

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

WILTON PLANNING & ZONING COMMISSION MINUTES JANUARY 25, 2010 REGULAR MEETING

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

ABSENT: John Wilson (notified intended absence)

ALSO

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

PUBLIC HEARINGS

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

Ms. Poundstone called the Public Hearing to order at 7:15 P.M., seated members Ayers, Bayer, Osterberg, Poundstone, Pratt, and Rudolph, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Ms. Poundstone noted that the hearing was continued from a previous date.

Present were J. Casey Healy, attorney; John Owen and Steve Kranzlin, Montessori School board members; Michael Galante, traffic engineer; Steve McAllister, civil engineer; and Kate Throckmorton, landscape architect.

Mr. Healy provided a brief review of the application, noting that the applicant wishes to increase enrollment from 230 to 270 students in its pre-kindergarten to sixth grade programs; to construct additional parking on what was formerly 22 Whipple Road; and to remove head-in parking along Whipple Road on the southern end of the site. He stated that the applicant does not wish to increase floor area of the school or add seventh/eighth

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grade student classes.

He noted that responses to Wilton Field Engineer Mike Ahern and Planning and Zoning staff issues/concerns were submitted, along with additional lighting details, a list of events held at the school, and a depiction of accurate distances from the school doors to existing as well as proposed parking. He noted again that the level of service at the site, from a traffic perspective, will remain the same.

At 7:20 P.M., Ms. Gould was seated.

Mr. Owen, a member of the Montessori School Board and Co-Chairman of the Building and Grounds Committee, presented a history of the school, focusing primarily on three issues that were raised at the last hearing: 1) growth of the school; 2) presence of middle school students on the site; and 3) scheduled events throughout the year.

With respect to growth of the site, Mr. Owen disputed the allegation made by opposing neighbors that the school has an “expansionist policy”. He distributed hand-outs and posted an aerial view of the site, noting that the school, during its tenure on the site, had purchased only one parcel of land (in 1998), had tried unsuccessfully to purchase another parcel of land thereafter, and did not make any attempts to buy two other parcels that came on the market in 1999. He cited three additions to the site of 2100 square feet, 480 square feet and 1620 square feet in 1988, 1996, and 2001, respectively, all of which he felt were small relative to the overall size of the existing buildings and acreage.

With respect to growth in enrollment, he explained that the school does not wish to grow any larger than 270 students, citing a potential loss of intimacy if enrollment numbers were to grow too large, nor does it wish to expand its current age range, noting that it currently has a dedicated middle school located in Norwalk. He noted that the school uses only 11 of its 13 classrooms.

With respect to the alleged frequent presence of middle school students on the site, Mr. Owen stated that there is no use of late day programs by middle school students and he noted that the chorus teacher travels to the Norwalk site for middle school chorus sessions. He acknowledged that middle school students do use the Town field located behind the school for soccer practice and he cited six specific events out of 166 school days when these students are present on the site.

Mr. Owen also reviewed school events, noting that there are currently three large school events (reduced from a previous total of five); of which two utilize the front grassy area for parking to avoid parking/vehicle congestion along Whipple Road.

Mr. Kranzlin, a Montessori School parent for 15 years, reviewed parking/traffic

improvements since 2004, including staggered pickup/drop-off times; locked south side door; engagement of a traffic facilitator; encouragement of carpooling; use of front lawn for event overflow parking; and new signage. He also cited the school's "Good Citizen" points, including construction of a gravel path to the soccer field for improved player access and use by Town vehicles; installation of a water fountain on school land for soccer field use; construction of additional storm drains to address neighbor drainage concerns; as well as a total cost savings to the Town of over \$300,000 in education expenses at a Town cost of over \$15,000 per Wilton student (of which there are 20 at the school).

Ms. McTeague, a member of the School's Executive Board and a school parent, explained the school's reasons for requesting the subject improvements. She stated that as a result of the school's investigation into concerns raised by neighbors in 2004 it was, first, seeking to improve traffic and minimize visibility of cars on Whipple Road but, in the course of its investigation, it realized that increased parking would not only address the aforementioned problems but would also allow the school to increase enrollment capacity which has been a constraining factor for many years.

Ms. McTeague noted that the proposed improvements would not only provide ample on-site parking and eliminate parking/queuing on Whipple Road, but would also eliminate head-in parking and provide for greater safety on Whipple Road. She stated that under the new proposal staff would be required to park in the new area and three of the six houses affected would see less traffic than currently.

Ms. McTeague reviewed the overall structure of the school, noting that its pyramidal configuration would logically favor addition of a toddler class and perhaps another lower elementary class, although she noted that the school has no immediate plans to add 40 students nor is additional staff available to accommodate such an enrollment increase at this time. She explained that the school's ideal enrollment level would not be too large due to its educational philosophy and the level of intimacy that it seeks to maintain.

There was a discussion regarding the issue of daycare at the school. It was noted that daycare is not permitted per conditions of a previously granted special permit. Ms. McTeague stated that the toddler/primary program is not considered a daycare program but rather is an established curriculum teaching life/social skills as well as language and number skills. She explained that the school is exempt from the State's licensing programs because it is not considered to be providing daycare services.

The issue of a summer camp program was also raised. Ms. McTeague explained that the school already has permission from the Town for a summer day camp program but hasn't instituted such a program to-date, nor does it have any current plans to do so, as it has been running a summer camp out of the Norwalk facility. She stated that there is the

possibility of one program in the future that might utilize the Town field.

Mr. Galante, traffic consultant, briefly reviewed details of a traffic study prepared in October, 2009 and responses to traffic concerns submitted in November, 2009. He noted again for the record that the additional 40 students proposed would result in approximately 41 additional vehicle trips during the morning peak hour, consisting of 23 trips in and 18 trips out, and there would be an additional 27 vehicles generated during the 3-3:30 P.M. peak period. He emphasized that there would be no resulting change in overall level of service, and that there would be many parking and traffic benefits as a result of the proposed changes.

Mr. McAllister, civil engineer, addressed Mr. Rudolph's questions regarding distances between parking spaces and the school doors. He confirmed that the distance from the closest parking space to the door would be 305 feet and that the distance from the perpendicular parking on Whipple Road to the door is 300 feet.

Mr. Healy stated that the applicant would be willing to construct a fence or strategically place boulders, if the Commission so desired, to prevent parking in restricted areas.

Ms. McTeague assured the Commission that teachers/staff would park in the areas designated for them.

Mr. Bayer referred for the record to a letter dated January 21, 2010 from J. Casey Healy to Planning and Zoning Commission.

Ms. Poundstone asked if anyone in the audience wished to speak for or against the application.

Alan Spirer, attorney representing a number of opposing neighbors, stated that the existing intensity of the use on the site is problematic. He pointed out that compatibility with the surrounding residential neighborhood is the essence of the consideration that the Commission must make in connection with the special permit process. He noted that increasing the intensity of the use would lead to exacerbation of an already difficult situation. He referred to the burdens that are currently imposed on the neighborhood, which would only increase as a result of the proposed site/enrollment modifications, including increased vehicles, increased noise, too many special events on the site, etc. He noted that the neighbors have had enough and he stated that the Commission must take the neighbors' concerns into account when deliberating on this application.

Mr. Spirer referred to the traffic study submitted by the applicant, noting that it does not sufficiently address the problems of the site. He noted that over 200 cars use this road (which is not a through-road) daily and that 90% of that volume is generated by the

school itself. He stated that an additional 40 students would result in an additional 40 vehicles and he felt that the school had been unsuccessful in addressing these problems to date.

Mr. Spirer cited a 2008 Connecticut Supreme Court case [*“Cambodian Buddhist Society of Connecticut, Inc. v. Planning and Zoning Commission of Newtown”*] involving a special permit application and an institutional use such as the subject application. He read from the Court’s conclusion which stated that “if a special permitted use would have a significantly greater impact on traffic congestion in the area than a use permitted as of right, the additional congestion may provide a basis for denying the permit.” He continued quoting from the Court’s decision, concluding with the following Court statement: “In making this determination, the commission may rely on statements of neighborhood residents about the nature of the existing roads in the area and the existing volume of traffic, and its own knowledge of these conditions.”

In response to a question from Mr. Osterberg as to whether Mr. Spirer’s clients’ primary objection is to the proposed parking modifications or to the increased enrollment, Mr. Spirer indicated that the focus of their concern is the proposed increased enrollment and the resulting significant impact it would have on the surrounding neighborhood. He noted for the record that the subject application represented the fifth Special Permit application submitted by the school in twenty-one years, disputing the applicant’s alleged “non-expansionist” philosophy.

Ms. Gould requested a copy of the Supreme Court case quoted. Mr. Spirer indicated that he would email a copy of the court case, although he noted that it was cited in a brief previously submitted to the Commission.

Mr. Bayer requested comment from Mr. Spirer regarding the position that the impact of the school on the surrounding neighborhood is already maximized and any increased enrollment could be considered to have a fairly de minimus impact by comparison, especially for those residents who purchased their properties after the school was already in place.

Mr. Spirer stated that his clients are not saying that the school should be smaller, but rather that it should not grow any larger. He noted that if the surrounding neighborhood is currently experiencing negative impacts at the existing enrollment level of 230 students, it would be intolerable at the increased level of 270 students and would diminish the use and quality of the surrounding properties.

Brad Donnolly, 28 Hanford Lane, spoke in support of the application. He stated that the safety concerns expressed are overblown, noting that he and his wife walk their son to the school every day and feel very safe with existing traffic/parking conditions. He felt that

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the Commission should consider the school's many contributions to the Town and community.

Alan Davies, 3 Salem Road, spoke in support of the application. He read into the record a letter from his wife Nicola Davies dated January 25, 2010 expressing support for the application, noting in particular that she walks her son to school and has never felt threatened by the level of traffic on Whipple Road.

Doug Johnson, 25 Exeter Lane, reviewed portions of a letter dated November 2, 2009 that he and his wife Kimberly wrote in opposition to the application. He cited the example of a frog that perishes in a pot of water as it is slowly heated to the point of boiling versus the same frog that jumps into an already boiling pot of water and immediately jumps out. He analogized the frog example to the slow increments in enrollment that have taken place over time leading to what he felt was becoming an intolerable situation for neighbors.

Philip Goiran, an architect living at 23 Whipple Road, distributed an alternate parking plan that he drafted. He also read into the record a letter that he wrote dated January 25, 2010, petitioning the Commission to reject the subject application, referencing his alternate plan which he felt addressed the needs of the site and merited serious additional study. He noted that his proposed plan would eliminate a good amount of impervious coverage, reduce the school's driveway length from 200 feet to 120 feet, improve overall safety by removing one of the curb cuts on Whipple Road, improve drainage, and provide a better buffer to surrounding neighbors. He felt that the applicant's plans, as proposed, would be in violation of parking setback regulations.

Derek Moe, 55 Whipple Road, spoke in opposition to the application. He expressed concern for the safety of school children living on Whipple Road who, beginning around third grade, must walk to their bus stops located at the end of the street during peak traffic hours. He also noted that he comes from a family of Montessori school teachers and students and, in his experience, he felt that the school is an alternative to day care although the school denies that allegation.

Susan Russell, 44 Erdmann Lane, opposed the application. She felt that the school is expansionist in its overall philosophy, citing the fact that the school attempted to purchase other properties over the years. She stated that the majority of neighbors, if questioned, would want the school to relocate, and she noted that the only reason the school is requesting increased parking is because it wants to expand its enrollment. She noted that the neighbors are dealing with traffic all day long as opposed to the few snapshots in time provided by the traffic consultant since the school is open until 6 P.M. She also questioned the daycare aspect of the curriculum.

Joe Bruno, 12 Ivy Lane, urged the Commission to deny the application, noting that the school is big enough. He referred to the pyramidal structure of the school, as described by the applicant, noting that when the bottom of a pyramid grows, eventually the entire pyramid grows and he felt that inevitably the applicant would be in front of the Commission again in the future with another requested expansion.

Kimberly Johnson, 25 Exeter Road, felt that the requested parking is excessive, noting that the applicant is requesting a total of 91 parking spaces to accommodate the additional 40 students, whereas there are currently 66 parking spaces for the existing enrollment of 230 students.

Mr. Rudolph referred for the record to page 19 of Planning and Zoning meeting minutes from June 12, 2000. He noted that then-Town Planner Wendy Johnston indicated that “existing parking conditions can accommodate up to 250 students.”

Mr. Healy distributed a response letter, dated January 25, 2010, to Attorney Spierer’s Brief in Opposition and he indicated that the applicant would be willing to grant the Commission a continuance to extend the deadline to close the hearing.

Mark Reifers, 9 Ivy Lane, expressed concern that very few schools are located on a dead-end street as is the situation with the Montessori School. He felt that the consequences of only one egress could someday be disastrous. He referred in particular to the significant distance between the school and Grumman Hill Road and the number of dead trees along the way that have fallen and blocked ingress/egress in the past.

Mr. Bayer indicated for the record that he listened to the tapes of the hearing from November 7, 2009.

MOTION was made by Mr. Osterberg, seconded by Ms. Ayers, and carried (6-0-1) to close the hearing. Ms. Pratt abstained.

There being no further comments from the Commission or the public, at 9:35 P.M. the Public Hearing was closed.

Mr. Nabulsi arrived and was seated at 9:35 P.M.

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

Ms. Poundstone noted that the applicant had requested a continuation of the hearing until February 8, 2010 in order to close the public hearing at the Inland Wetlands Commission.

Mr. Bayer referred for the record to the letter dated January 25, 2010 from J. Casey Healy

to Planning and Zoning Commission requesting a continuance; a memorandum dated January 20, 2010 from Michael Ahern to Daphne White and Pat Sesto; and a letter dated January 22, 2010, with attachments, from J. Casey Healy to Planning and Zoning Commission.

At approximately 9:40 P.M. the hearing was continued until February 8, 2010.

3. SP#142L, DMA Enterprises, 5 River Road, Operation of package store in Wilton Center

Ms. Poundstone called the Public Hearing to order at approximately 9:40 P.M., seated members Ayers, Bayer, Gould, Nabulsi, Osterberg, Poundstone, Pratt, and Rudolph, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Bayer read the legal notice dated January 12, 2010.

Mr. Bayer referred for the record to a memorandum dated January 20, 2010 from Michael Ahern to Daphne White; a 3-page Planning and Zoning Staff Report dated January 4, 2010; and a response letter, with attachments, dated January 21, 2010 from J. Casey Healy to Planning and Zoning Commission.

Present were Clarissa Cannavino, attorney; and Mitch Ancona, applicant.

Ms. Cannavino reviewed details of the application for a package store in Wilton Center, noting that the 2,153 square-foot space would be located where Cold Stone Creamery and a bookstore were previously located in the Stop and Shop plaza.

She referred to a revised floor plan and a signage plan that were submitted, as well as to responses to the Planning and Zoning Staff Report. She noted in particular that all plan notes have been added as requested; signage complies with zoning regulations; and the applicant is aware of the permitted hours and days of operation.

In response to concerns raised by Mr. Nabulsi, Mr. Ancona stated that he was not planning to utilize shopping carts since automatic doors could not be installed on the premises. As a result, he indicated that staff would help patrons to their cars. With respect to bottle returns, he stated that there would be a small receiving area in the back, but he noted that he would have the ability, if necessary, to transport excess empties to his other store which is within 5 miles of the subject location. He noted further that vendors pick up empties twice per week and he has never had any issues of this type at his other store. He also stated that he does not plan to stock a large percentage of beer, which represents about 12% of inventory at his other store, thus minimizing the impact of returns at the site.

Mr. Ancona responded to a question from Ms. Gould regarding aisle width. He indicated that the proposed 3-foot wide aisles are sufficient, noting that they would actually be wider than at his other location in Georgetown where shopping carts are also utilized.

In response to a question from Mr. Nerney regarding signage, Ms. Cannavino stated that there is currently a mix of signage styles on the site, including the style proposed by the applicant (pin letters mounted directly on the façade), emphasizing that the proposed signage would not be a departure from what currently exists on the Stop and Shop plaza site.

In response to a question from Mr. Bayer, Mr. Ancona indicated that the planned LCD TV would be used for advertising, would not be on after-hours, and would be directed inside towards customers and not outward towards windows.

Mr. Ancona also indicated that there would be no cooking facilities on the site and that wine tastings would be conducted utilizing a rollaway granite cart. Mr. Nerney noted for the record that tastings are permitted for package stores under State liquor control laws.

There was a brief discussion regarding the issue of signs posted in windows. Although it was acknowledged that zoning regulations permit window signs in Wilton Center not to exceed 25% of the area of the windows, Mr. Ancona indicated that he does not use such signs in his current package store and does not plan to use them at the subject location. The Commission contemplated imposing a condition to that effect but decided against it since zoning regulations allow for such signs.

Ms. Cannavino stated for the record that the applicant is representing to the Commission that he doesn't currently use such signage.

Ms. Poundstone asked if anyone in the audience wished to speak for or against the application.

MOTION was made by Mr. Bayer, seconded by Mr. Nabulsi, and carried (8-0) to close the hearing.

There being no further comments from the Commission or the public, at 9:57 P.M. the Public Hearing was closed.

4. SP#348, 203 Danbury Road, LLC, 203 Danbury Road, Operation of package store

Ms. Poundstone called the Public Hearing to order at approximately 9:58 P.M., seated

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members Ayers, Bayer, Gould, Nabulsi, Osterberg, Poundstone, Pratt, and Rudolph, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Bayer read the legal notice dated January 12, 2010.

Mr. Bayer referred for the record to a letter dated January 13, 2010 from Gloria Gouveia to Planning & Zoning Commission; a 3-page Planning and Zoning Staff Report dated December 30, 2009; a memorandum dated January 20, 2010 to Daphne White; and a fax transmittal dated January 19, 2010 from Gloria Gouveia to Robert J. Nerney.

Mr. Bayer recused himself.

Present was Gloria Gouveia, land use consultant on behalf of the applicant; and proprietor Mark Abrahamson.

Ms. Gouveia explained that three partners are involved with the proposed package store, including Mark Abrahamson (proprietor) and two residents of Wilton, Dan Reisley and Edward J. Sherman. She distributed response packages to the Commission, addressing items listed in the Planning and Zoning Staff Report, including a floor plan layout and updated survey, noting specifically that the application meets the limitations regarding distances to churches/schools as noted in the zoning regulations.

Ms. Gouveia noted that the applicant is proposing no change to the building and will keep the existing floor plan, nor is the applicant proposing any changes to the site at this time. She stated that the applicant is aware of its responsibility to implement the post-Route 7 expansion landscape restoration plan for the site.

Ms. Poundstone asked if anyone wished to speak for or against the application.

Joseph Lombardo, 11 Orems Lane, spoke in opposition to the application, noting that the subject site is on a corner of a residential street. He stated that traffic was horrendous when the Texaco station was located on the site and he felt that a package store would result in high-volume traffic, in addition to the fact that school buses stop there. He felt that the proposed package store would detract from the residential quality of the neighborhood.

Lucy Krupenye, 19 Orems Lane, opposed the application, citing traffic and the safety of children in the small residential neighborhood located adjacent to the subject site. She referenced problems over the years with cars parking down the lane and with empty alcoholic containers being discarded in the vicinity, and she felt that the proposed use would exacerbate the situation even further.

Dave Helman, 66 Oak Ledge Lane, stated that he monitors under-age drinkers in his

package store and he felt that the proposed use would be an asset to the Town in this location.

Ms. Gouveia indicated that while she appreciated the traffic concerns expressed by surrounding residents, nevertheless the zone is designated for General Business (GB) use. She felt that the proposed package store use would represent an improvement over the former gas station since there are no package store deliveries before 10 A.M. nor are there any deliveries on Mondays and Saturdays, and hours of operation for a package store begin after school children have already left for school. She felt that the proposed use would not result in any greater traffic impacts on the area than any of the former uses, which included recently a convenience store in that location.

Mr. Nerney referred to comments included in the Planning and Zoning Staff Report, noting in particular that the applicant needs to submit an updated site plan that accurately reflects recent site improvements implemented by the State, including curb cuts and parking spaces.

Mr. Nerney suggested that the applicant consider reducing from two curb cuts down to one by removing the Orems Lane curb cut and utilizing only the Route 7 curb cut. Ms. Gouveia acknowledged that while it is always advisable to reduce the number of curb cuts where possible, she felt that the Route 7 curb cut, as currently relocated, is so poorly aligned with respect to the traffic signal on the corner as to make access from Route 7 a very undesirable alternative. She stated that it would be safer to direct entering traffic down Orems Lane. Mr. Nerney agreed that there are competing issues here but he urged the applicant to take another look at the configuration/use of the curb cuts with an eye toward minimizing traffic onto Orems Lane.

Mary Guggeis, Orems Lane, stated that she has been a resident of Orems Lane for over 40 years. She expressed concern that the line of sight at that intersection is dangerous.

Ms. Gould asked if the applicant would agree to a “right-turn only” exit sign onto Danbury Road. Ms. Gouveia felt that could be a workable solution, although it would not address neighbors’ concerns. In that regard, she thought that one solution could be to direct incoming traffic via Orems Lane and outgoing traffic via Route 7.

Ms. Poundstone stated that the applicant needs to give some further consideration to the traffic pattern on the site.

In response to questions from Ms. Gould, Ms. Gouveia stated that the package store would consist of approximately 1700 square feet; there would be no ice sales outside of the building; and the principal thrust of the business would be fine wines and spirits, with approximately 15% of sales devoted to beer.

With respect to proposed site lighting, Ms. Gouveia stated that the applicant plans to use the same lighting that was already approved by the Commission for the site. She noted that extraneous lighting could be turned off as early as 9 P.M. each evening, although some security lighting would probably be required on the site beyond that hour.

In response to a question from Mr. Nabulsi regarding deliveries and loading zone, Mr. Abrahamson indicated that they are looking into eventually installing a back door on the site, although for the time being he indicated that there is a good loading area to the right of the building where dumpsters are currently located and deliveries could be walked in from there through one of the two front doors.

Mr. Nabulsi asked the applicant to focus additional attention on parking spaces 1, 2 and 3 as to whether they would be impacted in any way by large delivery trucks, and on the different depths of parking spaces 11 and 12 as compared to parking spaces 13 and 14, which he felt was somewhat confusing and would be worthwhile to address. Ms. Gouveia stated that she would prefer to deal with issues such as these in the future but she agreed to take a look at them.

MOTION was made by Mr. Rudolph, seconded by Ms. Ayers, and carried (7-0) to extend the hearing an additional 15 minutes to approximately 11:15 P.M.

There being no further comments from the Commission or the public, at 11:00 P.M. the Public Hearing was continued until February 8, 2010.

REGULAR MEETING

- A. Ms. Poundstone called the Regular Meeting to order at 11:01 P.M., seated members Ayers, Gould, Nabulsi, Osterberg, Poundstone, Pratt, and Rudolph, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

Ms. Poundstone took this opportunity to congratulate Ms. Pratt on her appointment as Chairman of the Energy Commission.

B. APPROVAL OF MINUTES

1. January 11, 2010

MOTION was made by Ms. Ayers, seconded by Mr. Nabulsi, and carried (6-0-1) to approve the minutes of January 11, 2010 as drafted. Ms. Pratt abstained.

C. SITE DEVELOPMENT PLAN REVIEW

- 1. SDP, Town of Wilton, NW intersection of Old Ridgefield Rd & Center St (Town Right-of-Way), Establishment of veteran’s memorial and flagpole**

Continued.

D. ACCEPTANCE OF NEW APPLICATIONS

- 1. REG#10319, TIAA-CREF, 10 and 20 Westport Road, To amend Sections 29-2.B, 29-7.B.2, 29-8.B of zoning regulations pertaining to Conference Center uses and parking**

Mr. Nabulsi stated that he could benefit from some information from surrounding towns to give him some context for this proposal. He felt that he did not have adequate information and would be happy to obtain another perspective. Although it was pointed out that the Regulations Committee had a meeting on this matter months ago and had also met at the site, Mr. Nabulsi stated that he wanted to have a greater level of confidence since the Commission would be considering the adoption of regulations that would go beyond just this particular site.

Mr. Rudolph asked if it would be possible to obtain minutes of what was discussed over a year ago pertaining to this matter so as not to have to go through the same discussions again if a record already exists. Mr. Nerney stated that he would look into the matter.

- 2. SP#216D, Wilton Wines & Spirits, LLC, 941 Danbury Road, Operation of a package store**

It was the consensus of the Commission to accept both applications and set a public hearing date for both applications for March 8, 2010.

E. PENDING APPLICATIONS

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

Tabled.

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

Tabled.

- 3. SP#142L, DMA Enterprises, 5 River Road, Operation of package store in Wilton Center**

Mr. Nabulsi noted that the resolution needs to specifically address the issue of bottle returns and sanitation. He was concerned that the small area allocated to returns had the potential for spillage to the outside which he felt could become unhealthy and unsafe.

- 4. SP#348, 203 Danbury Road, LLC, 203 Danbury Road, Operation of package store**

Tabled.

F. COMMUNICATIONS

G. REPORT FROM CHAIRMAN

Ms. Poundstone advised Commissioners that on Wednesday, February 3, 2010 at 7:30 P.M., Town Planner Nerney would be presenting to the Board of Selectmen the Planning Department's budget proposal for fiscal year 2010/2011. She stated that if any Commissioners are able to attend the meeting, it might be nice for the Board of Selectmen to know that the Commission stands behind what's going on in the Planning Department. Mr. Nerney noted for the record that this would be the second year in a row that he is proposing a budget reduction, being mindful of the economy as well as growing tax issues in the Town.

H. REPORT FROM PLANNER

Mr. Nerney noted that SWRPA (South Western Regional Planning Agency), in conjunction with HVCEO (Housatonic Valley Council of Elected Officials), is working on a gap study for the area from Grist Mill Road to Danbury with particular focus on traffic management, transportation-oriented development, potential nodes, etc. He noted that he has been attending these ongoing meetings and has communicated that the Town would have concerns with any potential inconsistencies with its recently completed Plan of Conservation and Development. He encouraged Commissioners to monitor the study as it progresses. He noted that public meetings will be held in the future and a website has been established in connection with the ongoing project. He stated that he will provide the website address to Commissioners for their reference.

I. FUTURE AGENDA ITEMS

- 1. SDP, Kim & Song Properties, LLC, 151 Old Ridgefield Road, Signage [Discussion February 8, 2010]**
- 2. SP#220A, Lugossy, Wilson properties III, LLC, 142 Old Ridgefield Road,**

Operation of package store [P.H. February 8, 2010]

J. ADJOURNMENT

MOTION was made by Ms. Gould, seconded by Ms. Ayers, and carried unanimously (7-0) to adjourn at 10:44 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary