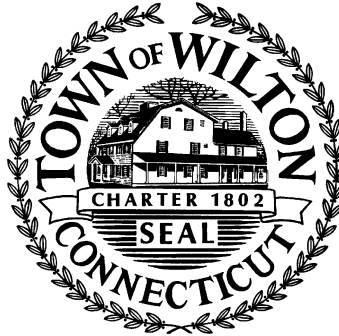


PLANNING & ZONING
COMMISSION
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TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

**WILTON PLANNING & ZONING COMMISSION
PUBLIC HEARING/REGULAR MEETING
MINUTES – NOVEMBER 23, 2009**

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

ABSENT: Commissioners Eric Osterberg and Michael Rudolph (notified intended 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

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

The agenda was scrambled to first address Public Hearing Item #3, SP#191E.

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

Ms. Poundstone said a letter had been received from the applicant requesting that the hearing be continued to December 14th, so they will not be taking testimony or hearing witnesses. She asked the Secretary to read the documents they have received into the record.

Mr. Nabulsi read for the record a letter dated November 18, 2009 from Gregory and Adams, a letter dated November 9, 2009 from Mark Reifers; a memorandum dated November 13, 2009 from Bob Nerney, Town Planner with attachment; a document entitled Exhibit A, Stormwater Facilities Maintenance Plan; a letter dated November 20, 2009 from Gregory and Adams; a letter dated November 19, 2009 on the letterhead of Frederick P. Clark Associates Inc.; a letter dated November 18, 2009 from Gregory and Adams; and a letter dated November 19, 2009 from Gregory and Adams with an attachment of a warranty deed.

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

Ms. Poundstone called the Public Hearing to order at approximately 7:18 P.M., and seated members Ayers, Bayer, Gould, Nabulsi, Poundstone, Pratt and Wilson.

Present for the applicant was Attorney Casey Healy. He said at the last hearing one of the Commissioners had asked what is the actual building envelope. He posted a copy of the Ryan and Faulds' survey showing the setbacks and pointed to a long rectangular piece which he said is 2.158 acres. There is an existing former residence on the property that is used as an office.

He explained what is highlighted in yellow is the building setback lines for the DRB zone. To the west is the property formerly owned by Mr. and Mrs. Hansen on which the ABC House is located, and those setbacks are much longer because that property is zoned residential. To the east is the State of Connecticut Department of Transportation property, and the setbacks are less. It is a relatively small building envelope and the ability to achieve the 20% building coverage and the 80% site coverage set forth under the DRB regulation would be nearly impossible.

He said the blue line on the map represents the upland review area. Also shown is a stream channel encroachment line that goes through the property. The property is located in an aquifer protection zone, and there is a flood zone at the rear of the property, so it is not a large building envelope.

Mr. Healy said driveways are prohibited in a DRB zone. If they were to relocate the driveway, they would have to have a 50' buffer from the residential zone or ask for relief under the landscaping provisions. The parking setbacks for DRB are 60' from the residential district and 10' from the side and rear yards. The parking setback from the front yard is not indicated, although if there is no parking in the front yard he believes they can get some relief on the building setback.

Another question posed at the last hearing was does the applicant have an idea of what they want to do on the property. There used to be a barn, but the barn fell apart over time. In 1988 the Hansens had Architect John Gardiner Coffin prepare plans to recreate the dairy barn, and those plans were approved by the Commission under a Special Permit, but the Special Permit expired before the Hansens constructed the barn. They would now like to build a dairy barn within the buildable area shown on the map. He handed out architectural plans showing the proposed barn.

The applicant cannot construct the barn under the adaptive use regulations as it only allows for 10% or less new construction, exclusive of the basement area. When the dairy barn was originally approved, the Commission made a finding that sufficient material still remained so that it didn't qualify as "new construction." However, when that approval expired and the Hansens came back later, the next generation of the Commission did not make that finding. Its view was it is really a re-creation, not rebuilding the actual dairy barn.

Mr. Healy said while the appearance of the proposed structure is that of a dairy barn, it would actually be offices and whatever else would fit in DRB, depending on the needs of the tenant. The proposed building will be approximately a 4,000 square foot footprint on two floors, so 8,000 square feet total. Mr. Nerney noted that 8,000 square feet of office would generate the need for

about 27 parking spaces.

Ms. Gould asked if the applicant had considered a different kind of application that might require a significant change in the regulations on adaptive use and allow the placement of the barn in a manner that is more historically appropriate and provide a better use of the building and the site.

Mr. Healy said it is difficult to answer the question without having some idea what the draft regulation might be. It would have to be a significant change to adaptive use, almost like going to a second generation of adaptive use. Another thing they could contemplate is creating a Cannon Crossing District with regulations similar to those in Wilton Center. Both are significant regulation changes, which take time, but if the Commission was going to go in another direction that would achieve the applicant's goal, they certainly would be willing to consider it.

Mr. Nabulsi observed that it seems infeasible to get anywhere near the 80% coverage given all the constraints, and he is wondering how much coverage could be achieved on the property. Mr. Healy said they would have to study that further and get back to them. They have started with the building, and they will add parking and do some calculations in connection with that.

Ms. Gould reminded the Commissioners that a zone change is the most significant thing the Commission ever does, and they should look at this as a domino effect, that if this property is rezoned, they can very quickly anticipate that other properties that were part of the original Cannon Farm, as well as the property across the street, are going to come in. While she is sympathetic to the desire to recreate the barn, she is questioning the method in which it is being done because of the effect it will have over the course of the next several years.

Mr. Nerney suggested doing a gravel parking area, which would provide for additional pervious surfaces and reduce the hard look that pavement brings to a site.

Mr. Bayer said he would be interested as to the applicant's position on whether they would be able to continue to use the parking that is behind the existing office building as a matter of right.

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

There being no further comments, at 7:58 P.M. the Hearing was continued to December 14, 2009.

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

Mr. Bayer recused himself from the Hearing.

Ms. Poundstone called the Public Hearing to order at approximately 7:58 P.M., and seated members Ayers, Gould, Nabulsi, Poundstone, Pratt and Wilson.

Ms. Poundstone noted that the deadline for SWERPA to reply has passed, so she thinks they can safely feel that SWERPA is not concerned about the action the Commission may take.

Ms. Pratt said her reason for wanting 50' from the ABC House was out of respect for the kids who are in the dormitory and are only there because they go to Wilton schools. ABC competes for students to come to Wilton schools, and she was concerned that having a package store adjacent to either of the ABC houses would be a detriment to a program like that in recruiting students. She noted that one of the public comments indicated that 50' wasn't far enough, but extending that separation would effectively close off the downtown area to retail package stores and impact the ability of merchants to thrive.

Mr. Nabulsi said he is concerned that there would be a procedural issue with the inclusion of the 50' spacing as that restriction did not exist in the noticed regulation.

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

After further discussion, the Commissioners voted 7-0 to close the Hearing and continue discussion as a Commission later in the meeting.

There being no further comments from the Commission or the Public, at 8:09 P.M. the Hearing was closed.

4. SUB#903E, Keene, 388 Sturges Ridge Road, 4-lot subdivision

Ms. Poundstone called the Public Hearing to order at approximately 8:10 P.M. and seated members Ayers, Bayer, Gould, Nabulsi, Poundstone, Pratt and Wilson. Mr. Nabulsi read the legal notice for the record, a Planning and Zoning Staff Report dated November 19, 2009; a memorandum from the Fire Marshal, David Kohn, dated November 17, 2009; a memorandum from Michael Ahern, Field Engineer, dated November 19, 2009; and a memorandum from the Conservation Commission dated November 9, 2009.

Present for the applicant was Attorney Casey Healy. He posted a property survey prepared by Ryan and Faulds showing the current configuration of the property, which is 12.977 acres. It is improved with a residence, barn, and a pool. It is bounded on the north and south by a conservation area. The applicant is proposing to subdivide the existing property into four lots. Lot one is the existing lot, and then they are stacking three lots to be served by a common driveway off of Sturges Ridge Road south of the existing driveway. They are proposing three acres of open space that will wrap around the houses, and provide connectivity to the conservation areas as well as a wildlife corridor.

The property has been in the Keene/Williams family since December 9, 1864. It was a small piece of many properties owned by the Andrews and Lockwood families. Mr. and Mrs. Keene are married. Mrs. Williams is Mr. Keene's sister. Their mother's maiden name was Lockwood, and they have named the subdivision Lockwood Farms in honor of her.

Wetlands are located southerly and back towards the conservation area. They have filed an application with the Inland Wetlands Commission, but the public hearing was delayed until December 10th due to an error in the publication of the legal notice. Accordingly, they will have

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to ask that this Hearing be continued. They received the Planning and Zoning Staff Report, the memorandum from the Fire Marshal and Field Engineer Ahern's memorandum to the Commission, and they will file formal responses to each prior to the continued Public Hearing.

Steven Trinkaus, licensed professional engineer, explained that the site is an existing estate. He pointed to the northernmost boundary on the map, and said the three houses will be located right above the wetlands area, which is open meadow. A common driveway will service the three new houses. The prospective buyer has chosen the location for the two houses on lots 2 and 3, and lot 4 will be tucked into the hillside to keep the development away from the upland review area.

They are utilizing several methods for treatment of the stormwater on the site. There are very sandy, loamy soils on the property which infiltrate water well, and they are proposing two rain gardens for the roof drains for the three houses. A rain garden is a small depression about a foot deep. It can be planted with grasses, shrubs or perennial flowers. The water runs in, temporarily ponds about two or three hours and drains into the soil, so there is no surface water runoff. Another benefit is any pollutants that fall on the roof area are removed by the plants, so the water ultimately getting down into the wetlands is cleaner than what it would have been otherwise.

Typically a driveway has a crown to it and water runs off left or right. In this case the driveway is designed to pitch toward an 8" filter strip along the southern side of the driveway. The topsoil is slightly lower than the pavement, so the water sheets off into the grass and dissipates. It is mowed like a lawn and requires a little weeding and mulching, just like a landscape bed around your house. This method was used on a project in Southbury and there has never been an icing problem. Similarly, it filters runoff and removes pollutants.

The builder's plans show parking courtyards in front of the homes, which will be on a pervious base of sand and gravel, a process stone layer of pea gravel, and then pavers, and any runoff that falls on the pavers will infiltrate through the sand and gravel and into the ground. With all the measures they are proposing, there will be no runoff down towards the wetlands during a rainfall event. The water will infiltrate into the soil and be cleansed of pollutants.

Mr. Trinkaus said the location of the primary and reserve septic systems have very well-drained soils, and will not require any select fill under the Health Code.

The trees that are circled on the map are close to the construction limits and an orange poly fence will be installed to protect them during construction. A couple of cedars along the driveway will be removed. The other trees are shown on the map and will remain.

Ms. Gould pointed out that the area has been a meadow for a very long time, and the Conservation Commission suggested that it continue as a meadow as much as possible. Mr. Healy said they had not received the Conservation Commission memo, but they will take a look at it and speak to the Keenes. If the Commission is suggesting that all of the yard area be left as meadow, he doesn't think that is realistic.

Mr. Bayer pointed out that the plans are feasibility studies to show that the property can

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withstand the potential development, and asked whether the applicant is willing to have as a condition of approval the use of the rain gardens. He said they normally receive a lot more information with regard to stormwater runoff than is in the application, and he thinks it is important for the Commission to evaluate what could potentially be done to the property if it ends up in somebody else's hands.

Mr. Healy said he assumed that the Commission was going to so condition it. With regard to the maintenance of the rain gardens, it would be their intent to have a formal landscaping agreement to maintain them. The drainage plan is as proposed, and they were looking to have that part of the feasibility plan approved.

Mr. Bayer asked if the Town's engineer looked at the drainage plan and gave an opinion. Mr. Trinkaus said he will review the memo and prepare a response before the next hearing.

Mr. Nerney commented that the low impact development design is good, but there is no real mechanism to ensure its maintenance. Rather than a condition, it might be stronger, if the Commission is inclined to approve the application, to have the applicant proffer some sort of agreement or recorded easement, otherwise they would be conditioning something based upon something that doesn't appear in the subdivision regulations.

Mr. Healy said he doesn't think the proposed plan is any different than the one they proposed on Edith Lane where there was a significant drainage facilities plan. In that case the Commission conditioned its approval on their submitting maintenance agreements and easements.

Mr. Trinkaus said he will provide Casey with an agreement that they used on a rain garden project in Ridgefield, which was drafted by Bill Hennessey, an attorney in Stamford.

Ms. White asked if the proposed filter strip posed a safety problem for kids riding their bicycles. Mr. Trinkaus said there is a very small difference from the driveway to the filter strip, and a kid riding a bike and driving onto the lawn is not going to notice anything.

Mr. Trinkaus said the drainage systems for the three lots are all independent. They are sized for the roof area of the proposed houses, and if the footprint changes during the permitting time, the rain garden calculations will be redone. He explained that the annual rainfall in this part of Connecticut is about 51", and 90% of that, or about 44", comes in rainfalls of one inch or less. The other 7" are storms of about an inch and a half or two inches. Most of the rain gardens can handle a 3" to 4" rain storm in a 24-hour period. Mr. Bayer said he thinks they need some documentation in the record which would show the peak events.

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

Harry Somerdyke, 381 Sturges Ridge Road, said he lives directly across from the planned development. The property is an aesthetically pleasing area, and because of the connectivity of the two conservation areas, it is filled with wildlife that traverses their property on a regular basis. There is a significant grade from the existing house down to the back of the meadow in terms of elevation, and he would encourage the Commission to be very cognizant of the

development and the potential impact it might have on the wetlands.

Mrs. Hyatt, 350 Sturges Ridge Road, said her property adjoins this lovely property, and she is concerned about the water runoff. Mr. Trinkaus said, basically, the runoff is going to infiltrate into the ground, and will come through the soil into the water table of the wetland itself.

Brian Lasher, 28 Heritage Court, said he thinks they are trying to put too many houses on the property. He suggested the way to have an effective drainage plan is to build fewer houses and keep more of the existing meadows. He pointed out that there are approximately 170 houses for sale in Wilton, with at least half a dozen on Sturges Ridge, and he questioned the need for an additional three houses. For the protection of their property values he would want to see the existing inventory cleared before additional subdivisions are planned.

Mr. Nabulsi observed that the connection between the two conservation areas is a relatively thin sliver and asked if it has been laid out in the optimal way. Mr. Healy said they think it has. They met with Director Sesto of the Wetlands Commission, and she said she did not think the original connectivity was of sufficient width, so they widened it to 40'. She was in favor of the design of clustering the houses as there would be less development towards the wetland.

Mr. Nabulsi pointed out that the applicant is proposing a 23% open space commitment when the regulations only require 12%, and he thinks that is a powerful contribution to the community.

Mr. Nerney said it seems like there has been a lot of qualitative commentary brought forward regarding drainage, but to Mrs. Hyatt's point, they should have more of a quantitative analysis, and he thinks the Field Engineer also pointed that out.

He noted that leaving the proposed driveway is a little tricky because of a large tree, and asked if the site distances for exiting vehicles was based upon the formula in the town's regulations. Mr. Trinkaus said it is in accordance with the regulations, and it does work.

There being no further comments from the Commission or the Public, at 8:53 P.M. the Hearing was continued to December 14, 2009.

REGULAR MEETING

A. CALL TO ORDER SEATING OF MEMBERS

Ms. Poundstone called the Regular Meeting to order at approximately 8:54 P.M. and seated members Ayers, Bayer, Gould, Nabulsi, Poundstone, Pratt and Wilson.

B. APPROVAL OF MINUTES

1. November 9, 2009 – Regular Meeting

MOTION was made by Mr. Wilson, seconded by Ms. Ayers, and carried (5-0-2, with Mr. Bayer,

and Ms. Pratt abstaining) to approve the minutes of the November 9, 2009 Regular Meeting as drafted.

2. November 2, 2009 – Plan of Conservation and Development

MOTION was made by Mr. Wilson, seconded by Ms. Ayers, and carried (5-0-2, with Mr. Bayer and Ms. Gould abstaining) to approve the minutes of the November 2, 2009 Plan of Conservation and Development Meeting as drafted.

C. SITE DEVELOPMENT PLAN REVIEW
(None)

D. ACCEPTANCE OF NEW APPLICATIONS

E. COMMUNICATIONS

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

(At the suggestion of Mr. Nerney item E-1 was moved ahead on the agenda.)

Present from the Historic District Commission was Carol Russell, member; Janet Foster, Chairman; and Marian Wulffleff, Vice Chairman.

Ms. Russell described the process when property owners come to the Commission with a concern about preserving their neighborhood, which is what happened in Georgetown Historic District # 6 when the Historic Commission was approached by property owners on Church Street, New Street, New Street Extension and New Street Terrace. The initial boundaries were drawn and a group of 20 properties were sited in the proposed expansion area. Fourteen of the properties are already on the National Register of Historic Places, which gives them honor and really means worthy of protection, but there is nothing in the National Register Listing that will protect them, so they came to the Commission.

The Commission held two or three meetings with the neighbors. The neighbors were sent letters and information on what it means to be in the Historic District. That was followed up with a post- card asking the property owners if they were in favor of it, or if they had questions or wanted more information. About 8% responded that they still had questions, and they were invited to another meeting and in some cases a phone call was made. The Commission then developed its report.

According to their statute, the report is given to the Planning Board, and they also send it to the State. P&Z has the opportunity to comment and make suggestions, as does the State. On November 30th they will send all property owners the report, and encourage them to come to the

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Public Hearing and make comments or ask questions. After they hold the public hearing, they have a vote and the Town Clerk's office sends out ballots. There must be two-thirds approval in order to go beyond that point. If they have two-thirds or more approval, they send the proposal to the Board of Selectmen, who hold a public hearing, so again the property owners may come and tell the Selectmen what their point of view is. The Board of Selectmen has the final decision and can take whatever time they need. The only way it becomes a Historic District is when the Board of Selectmen vote by a majority to approve the Historic District.

Mr. Bayer remarked that the Gilbert and Bennett School is a very strategic piece of property and a very significant asset of the Town, and he is concerned that if it is included in the Historic District and the district is approved, that it would restrict the redevelopment of the property.

Ms. Foster said the Commission reviews any proposed changes that are visible from a public right-of-way and, if approved, they issue a Certificate of Appropriateness. If denied, the applicant needs to make what they are doing appropriate. Ms. Russell said the Historic District Commission has been in existence since 1963 and they have never denied an application.

Ms. Ayers said she thinks the small houses should be preserved. Wilton has a need for small houses as there are not enough of them, and to put them into a historic district gives them a status that they deserve. However, she would not recommend that the property the Town owns, including the two houses and the school property, be part of the Historic District.

Mr. Nerney observed that most properties within historic districts are residential. The school property is certainly an integral part of the Georgetown area, and he would hope that whatever policy decisions are made, that consideration is given to the architectural history of the site.

Ms. Gould said she thinks the Town of Wilton is responsible for taking care of the Gilbert and Bennett building and preserving it in the best way possible, and she thinks to lose that property would be a terrible blow to the entire Georgetown community.

Ms. Foster said it is clear the Commissioners have comments, and she asked that they review the study and send their comments to the Historic District Commission in writing.

Mr. Wilson said he thinks the reply should indicate that there is not a consensus among the Commissioners, that they have somewhat differing views. He said he thinks there should be some architectural review of what is done with the Gilbert and Bennett School, and it should not be just a steel and glass building that is completely out of character with the environment.

Mr. Nabulsi said there are at least two views that were put forth by the Commissioners and the Commission's written response should indicate that. One is the desire that the Town be good custodians and respect historical context, and the other view that was noted is the implications of the Town-owned asset and any restrictions that might be placed on its development. There is unanimity to the remainder of the proposal.

Ms. Poundstone said she will meet with Bob and put together a response.

F. **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 December 14, 2009.)

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

The Commission discussed draft Resolution #1109-2S.

MOTION was made by Ms Gould, seconded by Mr. Nabulsi, and carried (6-0-1 with Ms. Pratt abstaining) to approve draft Resolution #1109-2S.

WHEREAS, the Wilton Planning and Zoning Commission has received a **Subdivision** application **SUB#902** from Peter Gaboriault, for a two-lot subdivision located on 1031 Ridgefield Road, in an R-2A District, Assessor's Map #109, Lot #7, 4.57 acres, owned by Middlebrook Lane Associates, LLC and shown on the plans entitled:

Vicinity Sketch prepared for Middlebrook Lane Associates, LLC, prepared by Roger A. Stalker, land surveyor, dated September 19, 2009, sheet #1 of 3, at a scale of 1"=100'.

Subdivision Map prepared for Middlebrook Lane Associates, LLC, prepared by Roger A. Stalker, land surveyor, dated August 28, 2009, last revised October 23, 2009, sheet #2 of 3, at a scale of 1"=50'.

Existing Conditions Map prepared for Middlebrook Lane Associates, LLC, prepared by Roger A. Stalker, land surveyor, dated August 28, 2009, last revised October 23, 2009, sheet #3 of 3, at a scale of 1"=50'.

Site Development Plan prepared for Middlebrook Lane Associates, LLC, prepared by Holt W. McChord, engineer, dated October 1, 2009, last revised November 3, 2009, sheet #SE1, at a scale of 1"=40'.

Construction Notes and Details prepared for Middlebrook Lane Associates, LLC, prepared by Holt W. McChord, engineer, dated October 1, 2009, last revised November 3, 2009, sheet #SE2, not to scale.

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

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

NOW THEREFORE BE IT RESOLVED effective November 26, 2009 the Wilton Planning and Zoning Commission **APPROVES** the two-lot subdivision 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:
 - Lot 1 shall remain 1031 Ridgefield Road, (Map#109 Lot#7)
 - Lot 2 shall become 15 Fullin Lane, (Map#109, Lot#7-1)

B. CONDITIONS PERTAINING TO UNDEVELOPED LOT#2

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. All existing stone walls and existing trees and shrubs shall be preserved to the fullest extent possible.
7. Any change deemed significant in the discretion of the Planning and Zoning Department staff in the build-out of Lot #2 and design of infrastructure improvements associated with this application shall be subject to the review and approval of the Commission.
8. The applicant, contractor and Planning and Zoning Department staff shall have a pre-construction meeting in order to ensure compliance with Planning and Zoning Commission requirements. Said meeting shall be conducted prior to the commencement of any site work including tree cutting and/or land clearing; the results of which shall be to the full satisfaction of the Planning and Zoning Department staff.
9. 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.
10. 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.
11. Final plans shall be updated to include the Health Department certification block

pursuant to Section 3.315 of the Subdivision Regulations.

12. 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

13. 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 **#902** for conditions of approval see Resolution **#1109-2S**”
 - 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

14. 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 two 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

15. Prior to obtaining a zoning permit for the development of Lot #2, the applicant shall submit a site plan for review by the Commission’s staff. The 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.
16. 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.
 17. The site plan and storm-water drainage for Lot #2 shall be in accordance with the applicant's approved site development plans entitled Site Development Plan prepared for Middlebrook Lane Associates, LLC, prepared by Holt McChord, engineer, dated October 1, 2009, last revised November 3, 2009, sheet #SE1, at a scale of 1"=40'.
 18. The site plan and storm water drainage shall be subject to review and approval by the Town's engineer prior to the issuance of a zoning permit.
 19. The applicant shall fully stake and delineate the limits of site disturbance for each lot. Delineation of staked areas shall be reviewed and inspected by Planning and Zoning staff prior to the issuance of a zoning permit.
 20. Zoning permits involving new construction for Lot#2 shall be accompanied by a Storm Water Management report prepared and stamped by a Connecticut-licensed engineer if the proposed site development plan differs substantially from the submitted stamped engineering plans reviewed by the Planning and Zoning Commission. Any substantial deviation from the submitted and approved plans shall be subject to the submittal of a revised hydrology report to the Planning and Zoning Department staff. Any changes to the site plan and/or hydrology report shall conform to standards set forth in the zoning regulations and subdivision regulations.
 21. 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, regrading, 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.
 22. The driveway easement for Lot #2 shall be subject to review and approval by Town Counsel and shall be filed with the Town Clerk prior to the issuance of a zoning permit.

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

23. All new utilities for each Lot #2 shall be installed underground prior to the issuance of a certificate of zoning compliance.
24. 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.
25. 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 hydrology report and site plan.
 26. 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. REG#09318, Amend zoning regulations to establish zoning provisions pertaining to the location of retail package stores selling alcoholic beverages

Commissioner Bayer recused himself.

The Commission discussed draft Resolution #1109-1REG.

Ms. Poundstone called for a straw vote as to whether the Commission wants to adopt the resolution minus the three references in Section 29-6.a.3.r(2)c, Section 29-6.B.3.w(2)c and Section 29-6.C.4.n(2)) to the 50' separation, which straw vote carried 6-0.

Mr. Nabulsi said he thinks the final clause in the Wilton Center District, paragraph 4, is no longer applicable because they have deleted paragraph 2.

MOTION was made by Ms. Gould, seconded by Mr. Wilson, and carried (6-0) to approve the Resolution to change the regulations of the Planning and Zoning Commission to regulate package stores, absent the references as already stated, to the 50' separation regarding residential facilities and the final paragraph 4, with the effective date being December 7, 2009.

WHEREAS, the Wilton Planning and Zoning Commission accepted application #09318 for amendments to the Zoning Regulations of the Town of Wilton for purposes of regulating the location of package stores selling alcoholic liquor products; and

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

WHEREAS, in accordance with C.G.S. §8-3b the Planning and Zoning Commission has notified the South Western Regional Planning Agency and the Housatonic Valley Council of

Officials and has appropriately considered any and all commentary from such agencies; and

WHEREAS, the Planning and Zoning Commission has determined that the amendments are consistent with the Plan of Conservation and Development.

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission APPROVES application #09318 effective December 7, 2009 as follows:

Section 29-2.B.107. (new – recodify subsequent definitions)

107. **PACKAGE STORE:** A space located within a fully-enclosed building used exclusively for the retail sale of alcoholic liquor and permitted ancillary products as set forth in Chapter 545 of the Connecticut General Statutes.

Section 29-6.A.3.r. (Design Retail Business District “DRB” – new)

Package Stores subject to the provisions of Section 29-10 and the following requirements:

- (1) All sales and display of products shall be conducted within a fully enclosed building.
- (2) A package store shall not be allowed within:
 - a. 500 feet from the property line of any parcel comprising a public or private school building, or
 - b. 500 feet from the property line of any parcel comprising a place of worship.
- (3) Ancillary activities or services, including but not limited to the storage and/or sale of ice and the storage of recycled containers, shall be conducted within the package store building.
- (4) Subparagraph 2 herein above, shall not be applied in a retroactive manner to any package store lawfully established in accordance with these regulations and the laws of the State of Connecticut.

Section 29-6.B.3.w. (General Business District “GB” – new)

Package Stores subject to the provisions of Section 29-10 and the following requirements:

- (1) All sales and display of products shall be conducted within a fully enclosed building.
- (2) A package store shall not be allowed within:
 - a. 500 feet from the property line of any parcel comprising a public or private school building, or
 - b. 500 feet from the property line of any parcel comprising a place of worship.

- (3) Ancillary activities or services, including but not limited to the storage and/or sale of ice and the storage of recycled containers, shall be conducted within the package store building.
- (4) Subparagraph 2 herein above, shall not be applied in a retroactive manner to a package store lawfully established in accordance with these regulations and the laws of the State of Connecticut.

Section 29-6.C.4.n. (Wilton Center District “WC” – new)

Package Stores subject to the provisions of Section 29-10 and the following requirements:

- (1) All sales and display of products shall be conducted within a fully enclosed building.
- (2) Ancillary activities or services, including but not limited to the storage and/or sale of ice and the storage of recycled containers, shall be conducted within the package store building.

Ms. Pratt asked for a straw vote to see if the Commissioners feel that there should be some minimum distance between the educational residential facilities they have in Town and a package store, which carried (4-0).

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

(Continued to December 14, 2009)

5. SUB#903, Keene, 388 Sturges Ridge Road, 4-lot subdivision

(Continued to December 14, 2009)

G. REPORT FROM CHAIRMAN AND COMMISSION MEMBERS

Ms. Poundstone referred to a document received from Lewisboro/South Salem, New York. The Commissioners agreed they had no problem with it.

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

J. ADJOURNMENT

MOTION was made by Mr. Wilson, seconded by Mr. Nabulsi, and carried (7-0) to adjourn at 9:50 P.M.

Respectfully submitted,

Karen Pacchiana
Recording Secretary