

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

WILTON PLANNING & ZONING COMMISSION MINUTES APRIL 11, 2016 REGULAR MEETING

PRESENT: Chairwoman Sally Poundstone, Vice Chairman Fiteni, Secretary Doris Knapp, Commissioners Scott Lawrence, Andrea Preston, Keith Rodgerson, Peter Shiue, Rick Tomasetti, and Franklin Wong

ABSENT:

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. SP#410, O'Brien/Townsend-Adams Props, LLC, 23 Hubbard Road, To allow two dwelling units over office space, pursuant to Section 29-6.C.4.b of zoning regulations**

Mr. Nerney explained that the applicant had requested a continuance of the hearing since it was discovered that a variance will be required in connection with the application. It was noted that the application will likely be heard again on May 23rd to allow the applicant the necessary time to seek the aforementioned variance.

There being no further comments from the Commission or the public, the application was continued.

- 2. SP#411, Kevin O'Brien/3 Hubbard Road, LLC, 434 Hurlbutt Street, To allow a detached accessory dwelling unit**

Ms. Poundstone noted that the application had been withdrawn at the request of the applicant.

3. SP#412, Kevin O’Brien/Smith, 50 Grumman Ave, To allow a detached accessory dwelling unit

Ms. Poundstone called the Public Hearing to order at approximately 7:20 P.M., seated members Fiteni, Knapp, Lawrence, Preston, Poundstone, Rodgerson, Shiue, Tomasetti, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Ms. Knapp read the legal notice dated March 29, 2016; and referenced a 2-page Planning and Zoning Staff Report dated April 7, 2016, a memorandum dated April 5, 2016 from Jennifer M. Zbell to Bob Nerney and Daphne White, as well as a letter dated April 8, 2016 from Kevin E. O’Brien to the Planning and Zoning Commission requesting a continuance of the public hearing.

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

Paul Jarboe, present in the audience, asked whether there would be opportunity for public input at the next meeting. He was assured by the Commission that he would be given another opportunity to speak at that time.

There being no further comments from the Commission or the public, at approximately 7:23 P.M. the Public Hearing was continued until April 25, 2016.

REGULAR MEETING

A. Ms. Poundstone called the Regular Meeting to order at 7:23 P.M., seated members Fiteni, Knapp, Lawrence, Poundstone, Preston, Rodgerson, Shiue, Tomasetti, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. March 28, 2016 – Regular Meeting

MOTION was made by Mr. Tomasetti, seconded by Mr. Fiteni, and carried (9-0) to approve the minutes of March 28, 2016 as drafted.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

1. **SDP, Bellino, 20 Old Driftway, Request to import fill for purposes of extending yard area**

Application was withdrawn at request of applicant.

2. **REG#16352, Planning and Zoning Commission, To amend Section 29-11.A.12 pertaining to bond requirements, and Section 29-2 pertaining to definitions within the Zoning Regulations**

Public Hearing scheduled for April 25, 2016.

3. **REG#16353, I Park Norwalk II, LLC, Amend Sections 29-2.B.149, 29-7.B.2, 29-7.C.2, 29-7.E.2, 29-7.E.3, 29-7.E.4 and 29-7.E.5 pertaining to DE-5 and DE-10 zones**

Public Hearing scheduled for May 9, 2016.

4. **SP#413, Best Friends Total Pet Care, 213 Danbury Road, To allow a commercial kennel and veterinary hospital**

Public Hearing scheduled for April 25, 2016.

5. **SP#414, ASML US, INC., 77 Danbury Road, To allow an accessory parking garage**

Public Hearing scheduled for May 9, 2016.

6. **SP#415, Arthur, 39 Powder Horn Hill Road, To allow establishment of an accessory dwelling unit**

Public Hearing scheduled for May 23, 2016.

E. PENDING APPLICATIONS

1. **SP#410, O'Brien/Townsend-Adams Props, LLC, 23 Hubbard Road, To allow two dwelling units over office space, pursuant to Section 29-6.C.4.b of zoning regulations**

Tabled.

2. **SP#411, Kevin O'Brien/3 Hubbard Road, LLC, 434 Hurlbutt Street, To allow a detached accessory dwelling unit**

Withdrawn.

3. **SP#412, Kevin O'Brien/Smith, 50 Grumman Ave, To allow a detached accessory dwelling unit**

Tabled.

F. COMMUNICATIONS

1. Discussion pertaining to interpretation of Adaptive Use Regulations for 444 Danbury Road

Referencing a letter dated April 8, 2016 from Kyle Ritchie of Geigers Home & Garden, Mr. Nerney explained that Geigers, a long-standing landscaping business, wishes to lease the back building on the subject property at 444 Danbury Road, which is owned by Alice Snyder. He noted that the property was approved some years ago under the Adaptive Use Regulations which traditionally allows professional and some service business uses. He explained that Zoning Regulations permit an existing adaptive use to be changed to another adaptive use subject to authorization by the Town Planner who can elect, per his discretion, to refer it to the Planning and Zoning Commission. He stated that he recommended that the applicant submit its proposal for this site to the Commission for its recommendation/guidance on the matter. He referenced the applicant's submitted plan and proposed vehicle storage on the back area of the site.

Ms. Poundstone raised questions regarding the types/sizes of equipment/trucks to be stored on the site and whether other landscaping items, such as bark and mulch, will also be stored on the site.

Kyle Ritchie, General Manager of Geigers, present in the audience, explained that the applicant is in the home service business and is primarily seeking an office/gallery to showcase its work. He stated that they would like to expand their existing Westport market into the Wilton/Weston markets and they felt the subject site would be well-positioned in that regard. He stated that their goal is property care/design at the customers' locations, with direct delivery of materials to the customer site. In response to questions raised by Ms. Poundstone, Mr. Ritchie stated that they have a small fleet of trailers and trucks, no larger than pick-up trucks or mini dump trucks, noting that they would not be storing any heavy, large-scale trucks on the site. He felt that the subject site would be optimal for such a business because it's tucked in the back with the train station behind it.

Steven Pacholyk, Senior Designer on staff, compared their business model to two existing businesses in Town, noting that they are more of a "Glen Gate" style business, i.e. a design build firm as opposed to a "Hoffman" business model. He stated that they have no interest in housing plants or plant materials on the site. In response to questions from the Commission, Mr. Ritchie explained that the space would allow for about 8-9 trucks, all of which would be below the CDL vehicle weight limits (i.e. not requiring Commercial Drivers Licenses).

Mr. Ritchie noted further that their business focuses on residential, not commercial properties, and he explained that any landscaping debris would be picked up and brought

directly to the transfer station.

Addressing a question regarding a proposed staging area indicated on the site plan, Mr. Pacholyk explained that the intent is for materials to be stored there temporarily, not for long-term storage of materials/supplies. The applicant noted further that all trailers are enclosed and any repairs would be done off-site.

A photo of the site being utilized/parked by Blue Buffalo was distributed. Messrs. Ritchie and Pacholyk explained their proposal to store/park vehicles at the back of the site, noting that 200 feet of arbor vitae screening already exists along the eastern boundary, with new plantings proposed around the proposed parking area to provide additional screening.

Concerns were raised by the Commission regarding an adjacent neighbor. Alice Snyder, present in the audience, explained that she wasn't able to connect with the adjacent neighbors who just moved in, although she was able to contact another property owner up the hill who had no problem with the proposed site modifications. She felt that the new property owners' home, adjacent to the property, would be well-screened, particularly when the greenery is in bloom.

Mr. Tomasetti observed that while the proposed use seems to be in keeping with the adaptive use scenario, the applicant is proposing development expansion of the site by adding a parking lot, yet minimal information has been submitted to the Commission, e.g. no square footage calculations, no existing parking information, no survey, etc. He felt that the application as proposed does not conform with what the Commission normally requires of an applicant in such circumstances.

Other members of the Commission concurred. It was the consensus of the Commission that the applicant would need to submit a formal application if it wishes to expand development of the site as proposed.

Mr. Nerney explained that the application required would be a Special Permit application, with all the usual required backup documentation, including a formal stamped and signed plan.

Mr. Ritchie questioned whether a Special Permit would be required if the parking lot were not extended, i.e. could the process occur in 2 stages, with any development occurring, via a Special Permit application, at a future date.

Mr. Nerney noted that if the barn use is contingent in any way upon utilizing the site for outside storage, then he suggested waiting until a formal Special Permit application is submitted/approved.

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Mr. Lawrence noted that he would be okay with the applicant's proposed use if it is solely to allow a landscaping use within the structure, i.e. if the use is just converting from one office use to another.

Mr. Ritchie questioned whether such approved use would allow use of the existing parking lot area, as it is used currently, as long as they were not expanding parking any further.

It was the consensus of the Commission that the applicant would be permitted, under adaptive use regulations, to utilize the existing building and the existing, established parking area, with the understanding that any site modifications including, but not limited to, any parking expansion, would be subject to Commission approval. Mr. Nerney confirmed that such limited use, as defined and constrained by the Commission, could be approved via an in-house zoning permit.

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 Mr. Lawrence, and carried unanimously (9-0) to adjourn at 8:05 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary