of 7:00 am and 5:00 pm Monday through Friday and 8:00 am and 5:00 pm on Saturdays. Such restrictions shall not apply to interior work performed within individual houses.
12. Final plans shall be updated to include the Health Department certification block pursuant to Section 3.315 of the Subdivision Regulations.
13. A copy of this resolution shall be given to the project manager of each lot and shall be available on site during construction.

C. PRIOR TO FILING OF FINAL SUBDIVISION MAP

14. The Final Subdivision Plan shall be revised to include the following:
 - a. The address designation within each approved lot as specified herein.
 - b. The note: “Water supply wells shall be constructed and approved after foundation completion but prior to continuation of house construction”.
 - c. The note: “Subdivision #901 for conditions of approval see Resolution #1109-1S
 - d. The subdivision map shall be filed within 90 days following expiration of the appeal period, unless the applicant obtains an extension from the Planning and Zoning Commission.
 - e. The applicant shall provide the Planning and Zoning Department with an electronic copy of the subdivision plan prior to the recording of said plan with the Town Clerk.

D. SUBSEQUENT TO FILING OF THE FINAL SUBDIVISION MAP

15. The applicant shall, within thirty (30) day of the filing of the Final Subdivision Plan, submit the following:
 - a. Eight (8) paper prints of the filed subdivision plan with the Town Clerk’s notations. Said prints shall be signed and embossed by all the appropriate consultants/engineers.
 - b. The record subdivision map shall indicate all watercourses and wetlands on the three lots and shall delineate the limit of disturbance on each lot.
 - c. A Mylar reduction of the approved Subdivision Plan at a scale of 1"=800'.
 - d. Four (4) copies of all other plans and documents as specified herein. Said plans and documents shall bear the seal, signature and license number of the registered professional(s) responsible for preparing appropriate sections of the plans and documents.

E. PRIOR TO THE ISSUANCE OF A ZONING PERMIT

16. Prior to obtaining a zoning permit for the re-development of either lot, the applicant shall submit a site plan for review by the Commission's staff. Each site plan shall include a tree and stone wall preservation plan. Such plan shall locate trees with a diameter (caliper) over 16" within the buildable area and 10" diameter (caliper) within the setback areas and the location of stone walls. The plan shall explain why any such tree or stone wall is not being preserved, and shall explain alternate plans that have been considered. All trees and stone walls included in the tree and stone wall preservation plan must be protected during the construction phase and thereafter. The applicant shall replace the trees if any evergreen trees along the Sturges Ridge Road right-of-way are removed with replacement trees. The type, size and location of such trees shall be subject to Planning and Zoning staff review and approval.
17. All disturbed areas, including areas where trees are to be removed, shall be clearly delineated through the use of either silt or construction fencing prior to the commencement of any site activity. Delineation of such areas shall be subject to staff approval prior to the commencement of any site work and may require delineation to be performed by a licensed surveyor.
18. The applicant shall submit documentation that both lots are in conformance with Section 29-4.B.7.c. prior to receiving a zoning permit.
19. The proposed storm drainage and various details, including the location outfall for the infiltrators and the footing drains for both lots shall be modified so as to minimize potential off-site impacts. The revised plans shall be subject to review and approval by the Town's engineer prior to receiving a zoning permit.
20. The locations and proposed plans for the existing water supply well and septic system shall be noted on the revised site development plan and shall be subject to review and approval by the Town's engineer prior to receiving a zoning permit.
21. Zoning permits involving new construction for each individual lot shall be accompanied by a hydrology report prepared and stamped by a Connecticut-licensed engineer if the proposed site development plan differs substantially from the plans approved by the Planning and Zoning Commission. Any changes to the site plan and/or hydrology report shall conform to standards set forth in the zoning regulations and subdivision regulations.
22. The Declaration of Conservation Development Restrictions shall be subject to review and approval by the Town's Counsel prior to receiving a zoning permit.
23. A bond estimate for all site work shall be provided by the applicant to the Commission's staff, which shall include, but not be limited to sedimentation and erosion controls, tree protection, stormwater drainage, re-grading, seeding and a 10% contingency. Such amount shall be approved by the Commission's staff. The bond shall be in a form and amount with proper surety satisfactory to the Commission's Land Use Counsel and shall be submitted prior to any site

disturbance.

F. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE

24. All new utilities for each developed lot (2) shall be installed underground prior to the issuance of a certificate of zoning compliance.
25. All lot corners shall be pinned and verified by the applicant's Land Surveyor and shall be submitted prior to obtaining zoning compliance for each lot.
26. An as-built plan showing the location of the installed infiltrators as depicted on the approved site development plan shall be submitted prior to zoning compliance for each lot. The engineer of record shall inspect the construction process and, upon completion, provide a letter and an as-built plan certifying that the site detention system has been installed as per the approved site development plan prior to obtaining zoning compliance for each lot.
27. Prior to the issuance of a zoning certificate of compliance, a document outlining the procedures for the maintenance of the on-site detention system shall be submitted to the Planning and Zoning Department for review and approval. Said document shall be recorded in the land records for each lot.

-END RESOLUTION-

3. SUB#902, Gaboriault, 1031 Ridgefield Road, 2-lot subdivision

Resolution will be prepared for November 23, 2009.

4. REG#09318, Amend zoning regulations to establish zoning provisions pertaining to the location of retail package stores selling alcoholic beverages

Continued to November 23, 2009

F. COMMUNICATIONS

2. Historic District Commission, Expansion of Historic District #6.

Continued to November 23, 2009

G. REPORT FROM CHAIRMAN AND COMMISSION MEMBERS

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H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

J. ADJOURNMENT

MOTION was made by Mr. Wilson, seconded by Ms. Ayers, and carried (7-0) to adjourn at 10:15 P.M.

Respectfully submitted,

Karen Pacchiana
Recording Secretary