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TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

WILTON PLANNING & ZONING COMMISSION MINUTES *
FEBRUARY 27, 2017 REGULAR MEETING

PRESENT: Chairman Joe Fiteni, Vice Chairman Scott Lawrence, Secretary Doris Knapp, Commissioners Tierney O'Hearn, Sally Poundstone, Andrea Preston, Peter Shiue, Rick Tomasetti, and Franklin Wong

ABSENT:

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

At approximately 7:16 P.M., Mr. Fiteni asked Town Planner Nerney to provide some background information in connection with the Mandatory Referral (MR#145) on the agenda for discussion later in the evening.

Mr. Nerney explained that the application to extend sanitary sewer to 183 Ridgefield Road is a referral from the Water Pollution Control Authority (WPCA). He noted that under Section 8-24 of the CT General Statutes any municipal improvement or sale/lease of land is required to come before the Planning and Zoning Commission for its review/advisory opinion. He explained that the Commission does not make a decision in this matter (the decision rests with the WPCA), but rather it is charged with determining whether the proposed work comports with the Town's Plan of Conservation and Development. He noted that the Commission's recommendation is non-binding but if it is negative, then the proposal would be subject to a town-wide vote in order to be approved.

Mr. Nerney explained further that these types of applications are not public hearings and therefore the letters that were submitted in connection with the matter have not been forwarded to the Commission but are part of the file and are available for public reference.

Mr. Nerney stated that the Commission has 35 days to render its opinion. He emphasized that this is not an application for a plan of development on any particular site, noting that any such development plan would be subject to a zone change application and a Special Permit/site plan review before being allowed.

MOTION was made by Mr. Lawrence, seconded by Mr. Tomasetti and carried unanimously to scramble the agenda to hear application MR#145 (Communications Item #1) prior to the Public Hearings scheduled for this evening.

Members of the audience attempted to comment/ask questions pertaining to application MR#145. Mr. Fiteni explained that the Commission could not take public comment/questions, reiterating that this is not a public hearing and the applicant is not present, although he noted that the proceedings are open to the public. He noted that if an application comes before the Commission in connection with developing a particular site in the future, then there will be ample opportunity for the Commission to accept public comment at that time.

Mr. Nerney elaborated further, noting that the age-restricted housing is a concept that has been adopted in many towns throughout Connecticut, whereby at least one individual must be at least 55 years of age and no one under the age of 21 is permitted to live in such a development on a permanent basis. He noted that the age-restricted zoning regulations approved recently do not apply to any one particular site, and such developments would only be allowed by way of a zone change and a Special Permit approval

REGULAR MEETING

A. Mr. Fiteni called the Regular Meeting to order at approximately 7:25 P.M., seated members Fiteni, Knapp, Lawrence, O'Hearn, Poundstone, Preston, Shiue, Tomasetti, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

F. COMMUNICATIONS

1. MR#145, Section 8-24 Referral, Wilton Water Pollution Control Authority, Sanitary sewer extension proposal to 183 Ridgefield Road in connection with proposed age-restricted housing development

Mr. Nerney continued, noting that the Commission approved regulatory criteria for age-related housing this past fall, but any application for a specific site development would be subject to rezoning of the property as well as a Special Permit approval, both of which would require public hearings. He added that the Commission has great discretion when considering a zone change and he emphasized that no such zone change application had

been submitted to date. He reiterated that this is just a referral from the WPCA, not a formal development application for a particular site, and that a recommendation must be rendered by the Commission within 35 days and forwarded to the WPCA for further action.

Mr. Nerney briefly reviewed the referral request dated February 14, 2017 from Lynne Vanderslice, First Selectwoman/WPCA Chair, noting that the proposal is to extend the sewer from its current terminus in the vicinity of the Congregational Church up to 183 Ridgefield Road. He advised Commissioners to review their copies of the Town Plan of Conservation and Development (POCD), noting that a link to same on the Town's website was also provided to them.

Mr. Lawrence stated that he had reviewed the POCD in great detail, noting that the Commission must consider the character of the area and the land use map for this part of Town to determine whether such a proposal would be consistent with current and future land use trends in the area. He referenced in particular page 90 (Sewage Disposal) and the "Water and Sewer Plan" on page 91, noting that the map on page 91 incorrectly represents the Ridgefield Road area as an existing water service area when, in fact, there is no public sewer or public water in the area. He noted further that one of the actions necessary for ensuring that water/sewer policies reflect land use goals is that any sewer extension must be in accordance with the Town's Water and Sewer Plan, yet he observed that there is no formal sewer plan available for reference in that regard.

Referencing guidelines set forth in the POCD, he noted other considerations that could figure into the Commission's decision including, but not limited to, the fact that all of the lots and areas affected by the subject application are in a designated Sewer Avoidance/Septic Management Area (unfavorable to the application); higher housing densities would be permitted by sewer (positive or negative depending upon specific location); some of the area is deemed a good water quality maintenance area and/or is in an encouraged resource preservation area (favoring sewer extension but unfavorable if overdevelopment ensues); the area is a high traffic location so disruption, albeit temporary, would be high.

Mr. Fiteni observed that the Town doesn't have a sewer plan and he questioned how that factors into the decision before them.

Mr. Nerney noted that the Commission needs to look at how the proposal either serves the needs/goals of the Town or deviates from that purpose.

Mr. Shiue noted that the land is currently underutilized, although Mr. Tomasetti pointed out that the 13-acre parcel at 183 Ridgefield Road, which previously had only one house on it, has subsequently been subdivided into 5 lots.

Mr. Nerney advised the Commission to consider the "Potential Buildout Scenario" on page 19 of the POCD and the "Water and Sewer Plan" map on page 91 from the perspective of what the Planning and Zoning Commission had envisioned back in 2010 when the POCD was last revised. He also referenced other stated goals in the document that would be relevant, pertaining to housing diversity and seniors aging within the community.

It was the consensus of the Commission that it needed additional time to review the POCD before rendering an advisory opinion on the matter.

At approximately 8:09 P.M. the discussion was continued until March 13, 2017, with the understanding that failure to act in 35 days from receipt of the application (conservatively estimated to be February 13, 2017) would constitute a favorable recommendation to the WPCA.

Mr. Lawrence agreed to submit his notes/analysis into the record for the benefit of other Commissioners.

Members of the audience were advised to contact P&Z staff if they have further questions on the matter.

PUBLIC HEARINGS

1. SP#422, ASML US, INC, 59 Danbury Rd, Construction of parking area
[Continued until March 27, 2017]

2. SP#423, Staffordshire Properties, LLC, 503 Danbury Road, Amend site development plan for adaptive use to allow a second apartment in principal building and use of accessory building for drop-off/pickup of dogs boarding at 499 Danbury Road

Mr. Fiteni called the Public Hearing to order at approximately 8:10 P.M, seated members Fiteni, Knapp, Lawrence, O'Hearn, Poundstone, Preston, Shiue, Tomasetti, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. He noted that the hearing was continued from a prior date. Ms. Knapp referenced into the record a 2-page response letter dated February 27, 2017 from J. Casey Healy to Planning and Zoning Commission, with attached survey dated February 21, 2017, and 2018 Commercial Kennel license #CKF.000360.

Present were J. Casey Healy, attorney; and Joe Kaddis, principal, Passage East Kennels.

Mr. Healy referenced the aforementioned response letter noting, in particular, that the two parcels (503 and 499 Danbury Road) will be merged into one property to cure a potential setback issue; an adjustment will be made to bring the properties into compliance with site coverage; issues with neighboring property owner Chris Wood at 505 Danbury Road have been resolved via screening along the northerly boundary of 503 Danbury Road; the Kennel License places no restriction on the number of dogs allowed at the kennel; and drop-off/pick-up times of 6:30 – 8:00 AM and 6:00 – 7:30 PM will be by appointment only with one staff person at the studio building overseeing this activity.

Addressing traffic concerns, Mr. Healy stated that there will be three parking spaces by the studio, noting that the appointment-only process will reduce vehicle activity/congestion on the site. Mr. Healy also reviewed the tenant set-up on the site.

Upon hearing that local architect Roger Stalker was one of the tenants at 503 Danbury Road, Mr. Tomasetti recused himself from the hearing due to a potential conflict of interest that he was previously unaware of, and he left the meeting room.

Further addressing traffic issues, Mr. Kaddis noted that office staff would not be there during drop-off/pick-up hours, thus increasing parking availability on the site. He also explained that although there could potentially be a maximum of 20 dogs during those hours, he actually only expected around 10 dogs, noting again that they would be dropped off/picked up by appointment only.

Addressing a question raised by staff pertaining to the current use at 499 Danbury Road, Mr. Kaddis stated that the kennel facility has been there since the early 1970s. Mr. Healy confirmed that there are no records anywhere in Town Hall pertaining to 499 Danbury Road.

Upon further discussion, it was the general consensus of the Commission that merging 503 Danbury Road with the 499 Danbury Road property to the south would not expand or be contrary to the adaptive use approval currently in place for 503 Danbury Road.

Mr. Fiteni 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 8:28 P.M. the Public Hearing was closed.

Mr. Tomasetti returned to the meeting room.

3. **SP#420, Millstone Property Holdings, LLC, 180 Millstone Road, To allow a riding stable as defined in Section 29-2.B.132 of Zoning Regulations**

Mr. Fiteni called the Public Hearing to order at approximately 8:28 P.M, seated members Fiteni, Knapp, Lawrence, O'Hearn, Poundstone, Preston, Shiue, Tomasetti, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. He noted that the hearing was continued from a prior date. Ms. Knapp referenced a letter dated February 27, 2017 from J. Casey Healy to Planning and Zoning Commission requesting a continuation of the hearing until March 13, 2017; and a letter dated February 27, 2017 from H. Casey Cordes, SNEW to Joe Fiteni, Chair, Planning and Zoning Commission.

Mr. Fiteni asked if anyone in the audience wished to speak for or against the application.

There being no comments from the Commission or the public, at approximately 8:30 P.M. the Public Hearing was continued until March 13, 2017.

REGULAR MEETING

A. Mr. Fiteni called the Regular Meeting to order at approximately 8:30 P.M., seated members Fiteni, Knapp, Lawrence, O'Hearn, Poundstone, Preston, Shiue, Tomasetti, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. **February 13, 2017 – Regular Meeting**

MOTION was made by Mr. Tomasetti, seconded by Mr. Lawrence, and carried (8-0-1) to approve the minutes of February 13, 2017 as amended. Mr. Shiue abstained.

Minutes of February 13, 2017 were amended to reflect Commissioner Lawrence had recused himself from application SP#422, ASML US, INC, 59 Danbury Road.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

E. PENDING APPLICATIONS

1. SP#422, ASML US, INC, 59 Danbury Rd, Construction of parking area

[Tabled until March 27, 2017]

2. SP#423, Staffordshire Properties, LLC, 503 Danbury Road, Amend site development plan for adaptive use to allow a second apartment in principal building and use of accessory building for drop-off/pickup of dogs boarding at 499 Danbury Road

Mr. Tomasetti recused himself and left the meeting room.

The Commission briefly discussed the application. The Commission requested that staff prepare a draft resolution of approval, incorporating the conditions proffered by the applicant, including consolidating the properties and curing a site coverage issue.

3. SP#420, Millstone Property Holdings, LLC, 180 Millstone Road, To allow a riding stable as defined in Section 29-2.B.132 of Zoning Regulations

Tabled.

F. COMMUNICATIONS

2. Accessory dwelling Unit Discussion

Mr. Nerney explained that his focus in writing the draft accessory dwelling unit regulations, which were forwarded to the Commission on February 8, 2017, was clarity and simplification. He referenced other Towns' regulations which were also forwarded to the Commission, which he felt were much more detailed. He briefly reviewed some of the modifications he incorporated into the draft. He noted that although he had originally removed the requirement that one of the units be owner-occupied at all times, he had since decided it might be wise to maintain that provision. He referenced the rise of websites such as VRBO and Airbnb, noting that an owner presence generally equates to more/better oversight of the property.

Mr. Wong raised the possibility of allowing two accessory dwelling units on one property. Mr. Fiteni stated that he was very reluctant to allow more than one such unit on a property as it would almost demolish the 2-acre zone concept. Mr. Nerney expressed similar concern, noting that people have an inherent expectation when they purchase 2-

acre parcels.

The issues of architectural design as well as allowing larger-sized units were also discussed. The Commission was not inclined to regulate the architectural design of such units.

Mr. Nerney stated that he would take another look at the permitted sizes of accessory dwelling units and get back to the Commission.

G. REPORT FROM CHAIRMAN

1. Reports from Committee Chairmen

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

1. **CHZ#17358, Kevin O'Brien, 578 & 586 Danbury Road, Proposed change of zone from R-1A to GB [P.H. March 13, 2017]**

2. **SP#424, Clune, 50 Middlebrook Farm Road, To allow a cottage to be used as an accessory dwelling unit pursuant to section 29-4.D.1 of zoning regulations [P.H. March 13, 2017]**

J. ADJOURNMENT

MOTION was made by Mr. Fiteni, seconded by Mr. Tomasetti, and carried unanimously (9-0) to adjourn at approximately 9:08 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary