

PLANNING & ZONING  
COMMISSION  
Telephone (203) 563-0185  
Fax (203) 563-0284



TOWN HALL ANNEX  
238 Danbury Road  
Wilton, Connecticut 06897

**DRAFT**  
**WILTON PLANNING & ZONING COMMISSION MINUTES**  
**FEBRUARY 8, 2010 REGULAR MEETING**

**PRESENT:** Chairwoman Sally Poundstone, Vice Chairman John Wilson, Secretary Doug Bayer, Commissioners Marilyn Gould, Bas Nabulsi, Dona Pratt, and Michael Rudolph

**ABSENT:** Alice Ayers, Eric Osterberg (notified intended absences)

**ALSO**

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

**PUBLIC HEARINGS**

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

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

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

Mr. Healy referred to a response letter from Gregory and Adams dated February 4, 2010, noting that the Feasibility Plan was revised in response to staff comments/concerns, including the following: 1) a note was added indicating that all utilities serving Lots 2, 3 and 4 shall be installed underground; 2) outlet swales were added for rain gardens on Lots 2, 3 and 4; 3) a portion of the existing stone wall will be removed to make room for the common driveway; 4) all trees on Lot 1 are shown to remain but shall be reviewed again and approved by Town staff if/when the lot is redeveloped in the future; 5) further revisions were incorporated into the Tree Protection Plan, including extension of the tree

**P&Z Minutes – 02/08/10 – Page 2**

protection line and addition of a note indicating that there will be no material storage on Lot 2 or temporary parking beyond the tree protection line.

Mr. Healy referred to draft documents of “Declaration of Open Space Restrictions”, “Landscape Maintenance Agreement”, “Declaration of Driveway and Utility Easements and Maintenance Agreement”, and “Grant of Fire Cistern Easement”, noting that Town Counsel Pat Sullivan had indicated that all documents, as revised, were acceptable.

Mr. Healy noted that Town Planner Nerney had asked whether the applicant would be amenable to a condition requiring submission of a detailed grading plan to staff and the Department of Public Works for their respective reviews if/when Lot 4 is developed. He stated that that would be acceptable to the applicant. He also noted that the Department of Public Works had no further comments.

Ms. Gould arrived and was seated at 7:20 P.M.

In response to a question from Mr. Bayer regarding the amount of anticipated runoff as compared to existing conditions, Mr. Healy explained that Town Engineer Ahern had requested, in addition to the proposed rain gardens, the installation of outlet swales for increased protection in that regard, which he indicated have been included in the revised plans. Mr. Nerney confirmed that Mr. Ahern now finds the revised plans acceptable.

Mr. Nabulsi raised an issue regarding the proposed “Landscape Maintenance Agreement”. He felt that the Planning and Zoning Commission should not be a counterparty to the agreement. He thought that these types of documents used to attach to the deed and should do so in this case as well. Mr. Rudolph concurred, noting that he did not feel comfortable having the Commission become a party to the contract. Mr. Healy had no objection, noting that in the past these types of documents were traditionally between the Town and the applicant, rather than between the Commission and the applicant, as currently proposed. In light of the Commission’s concerns, he suggested that a Maintenance Agreement for the rain gardens still be required as a condition of approval, albeit directed at the owners of the three respective lots.

Mr. Bayer referred for the record to a memorandum dated February 2, 2010 from Michael Ahern to Daphne White and Pat Sesto; and a 2-page letter dated February 4, 2010 from J. Casey Healy to Planning and Zoning Commission.

Mr. Nabulsi referred to the proposed rain gardens. He noted that this type of drainage technology is relatively new for the Town and he questioned how the Town would know whether the system will work as planned. He questioned whether some requirement should be imposed upon the applicant to provide periodic feedback/information so that the Commission could refine its regulations, where appropriate, on a going forward basis

and have access to more than just anecdotal and ad hoc information regarding the efficiency of the proposed system. Mr. Nerney stated that this is the reason that the Commission requires a signed and stamped engineering report from the applicant which is then further reviewed by the Department of Public Works, thus allowing the Town to address such matters and also taking the Town out of the role of designer.

Mr. Healy noted that all installations must be completed pursuant to the plans as submitted. He suggested that the applicant could also submit, if the Commission so desired, some type of as-built once the drainage system (including the proposed rain gardens, swales, etc) is installed.

Mr. Nabulsi referred to Section 2.3.10 of Wilton Subdivision Regulations on storm drainage systems, noting that this might be the logical area in the regulations to add another sentence or paragraph pertaining to rain garden methodology. However, he felt that the Commission would require a better understanding of the whole system to gauge its efficacy on an on-going basis in order to draft such an amendment or revision to its regulations.

Mr. Nerney explained that once the lots are developed and they pass from the owner to the developer and ultimately to individual ownership, if problems develop they ultimately come back to the Town's attention. He referred to a Grumman Hill Road development which had a number of drainage issues over the past years, noting that the Town was able to get them to discharge runoff into the Town catch basin system and develop underground galleys to address these issues rather than have them daylight drainage onto someone else's property line. With respect to the proposed rain gardens, he noted that the engineer who designed them feels very strongly about the methodology, although the Town's engineer, having similar concerns as the Commission, required they go the extra distance and provide additional outlet swales.

In response to a question from Mr. Wilson, Mr. Nerney explained that plans are sent to the Fire Department for its review and for a determination as to the need for a cistern on any proposed subdivision development.

Mr. Bayer asked about the possibility that a future owner might wish to change the drainage system. Mr. Nerney stated that this is a hypothetical plan and that any proposed revisions would be looked at very carefully, and potential impacts on other parcels would have to be shown if there were going to be any deviations from the approved plans.

Mr. Nerney asked whether the applicant would be amenable to a condition stating that any change in the drainage would require a re-review by the Commission. Mr. Healy felt that such a condition would probably be fine as long as the review could be handled administratively.

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

MOTION was made by Ms. Gould, seconded by Mr. Wilson, and carried (7-0) to close the hearing.

There being no further comments from the Commission or the public, at 7:50 P.M. the Public Hearing was closed.

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

Ms. Poundstone called the Public Hearing to order at 7:50 P.M., seated members Bayer, Gould, Nabulsi, Poundstone, Pratt, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. She noted that the hearing was continued from a previous meeting.

Mr. Bayer referred for the record to a letter of opposition emailed January 31, 2010 from Joseph Lombardo to Robert Nerney; and a letter dated February 8, 2010 from Sharon A. Powers to Planning & Zoning Commission.

Mr. Bayer recused himself and left the meeting room.

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

Ms. Gouveia posted a copy of the site plan and distributed copies to the Commission.

In response to suggestions/comments of staff and the Commission, Ms. Gouveia stated that the following modifications were incorporated into the plan: 1) parking spaces #13 and #14 were turned 90 degrees to improve their configuration; 2) a 12 x 30-foot loading space was provided in an appropriate location toward the rear of the property; and 3) another door will be installed in the back to better accommodate deliveries.

Ms. Gouveia stated that the existing traffic light stop bar near the edge of the property was added to the plans, noting that it allows for easy egress from the property onto Route 7, and she felt that the Orem Lane curb cut provides good egress for loading vehicles. She noted further that the applicant has agreed to install the landscaping plan that was approved by the Commission in 2005 prior to the Route 7 widening.

Ms. Gouveia next addressed neighbor concerns. She stated that comparisons to the

nearby nursery were not valid, noting that traffic congestion and hours of delivery are much more intense for a nursery operation than for a package store of this size.

With respect to empty bottles being discarded in the vicinity, Ms. Gouveia stated that this litter does not correlate to the existence of a package store in the area since such stores are not currently permitted in Town yet such litter is still found in the vicinity.

With respect to traffic and pedestrian safety, Ms. Gouveia felt that the recent Route 7 improvements and the sidewalk installation will improve safety in the area.

Regarding safety concerns for children walking to school buses, Ms. Gouveia explained that children will already be at school when the store opens for business hours and she noted further that there would not be any deliveries to the store on Mondays and Saturdays.

Mr. Rudolph questioned the applicant's intentions regarding flags, banners, signs, etc. on the site. Mr. Abrahamson stated that he is not very fond of signage, referring to a 10,000 square-foot store that he manages in Fairfield and the small amount of signage that is utilized there. He promised that any signage on the subject site would not be tacky nor would it be large because the window area is not huge and he prefers to have natural light filter into the building.

Mr. Sherman stated that there would not be any flags, banners or large signage. He explained that he is a 40-year resident of the Town and he is not fond of that style of advertising.

Mr. Nerney addressed the possibility of closing the existing curb cut on Orems Lane, a suggestion he had raised at the last hearing. However, upon closer scrutiny of the situation, he felt that it would not be a good idea because the Route 7 curb cut is located right next to the stop bar, which would be problematic from a traffic flow perspective.

Ms. Gould stated that she had visited the site many times during the past two weeks, including during rush hours, and she felt that the site with its current configuration works fine and she did not feel there would be any significant problems with respect to any of the curb cuts.

Mr. Abrahamson stated that the applicant would be using the same style signage as is currently on the site. He also noted, in response to further questions from the Commission, that deliveries would occur primarily between the hours of 10AM and 3 PM. He stated that the largest delivery truck would be a soda truck, approximately 35 feet long, which would deliver to the site every 2-3 weeks. He noted that beer and liquor company trucks are much smaller. He explained further that there would not be any very

early or very late deliveries on the site since deliveries do not occur when the store is closed.

Mr. Nerney reminded the applicant that permitted hours of operation for the Town are 9AM – 8 PM, in spite of the fact that Connecticut General Statutes allow 8AM – 9PM.

In response to further questions from Mr. Nabulsi, Ms. Gouveia indicated that 1) the area in the back, where the new door will be installed, is paved and will be lit; 2) there will not be any increase in coverage; and 3) lighting will be the same as previously approved for the site.

Ms. Gouveia noted for the record that back in May and December of 2006 a neighbor had signed off as to the lighting not being objectionable at that time. She reminded the Commission that major illumination in connection with the proposed site modifications will now be eliminated by 9 P.M., with only security lighting remaining beyond that hour, whereas the former convenience store operated until 11 P.M.

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

Lucy Krupenye, Orem Lane, felt that the site is not safer as a result of the widening of Route 7, noting that it is impossible to make such an assessment since the site has not been operating as a business since the recent roadway improvements were completed. She stated that when the gas station operated on the site there were many near-miss accidents. She felt that package store purchases are generally made on the homeward bound trip (i.e. when the majority of vehicles are heading northbound on Route 7) and egress from the site northbound onto the roadway at that time will be very dangerous. She urged the Commission, if it decided to approve the application, to try to make it safe for the community, referencing the possibility of installing a stop sign and/or possibly closing the curb cut on Orem Lane.

MOTION was made by Ms. Gould, seconded by Ms. Pratt, and carried (6-0) to close the hearing.

There being no further comments from the Commission or the public, at 8:17 P.M. the Public Hearing was closed.

**3. SP#220A, Lugossy, Wilton Properties III, LLC, 142 Old Ridgefield Road, Operation of package store**

Ms. Poundstone called the Public Hearing to order at 8:17 P.M., seated members Bayer,

**P&Z Minutes – 02/08/10 – Page 7**

Gould, Nabulsi, Poundstone, Pratt, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Bayer read the legal notice dated January 25, 2010 and referred to a memorandum dated February 2, 2010 from Michael Ahern to Daphne White; a 2-page Planning and Zoning Staff Report dated February 3, 2010; and a 3-page response letter dated February 4, 2010 from J. Casey Healy to Planning and Zoning Commission, with attachments.

Present was J. Casey Healy, attorney for the applicant; and Frank Lugossy, applicant.

Mr. Healy reviewed details of the application, noting that the applicant wishes to utilize 2,472 square feet of the former Physical Integrity space next to Luca's restaurant on Old Ridgefield Road. He explained that there will be two entrances for patrons, and a back door for deliveries and employee use. He referred to a response letter dated February 4, 2010, responding on a point-by-point basis to each question/issue raised in the Planning and Zoning Staff Report of February 3, 2010. In particular, he noted that no other site changes are proposed (aside from signage), and he indicated that deliveries will be between 9AM and 5 PM and will be made through the rear entrance of the store.

In response to a question from Mr. Wilson regarding window signage, Mr. Lugossy stated that he has not installed any window signage in his Greenwich store which he has operated for the past three years, except for periodic notices of wine tastings which are posted for a day or two in advance of the event. He anticipated the same situation at the Wilton store, noting that it is all done very tastefully.

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

MOTION was made by Mr. Wilson, seconded by Mr. Bayer, and carried (7-0) to close the hearing.

There being no further comments from the Commission or the public, at 8:33 P.M. the Public Hearing was closed.

**REGULAR MEETING**

- A. Ms. Poundstone called the Regular Meeting to order at 8:33 P.M., seated members Bayer, Gould, Nabulsi, Poundstone, Pratt, Rudolph, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

Ms. Poundstone called the Commission's attention to a Land Use Proposed Budget packet enclosed in their meeting packages. She noted that last Wednesday's budget presentation by Mr.

Nerney to the Board of Selectmen was very well received. She urged Commissioners to review the budget information.

**B. APPROVAL OF MINUTES**

**1. January 25, 2010 – Regular Meeting**

MOTION was made by Ms. Gould, seconded by Mr. Rudolph, and carried (5-0-2) to approve the minutes of January 25, 2010 as drafted. Commissioners Bayer and Nabulsi abstained.

The Commission took a short break at 8:35 P.M.  
The Commission resumed at approximately 8:38 P.M.

**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 at the request of the applicant.

**2. SDP, Kim & Song Properties, LLC, 151 Old Ridgefield Road, Signage**

Present was Joe Cugno, architect on behalf of the applicant.

Mr. Cugno distributed renderings and proposed signage calculations to the Commission. He noted that a proposed kiosk sign had been eliminated from the original plans since the Village District Commission felt it would be inappropriate for the site.

Mr. Cugno reviewed signage regulations for the Wilton Center District, noting that 14 square feet of signage is allowed per 20 linear feet, which would permit 15.7 square feet of signage for a space 22’5” long (the length of frontage for retail spaces #1, 2 and 3). Since he felt that the subject building actually has two fronts (one on Ridgefield Road and one on the parking lot side), he stated that he was proposing 9.75 square feet of signage on each side of the building for retail spaces 1, 2 and 3 for a total of 19.5 square feet per



store. He noted 30 square feet of signage would be the maximum allowed if one considered the frontage of both sides of the stores. For retail space #4, with 156 linear feet of frontage, he proposed front and rear signs of 19.83 square feet and 10.17 square feet, respectively, totaling 30 square feet of signage per the maximum allowed by regulations.

Mr. Cugno explained that the signage, as proposed, would be smaller than the permitted size of signage as shown on the submitted renderings. He felt that the smaller size lettering would be large enough to be visible yet not be overpowering, and would allow for the possibility of signage on both sides of the building yet still comply with overall maximum signage restrictions.

In response to concerns from the Commission for setting an undesirable precedent with respect to two-sided building signage, it was noted that primary parking for the subject building is in the rear yet its primary visibility is from the front. It was compared to the Stop and Shop building where access and parking are all in the front with only alleyways in the rear; the shops in the Movie Theater complex which do not all have access from the rear; and Marley's restaurant in the Center which only has service doors in the rear with its primary parking located in the front and no public ingress/egress from the rear. It was noted further that both sides of the subject building are on grade with both facades requiring access, in addition to the fact that there is significant pedestrian traffic in this area of the downtown requiring clear identification for both facades.

With respect to the coloring, size, and font of the proposed signage, Mr. Cugno stated that all of the signage would be the same. Mr. Rudolph questioned whether this could be included as a condition of approval. Mr. Nerney stated that it could be so conditioned since it falls under the purview of the Village District requirements.

The question arose as to whether the spaces could ever be divided in half so as to require different signage in the front and rear. Mr. Cugno felt that such a reconfiguration of interior space would be very unlikely since it would not be very tenant-friendly.

Regarding possible second story signage, Mr. Cugno stated that no signage is anticipated for the upstairs at the current time and if it were to ever be contemplated it would have to come out of the square footage allocation for signage on the first floor.

At 8:55 P.M., the Commission requested that staff prepare a resolution of approval for a vote at the February 22<sup>nd</sup> meeting. Mr. Nabulsi reserved his right to take additional time to review other buildings and their associated signage in the Center.

**D. ACCEPTANCE OF NEW APPLICATIONS**

None.

**E. PENDING APPLICATIONS**

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

Mr. Nabulsi recused himself from the discussion and left for the evening.

Mr. Wilson noted for the record that he had reviewed all minutes and listened to the audio file of the previous meeting.

The Commission proceeded to discuss the subject application, first focusing on the issue of proposed increased enrollment.

Ms. Gould stated that she was opposed to an increase in enrollment because the impact on the neighborhood would be too great. She noted that she has been observing the operation of the School since 1987 and feels that it has been a real burden on the community. She contrasted the Montessori School currently on the site to the Post School that was previously located on the property, noting that the Post School was accessed only by school buses. She felt that a school such as the Montessori School would never be approved on the subject site today, given the level of traffic generated on the roadway and the fact that it is a dead-end street.

Ms. Poundstone referred to the Town's Plan of Conservation and Development which speaks to the integrity of neighborhoods. She felt that this is a clear-cut situation in which the integrity of the community would be threatened.

Mr. Wilson concurred with the sentiments expressed by the aforementioned Commissioners, referring in particular to the slow erosion of a whole class of home in a residential, cost-conscious neighborhood such as the subject neighborhood, which he noted is disappearing not only in this area of the country but throughout the entire country. He felt the applicant's argument that reduction of traffic is the principal reason for the additional parking to be disingenuous. He noted that this is the third time that the applicant has appeared before the Commission promising that it would be its last time. It was his opinion that this is not the proper location, especially since it is on a dead-end

street, for a school seeking this type of expansion.

On a further note, Mr. Wilson was surprised about the School's pre-k program since it was his recollection that the School was expressly prohibited from running such a program on the site.

Ms. Pratt noted that there is currently an enrollment limit for the School and she felt that nothing has changed to justify the requested increase in enrollment. She felt that the proposed parking modifications were not enough to justify increasing the enrollment from 230 to 270 students, referring in particular to the dead-end, residential nature of the street/neighborhood.

Mr. Bayer stated that he was essentially "on the fence" with respect to the requested increase in enrollment, citing an anticipated increase of only 7 cars in the AM and PM rush hours and the fact that the School is already operating on the site. He felt that the real issue is the location of the new proposed parking lot.

Mr. Rudolph did not feel that the additional enrollment would materially affect traffic flow in the area enough for him to vote against that particular aspect of the application, but he emphasized that the parking portion of the application was a separate issue which he would address later.

Ms. Pratt noted for the record that, per the submitted traffic report, 41 additional vehicle trips would be generated in the AM rush hour and an additional 27 trips in the PM rush as opposed to the 7 cars cited by Mr. Bayer.

Mr. Wilson felt that would be a burdensome number of additional vehicles for a dead-end road to absorb. Again he noted that this is the third time the applicant has come before the Commission to ask for an increase in enrollment with the verbal assurance that "this is it".

Mr. Bayer did not believe the proposed enrollment increase would result in a material difference to the level of traffic currently experienced on the street.

Ms. Gould noted that the Town does not impose such usage on any other dead-end road in Town. She expressed concern with respect to emergency access and again expressed the belief that the site could never be approved for a school today.

Ms. Pratt did not believe that the proposed parking would make a significant ameliorating difference on the site. She felt that the subject school is not small, comparing it in size to about half of Miller or Driscoll Elementary schools in Town.

Mr. Rudolph felt that the need for additional parking was not demonstrated by the applicant. He stated that he was very seriously persuaded by a comment of former Town Planner Wendy Johnston, as noted in PZC minutes from ten years ago, that existing parking conditions can accommodate up to 250 students on the site. Given that presumption and the School's current limit of 230 students, he did not feel that it was necessary to convert the former residence into a parking lot to accommodate 270 students.

Ms. Gould noted that the Commission has to deal with the application as submitted, yet she felt that the proposed site modifications did not represent the best plan for the site. She referred to a neighbor architect's proposal that was presented at the last hearing which she felt was a better plan/use of the site.

Mr. Nerney noted that while the Commission might want to discuss the two aspects of the application separately, in the end it should consider the application as one application.

Mr. Bayer agreed that there seem to be less overt ways of creating a parking lot.

Given the general consensus of the Commission, Ms. Poundstone requested that staff prepare a resolution of denial for the February 22<sup>nd</sup> meeting, although she noted that the Commission is under no obligation to act on the application until 65 days from the date the application was closed.

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

Staff was instructed to prepare a resolution of approval for vote at the next meeting, taking into consideration conditions of approval as discussed during the hearings.

Mr. Bayer asked to see a draft of the final Landscape Maintenance Agreement that Town Counsel Sullivan approved.

Mr. Rudolph expressed concern as to whether the Maintenance Agreement would be recorded in the land records, thus running with the land in perpetuity and passing on any obligations from one landowner to the next. Mr. Nerney stated that the document would be recorded in the land records although, pursuant to the Commission's earlier expressed concerns about the Commission being a party to the agreement, he suggested that the agreement be between the property owner and his/her successors, and the Town and/or its agents. Mr. Rudolph stated that his primary concern was that the document run with the land in perpetuity and that it be recorded in the land records.

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

The Commission briefly reviewed draft Resolution #0210-1P and incorporated a minor revision into the document.

MOTION was made by Mr. Bayer, seconded by Ms. Gould, and carried unanimously (6-0) to adopt as amended Resolution **#0210-1P** for **SP#142L**, effective February 9, 2010.

**WHEREAS**, the Wilton Planning and Zoning Commission has received a Special Permit application (**SP#142L**) from DMA Enterprises, LLC d/b/a Ancona's for approval to allow the establishment of a 2,153 square foot retail package store, for property located at 5 River Road; in the Wilton Center "WC" District, Assessors Map#73, Lot#25, consisting of 7.625 acres owned by Wilton Shopping Center Limited Partnership and shown on the plans entitled:

Vicinity Sketch- Prepared for Wilton Executive Campus Associates, Prepared by Rocco V. D'Andrea, Inc., Surveyors, dated July 20, 1998, at a scale of 1"=200'.

Improvement Location Survey- Prepared for Wilton Shopping Center Limited Partnership, Prepared by Robert L. Liddel Jr., Surveyor, dated January 5, 2006, revised February 8, 2006, at a scale of 1"=40'.

ACSM/ALTA Land Title Survey- Prepared for Wilton Shopping Center Limited Partnership, Prepared by Robert L. Liddel Jr., Surveyor, dated April 7, 2005, at a scale of 1"=40'.

Partition Plan- Prepared for Unit B4.B5 at 5 River Road, Prepared by James W. Lancaster, Architect, dated December 1, 2009, at a scale of 1/8"=1'.

**WHEREAS**, the Wilton Planning and Zoning Commission has conducted a public hearing on January 25, 2010 to receive comment from the public and has fully considered all evidence submitted at said hearing; and

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

**NOW THEREFORE BE IT RESOLVED** that the Wilton Planning and Zoning Commission **APPROVES** Special Permit **#142L** to allow the establishment of a 2,153 square foot retail package store, effective February 9, 2010 subject to the following conditions:

1. This Resolution does not replace requirements for the applicant to obtain any other permits or licenses required by law or regulation by the Town of Wilton, such as, but not limited to: Zoning Permit, Sign Permit, Building Permit, Certificate of Zoning Compliance; or from the State of Connecticut or the Government of the United States. Obtaining such permits or licenses is the responsibility of the applicant.

2. In accordance with Section 8-3.(i) of the Connecticut General Statutes, all work or physical improvements required and/or authorized by the approved Site Plan shall be completed within five years of the effective date of this resolution. This five-year period shall expire on February 9, 2015.
3. There shall be no outdoor storage of any products, including the storage of recyclable containers. Any indoor storage of recyclable containers shall be conducted in accordance with all applicable State and local health code requirements.
4. The hours of operation shall be conducted in accordance with the Connecticut General Statutes and all applicable ordinances of the Town of Wilton. In instances where any conflict may exist; the more restrictive provision shall apply.
5. The proposed LCD television located within the package store shall be for the benefit of shoppers located within the store only. The television shall not be utilized or directed in a manner so as to advertise beyond the store interior.
6. All signage shall not be considered approved until reviewed and approved by the Zoning Enforcement Officer.
7. The installation of rooftop mechanical equipment shall be prohibited unless otherwise authorized by the Planning and Zoning Commission.
8. Unless expressly authorized by the Planning and Zoning Department, no shopping carts shall be utilized as part of store operations.

**Submittal of revised plans and application:**

9. Three (3) completed revised sets, (collated and bound) shall be submitted to the Commission's office for endorsement as "Final Approved Plan" by the Town Planner. Said plans shall include all revisions noted above and shall bear an ORIGINAL signature, seal and license number of the professional responsible for preparing each plan or portion of it. Said plans shall include the following notes:

a. "Pursuant to Section 8-3.(i) of the Connecticut General Statutes, all work in connection with this Special Permit shall be completed within five years after the approval of the plan. Said five-year period shall expire on February 9, 2015."

b. "For conditions of approval for Special Permit #142L, see **Resolution #0210-1P.**"

-END RESOLUTION-

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

**store**

Mr. Bayer recused himself but remained in the room.

Staff was requested to prepare a resolution of approval for vote at the February 22<sup>nd</sup> meeting.

It was determined that one condition of approval shall be a prohibition of flags, banners, large signs, etc., as agreed to by the applicant during the hearing, because of the property's exposure on Route 7 and safety issues associated therewith. It was also determined that other conditions of approval (pertaining to hours of operation, lighting, deliveries, recyclables, etc.) shall be the same as for the package store approved at 5 River Road.

**5. SP#220A, Lugossy, Wilson Properties III, LLC, 142 Old Ridgefield Road, Operation of package store**

Staff was asked to prepare a resolution of approval for vote at the next meeting.

There was a discussion regarding the use of shopping carts and whether the use of such carts should be permitted outside of the store. Concerns were expressed regarding carts being left on the sidewalk and/or street, in spite of assurances by the applicant that employees would accompany patrons/carts outside or, at the very least, police the area carefully for any abandoned carts.

It was determined that, due to severe property grades and the presence of the flood plain, a condition should be drafted in the resolution of approval restricting carts to indoor use only, unless accompanied by an employee, with the understanding that this issue could be changed/discussed further at the next meeting.

**F. COMMUNICATIONS**

**G. REPORT FROM CHAIRMAN**

**H. REPORT FROM PLANNER**

**I. FUTURE AGENDA ITEMS**

- 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 [P.H. March 8, 2010]**
- 2. SP#216D, Wilton Wines & Spirits, LLC, 941 Danbury Road, Operation of a**

package store [P.H. March 8, 2010]

**J. ADJOURNMENT**

MOTION was made by Mr. Wilson, seconded by Mr. Bayer, and carried unanimously (6-0) to adjourn at 9:38 P.M.

Respectfully submitted,

Lorraine Russo  
Recording Secretary

DRAFT