

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

WILTON PLANNING & ZONING COMMISSION MINUTES APRIL 15, 2014 REGULAR MEETING

PRESENT: Vice Chair Sally Poundstone, Secretary Doris Knapp, Commissioners Lori Bufano, Joe Fiteni, Marilyn Gould, Peter Shiue, and Franklin Wong

ABSENT: Christopher Hulse and Bas Nabulsi (both notified intended absences)

ALSO

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

PUBLIC HEARINGS

1. REG#14344, Amend Section 29-5.A.3 of zoning regulations to permit charitable organizations as a Special Permit use

Ms. Poundstone, acting as Chairwoman in the absence of Chairman Hulse, called the Public Hearing to order at 7:15 P.M., seated members Bufano, Fiteni, Gould, Knapp, Poundstone, Shiue, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Ms. Poundstone noted that the hearing had been continued from a previous date.

Ms. Knapp referred for the record to a 2-page response letter dated March 27, 2014 from J. Casey Healy to Planning and Zoning Commission; a memorandum dated March 27, 2014 from David Schiff, VHB Engineering, Surveying and Landscape Architecture; and a copy of email communications sent April 8, 2014 and April 9, 2014 among Robert Nerney, Donna Stone and Floyd Lapp re: SWRPA Determination on Referrals.

Present were J. Casey Healy, applicant/attorney; and Eliot D. Russman, CEO & Executive Director, Fidelco.

Mr. Healy addressed three questions/comments that remained outstanding as of the last

hearing, as follows:

1) The definition of “Charitable organization” was modified to rein in retail uses as follows: “Public merchandising facilities provided as part of a charitable organization’s use shall be limited to those which are ancillary to the principal use and from which the proceeds accrue to the non-profit organization.” He explained that this text modification was the applicant’s attempt to preclude a charitable organization from selling retail items such as Dunkin’ Donuts or Gatorade, for example, in order to raise funds, but to not preclude them from selling, as an example in this case, a Fidelco hat or mug.

2) The 750-foot limiting distance was clarified to be “as measured from the edge of the right-of-way of Danbury Road to the nearest property line of the subject property”.

3) Parking requirements for such uses, as per Dave Schiff’s recommendation, are proposed to be “As determined by the Commission”, which would mirror the existing requirements for public or semi-public buildings not otherwise listed in the regulations.

Ms. Poundstone observed for the record that while Fidelco may become the first such charitable use occupant at the 27 Cannon Road location, she felt it was important to note that there are very many other charitable uses and other potential Town locations that could be impacted by the subject regulation.

Ms. Gould noted for the record that she had read the materials and listened to the tapes of the prior proceedings pertaining to the subject application. She acknowledged the difficulty of considering a proposed regulation change in the abstract, while at the same time trying to recognize the potential future uses and sites that might be directly impacted by said change. In that regard, Ms. Gould questioned what would happen to the rest of the square footage at the existing building on 27 Cannon Road, since the regulation references a 10,000 square-foot building and yet Fidelco has indicated a need for only 3-5 employees (i.e. would some of the building be rented to someone else?). She also asked for additional information on Fidelco’s possible future expansion plans for said property.

Mr. Healy explained that the existing building is only 6,000 square feet and about 28% of it is currently leased (approximately 1700+/- square feet). He noted that the proposed regulation’s 10,000 square-foot number was arrived at as a maximum allowable size as a result of discussions with Town Planner Nerney. In response to another question from Ms. Gould regarding parking, Mr. Healy noted for the record that there were only 2 cars in the parking lot out of 25 available during a recent visit to the site.

Addressing Ms. Gould’s question pertaining to possible future expansion, Mr. Healy explained that Fidelco might seek to expand the first floor towards the railroad tracks in the future to accommodate a larger room for puppy socialization classes and fund-raising, but he noted that the usual coverage limitations of 7% building and 12% site would apply

to any such expansion.

Addressing another question from Ms. Gould regarding outside usage of the property, Mr. Healy stated that no activities such as breeding, kenneling, etc. would be conducted at the 27 Cannon Road site, noting that only dog socialization classes would be conducted on the premises on weekends. He explained further that volunteers (i.e. dog handlers) would be transporting dogs to/from the 45-minute training sessions on Saturdays, which would accommodate a 6-dog maximum per class.

In response to a question from Mr. Shiue, Mr. Healy indicated that Fidelco had not narrowed down its options to the 27 Cannon Road site, noting that other sites are also being considered by the applicant.

Mr. Wong noted for the record that the Commission was discussing regulation changes that would apply to residential districts in the Town as a whole and that are not specific to the 27 Cannon Road site. In that regard, he questioned whether Fidelco would still have to come before the Commission if the subject application were approved, assuming it wanted to utilize the 27 Cannon Road site.

Mr. Healy explained that all of the properties that Fidelco is currently considering would require a Special Permit application and specific approval from the Commission, except for the 27 Cannon Road site where the proposed Fidelco use would be grandfathered due to the site's prior history of use.

In response to a question from Ms. Poundstone regarding whether selling dogs on the site could be considered as an ancillary use, Mr. Healy stated that such sales would not take place in the Wilton facility, noting that puppies are bred and kenneled in the Bloomfield facility.

In response to a further question from Ms. White, Mr. Healy confirmed that Fidelco would not be creating any ancillary use facilities to serve food or drinks on the site. He noted that any fundraising activities would either be catered on the site or would be held at an off-site facility. He cited the example of the Grange as such an off-site facility, which is located adjacent to the 27 Cannon Road site in a DRB zone.

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

There being no further comments from the Commission or the public, at 7:30 P.M. the Public Hearing was closed.

REGULAR MEETING

- A. Ms. Poundstone called the Regular Meeting to order at 7:30 P.M., seated members Bufano, Fiteni, Gould, Knapp, Poundstone, Shiue, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. March 24, 2014 – Regular Meeting

MOTION was made by Ms. Knapp, seconded by Ms. Bufano, and carried (6-0-1) to approve the minutes of March 24, 2014 as drafted. Ms. Gould abstained.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

1. REG#14345, Amend Section 29-6.C.4.j of zoning regulations pertaining to banks or financial institutions with drive-in facilit(ies) in Wilton Center District

It was the consensus of the Commission to accept the application and schedule a public hearing for Monday, April 28, 2014.

2. SDP, 44 Westport Road, LLC, 44 Westport Road, To allow construction of twenty (20) units pursuant to Section 8-30g of CT General Statutes

Withdrawn at the request of the applicant.

E. PENDING APPLICATIONS

1. REG#14344, Amend Section 29-5.A.3 of zoning regulations to permit charitable organizations as a Special Permit use in Single-Family Residential Districts

The Commission requested that staff draft a resolution of approval for vote at the next meeting. Ms. White noted that staff had prepared a draft resolution in anticipation of such a request. She distributed Draft resolution #0414-2REG for Commission review.

Minor modifications were incorporated into the Resolution.

MOTION was made by Ms. Gould, seconded by Ms. Knapp, and carried unanimously (7-0) to adopt as amended Resolution #0414-2REG for **REG#14344**, effective April 17, 2014.

WHEREAS, the Wilton Planning and Zoning Commission accepted application #14344 for an amendment to Section 29-5.A.3., Section 29-2.B. and 29-8.B.5.a. of the Zoning Regulations of the Town of Wilton pertaining to the establishment of Special Permit requirement provisions within the Single Family Residential (R-1A and R-2A) Zoning Districts for charitable organizations; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing on March 24, 2014 and April 15, 2014 to receive comment from the public and has fully considered all evidence submitted at said hearing; and

WHEREAS, notice and copies of the application have been forwarded to the South Western Regional Planning Agency and the Housatonic Valley Council of Elected Officials for review and comment and the Commission has considered all comments from such agencies ; and

WHEREAS, the proposed regulation is consistent with the intent of the Plan of Conservation and Development based on the desirability of supporting private community and cultural facilities which contribute to the quality of life within the Town.

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission **APPROVES** application #14344 effective, April 17, 2014 as follows:

Section 29-5.A.

3. Special Permit Uses:

- r. Charitable organizations on residentially-zoned properties when fronting on Danbury Road or on major or secondary roads within 750 feet of Danbury Road (as

measured from the edge of the right-of-way of Danbury Road to the nearest property line of the subject property); provided that the charitable organization shall not occupy more than 10,000 square feet of gross floor area.

Section 29-2.B.

3. Definitions:

22. Charitable Organization: A non-profit organization that qualifies for exemption under the Internal Revenue Code 501(c)(3). A charitable organization may provide educational, health, recreational, social, civic, religious or similar services to members of the community which it serves but shall not contain dwelling units or sleeping accommodations. Public merchandising facilities provided as part of a charitable organization's use shall be limited to those which are ancillary to the principal use and from which the proceeds accrue to the non-profit organization.

Section 29-8.B.5.a.

(14). Public, semi-public or charitable organization buildings not otherwise listed As determined by the Commission

-END RESOLUTION-

F. COMMUNICATIONS

1. SUB#912, Fawcett, 27 Redding Road, Request for 90-day extension of filing of subdivision plan on Wilton Land Records

The Commission referenced a letter dated April 9, 2014 from Kevin E. O'Brien to Planning and Zoning Commission requesting a 90-day extension for the filing on Wilton Land Records of the subdivision plan for SUB #912.

Ms. White explained that one of the conditions of approval required installation of new septic systems prior to filing of the subdivision plan. She noted that this has proved difficult for the applicant due to the severe snow/weather problems of the past winter.

It was the consensus of the Commission to approve the applicant's request for a 90-day extension.

G. REPORT FROM CHAIRMAN

1. Reports from Committee Chairmen

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

J. ADJOURNMENT

MOTION was made by Ms. Knapp, seconded by Ms. Bufano, and carried unanimously (7-0) to adjourn at 7:39 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary