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TOWN OF WILTON

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BY: **LK**

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

**WILTON PLANNING & ZONING COMMISSION MINUTES *
NOVEMBER 13, 2017 REGULAR MEETING**

PRESENT: Vice Chairman Scott Lawrence, Secretary Doris Knapp, Commissioners Tierney O'Hearn, Andrea Preston, Melissa Rotini, Peter Shiue, and Rick Tomasetti

ABSENT: Joe Fiteni, Sally Poundstone (notified intended absences)

ALSO

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

PUBLIC HEARINGS

1. **REG# 17365**, 183 Ridgefield Road, LLC, For Age Restricted District (Overlay) ("AROD") regulations for property within a Residential "R-1A" or Residential "R-2A" district where property fronts on and provides vehicular access to either Danbury Road, Westport Road or Ridgefield Road from Danbury Road up to the intersection of Ridgefield Road with Drum Hill Road, or located no further than 750 feet from Danbury Road, provided the lot fronts on an arterial public road that directly connects to Danbury Road; and modifications to the Design Residence "DRD", Townhouse Residence "THRD" and Center Residence Apartment "CRA-10" multifamily housing districts to establish provisions for age-restricted housing.

Ms. Rotini was recused.

Mr. Lawrence called the Public Hearing to order at approximately 7:19 P.M., seated members Knapp, Lawrence, O'Hearn, Preston, Shiue, and Tomasetti, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. He noted that the applicant has requested a continuation of the hearing until November 27, 2017. Ms.

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Knapp referenced a letter dated November 6, 2017 from J. Casey Healy to Planning and Zoning Commission requesting a continuation and granting an extension to November 27, 2017; and an email sent October 24, 2017 from Janet Foster to Joe Fiteni and Bob Nerney.

There being no further comments from the Commission or the public, at approximately 7:21 P.M. the Public Hearing was continued until November 27, 2017 at the Brubeck Room in the Wilton Library.

- 2. SUB#918**, Millstone Property Holdings, LLC, 180 Millstone Road, for a 3-lot subdivision from 2 previously existing lots

Mr. Lawrence called the Public Hearing to order at approximately 7:21 P.M., seated members Knapp, Lawrence, O'Hearn, Preston, Rotini, Shiue, and Tomasetti, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. He noted that the applicant has requested a continuation of the hearing to November 27, 2017. Ms. Knapp referenced a letter dated November 7, 2017 from J. Casey Healy to Planning and Zoning Commission requesting said continuance and granting an extension until November 27, 2017.

There being no further comments from the Commission or the public, at approximately 7:23 P.M. the Public Hearing was continued until November 27, 2017 at the Brubeck Room in the Wilton Library.

- 3. SP#439**, Millstone Property Holdings, LLC, 180 Millstone Road, To allow a riding stable as defined in Section 29-2.B.132 of Zoning Regulations, including barn and indoor riding ring

Mr. Lawrence called the Public Hearing to order at approximately 7:23 P.M., seated members Knapp, Lawrence, O'Hearn, Preston, Rotini, Shiue, and Tomasetti, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. He noted that the applicant has requested a continuation of the hearing to November 27, 2017. Ms. Knapp read the legal notice dated October 31, 2017 and referenced a letter dated November 7, 2017 from J. Casey Healy to Planning and Zoning Commission requesting said continuance; and a letter dated October 19, 2017 from J. Casey Healy to Planning and Zoning Commission requesting that the entire record of SP#434 be incorporated by reference into the record of the subject application.

There being no further comments from the Commission or the public, at approximately 7:26 P.M. the Public Hearing was continued until November 27, 2017 at the Brubeck

Room in the Wilton Library.

4. **REG#17366**, an application from Patricia Frisch to amend Sections 29-3.A and 29-5 of the Town of Wilton Zoning Regulations to impose a moratorium (a) on any pending or future application to amend such Regulations in any manner that may allow the rezoning, use or development of any lot located in a R-2A or R-1A Single Family Residence District where such property fronts on or provides vehicular access to Ridgefield Road for multiple single-family or multi-family homes, whether by creation or “restoration” of an age-restricted overlay district or any other district, or otherwise, and (b) on any pending or future application for a zone change or special permit that would allow multiple single-family or multi-family homes on any lot located in a R-2A or R-1A Single Family Residence District where such property fronts on or provides vehicular access to Ridgefield Road, until not less than thirty (30) days following the date on which a new Plan of Conservation and Development (“POCD”) updating the 2010 POCD, including guidelines as to the desirability of any new zoning district or any such development on Ridgefield Road, is approved and formally adopted by the Planning & Zoning Commission.

Mr. Lawrence called the Public Hearing to order at approximately 7:26 P.M., seated members Knapp, Lawrence, O’Hearn, Preston, Rotini, Shiue, and Tomasetti, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. He noted that the application was continued from a previous date. Ms. Knapp referenced into the record a memorandum dated November 3, 2017 from Conservation Commission to Planning & Zoning Commission with attached Conservation Commission memorandum dated September 7, 2017; a 7-page memorandum from Patricia L. Frisch, Esq. received November 10, 2017; a 2-page letter dated November 10, 2017 from Patricia Frisch to Robert Nerney, Joseph Fiteni and Wilton Planning and Zoning Commission members; a 2-page letter dated October 26, 2017 [received November 8, 2017], from Leonard M. Braman to Melissa Rotini; and a 2-page letter dated November 10, 2017 from Patricia L. Frisch to Robert Nerney, Joseph Fiteni and Wilton Planning and Zoning Commission members.

Ms. Rotini submitted into the record a 2-page letter dated November 13, 2017 from Melissa-Jean Rotini to Joseph Fiteni, with attached aforereferenced Leonard M. Braman letter, addressing comments raised in said Braman letter pertaining to the issue of her recusal. She summarized her letter, noting that although she did not feel she had an issue of conflict with respect to the subject application she would recuse herself from further proceedings in order not to be an unnecessary distraction and to avoid providing any potential basis for future litigation against the Town.

In response to audience comments/complaints, Mr. Bloom explained that the decision to recuse is entirely up to the individual Commissioner. At the urging of the applicant and

other members of the audience, Ms. Rotini read into the record the entirety of the following letters, all pertaining to the issue of recusal: 2-page letter from Leonard M. Braman dated October 26, 2017 [received November 8, 2017]; 2-page letter from Patricia Frisch dated November 10, 2017; and 2-page letter from Melissa-Jean Rotini dated November 13, 2017.

In spite of comments from Ms. Frisch that it is improper to recuse oneself for reasons other than a conflict of interest, particularly when the developer is orchestrating such allegations of conflict, Ms. Rotini stated that it is within her purview to make such a decision which she felt would be in the best interest of the Town.

Ms. Rotini recused herself and left the meeting room.

Ms. Frisch referenced her recently submitted, revised text of the proposed moratorium and read the text verbatim into the record.

Ms. Frisch reviewed on a point-by-point basis her 7-page memorandum of response to questions raised at the October 23, 2017 public hearing as follows:

- Why the moratorium should apply only to Ridgefield Road, noting that it has unique characteristics, as delineated in her memorandum, not shared by Westport and Danbury Roads; and in particular has no high-density housing districts as do the other two roads.
- Whether the moratorium ties the hands of the Commission or causes it to cede its authority, noting it would actually tie the hands of the developers so that the Commission would be free to review town-wide land use planning considerations.
- Whether the moratorium would be unlawful because it applies to applications to amend the zoning regulations, noting that no such restriction exists under Connecticut law regarding moratoria as long as a proposed moratorium is reasonable and limited in time and scope.
- Whether the moratorium would have any effect on the pending AROD application (REG #17365) which was filed prior to the moratorium application, noting that Section 8-2(h) of the Connecticut General Statutes (CGS) does not apply when both decisions are legislative, as opposed to administrative, in nature; in addition to the fact that the language of the moratorium itself is clear as to its application to pending and future applications. She outlined four potential approval/denial scenarios with respect to 183 Ridgefield Road LLC's AROD application and the subject moratorium application, noting her support for approval of the moratorium and denial of the developer's AROD application.
- Whether the moratorium interferes with 183 Ridgefield Road LLC's existing property rights, noting that it is a fantasy that 183 Ridgefield Road LLC's property rights have been affected since it continues to retain its

right to develop its property at 183 Ridgefield Road within the allowable constraints of existing zoning regulations. She stated that the threats of litigation on the part of its attorney are unacceptable scare tactics.

In response to Mr. Lawrence's observation that the scenario whereby the Commission denies both applications was not addressed, Ms. Frisch stated that such a scenario would result in an endless onslaught of such applications before the Commission. She felt that a pause in the form of the proposed moratorium would give the Commission time for a proper review and adoption of the upcoming POCD prior to making any legislative decisions in this regard.

Ms. Frisch also addressed Mr. Lawrence's question of the meaning of the word "otherwise" prior to part (b) of her proposed moratorium text. She assured him that use of the word was in no way an attempt to take away any rights existing under current regulations.

In response to a concern raised by Ms. Knapp pertaining to the potential impact of the proposed moratorium on accessory dwelling units, particularly with respect to issues of density that have been raised by the applicant, Ms. Frisch stated that such housing would not be prohibited under the moratorium text as proposed.

Mr. Bloom offered comments, noting that the Commission should ask itself why the Town needs a moratorium right now. He noted that moratoria are generally passed at the development stage and not in connection with a zoning text change and that's because the Commission has other tools at its disposal for that stage of the process, i.e. its inherent legislative authority to say yes or no to a given text change application. He felt it would be risky from a legal standpoint to pass the moratorium and then deny the AROD application, noting that pursuant to Section 8-2(h) of the CGS it is widely accepted practice in land use that an application (e.g. AROD) is considered grandfathered if submitted prior to another application (e.g. the Moratorium application), which would likely force the issue to be addressed in court. He also stated his opinion that the Commission should not pass AROD and pass the moratorium, too.

Ms. Frisch disagreed, noting that Section 8-2(h) does not apply to legislative decisions and she felt that the purpose of the proposed moratorium is to put a temporary stop to certain applications while the Commission gains time and space to implement solutions to these ongoing issues.

Mr. Lawrence asked if anyone wished to speak for or against the application.

Jeff Thompson, 226 Ridgefield Road, cited the large turnout of residents over the past number of months, estimating approximately 99% opposed to the concept of high-density housing along Ridgefield Road, and he questioned how often P&Z applications draw such

large crowds. Mr. Lawrence cited several such issues out of many over the past two years that drew large resident turnout. Mr. Thompson felt that the Commission should utilize the POCD process fully given the amount of money that the Town is spending in connection with the POCD review/rewrite process.

Cathy Smith, 144 Pipers Hill Road, speaking on behalf of the Norwalk River Watershed Association (NRWA), expressed support for the application, noting that it is reasonable and limited in time and scope, and supported by case law. She cited water quality concerns, as well as issues with erosion and runoff, in connection with the AROD applications' proposed increase in site coverage from 12% to 30%, and she urged the Commission to approve the proposed moratorium.

Christina Duncan, 123 Middlebrook Farm Road, cited the large number of people who are passionate about land and water in Town. She stated that she would like to see this moratorium enacted, referencing the current POCD which she stated prohibits high density housing on Ridgefield Road.

Florence Johnson, 1086 Ridgefield Road, expressed support for the moratorium, noting that she would like to see more vision and leadership, particularly with respect to other housing options, e.g. affordable housing, mixed use, etc. She noted that she did not see AROD or smart growth overlay districts in the current POCD.

Sam Gardiner, 390 Ridgefield Road, questioned the point of having a broad spectrum of residents speak out if the Commission, which is charged to act in the public interest, does not consider their positions. He stated that there is no evidence in the POCD that Ridgefield Road should be included in any AROD legislation.

Woodson Duncan, 121 Middlebrook Farm Road, urged the Commission to listen to the public and pass the moratorium. He stated that more transparency is needed and he urged the Commission not to rush forward to enact legislation because of this one property at 183 Ridgefield Road.

Robin Law, 215 Ridgefield Road, urged the Commission to pass the moratorium, noting that it will give the Town more leverage and time, whereas passing AROD now would be permanent and more difficult to reverse. She questioned why a developer would have more rights than all the people who continue to show up in opposition.

Vicki Mavis, 208 Ridgefield Road, reminded the Commission of several Commissioner comments made during the rescission hearing some months ago that urged people to show up and participate in a process that needs further work. She expressed frustration, noting that the people have showed up and now the Commission needs to go back to the drawing board to figure out what really works for the residents of the Town.

Ms. Frisch offered a clarification to her proposed moratorium text addressing the issue of accessory apartments raised earlier by Ms. Knapp. She asked Attorney Bloom to share ways that any inherent problems in the wording could be addressed via word/text changes if necessary.

Steven Wander, 136 Ridgefield Road, quoted from a September 2017 letter from Mr. Nerney, which he felt suggested that the Commission wait for the completion of the POCD prior to passing new AROD legislation.

Sarah Curtis, 290 Cannon Road, cited the recent election where candidates pledged to serve residents of the Town, not developers, and she cited the upcoming telephone survey that was discussed at a recent POCD meeting which will involve a representative sample of 400 residents. She noted that these hearings/meetings have garnered over 300 residents, questioning whether all of these voices are being heard. She urged adoption of the moratorium, noting that this is an opportunity for the Commission to right a wrong.

Karen Silverberg, 150[?] Pipers Hill Road, urged Commissioners to consider what has been said and how everyone feels. She asked that they support the moratorium application which she felt has wide implications for the Town.

There being no further comments from the Commission or the public, at approximately 9:55 P.M. the Public Hearing was closed.

The Commission recessed and returned at approximately 10:02 P.M.

5. **SP#438, CT Poke-Wilton, LLC, Gateway Shopping Center, 14 Danbury Road, Conversion of existing retail space to a food service establishment**

Ms. Rotini returned.

Mr. Lawrence called the Public Hearing to order at approximately 10:02 P.M., seated members Knapp, Lawrence, O'Hearn, Preston, Rotini, Shiue, and Tomasetti, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. He noted that the hearing was continued from a previous date. Ms. Knapp referenced into the record a letter dated November 2, 2017 from J. Casey Healy to Robert Nerney, with attached revised special permit application form; a letter of objection dated October 31, 2017 from Allan P. Cramer to Wilton Planning & Zoning Commission; and a letter dated November 13, 2017 from J. Casey to Planning and Zoning Commission, with attachments and responses.

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

Mr. Healy briefly reviewed details of the application, noting that the applicant proposes converting the former Radio Shack space to a Poke Works restaurant. He explained that the restaurant will be customized in an assembly line fashion, heavily weighted towards take-out service, with a total of 24 seats proposed. He stated that no changes are proposed to the site plan at Gateway, noting further that he would coordinate with the landlord regarding parking spaces, dumpsters, Fire Department questions, etc. He requested that the hearing be continued to give staff and Commissioners time to review the response package submitted earlier in the day.

Mr. Lawrence 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 approximately 10:15 P.M. the Public Hearing was continued until November 27, 2017 at the Brubeck Room at Wilton Library.

- 6. Public Hearing** for the purposes of discussing and rendering a decision on whether to opt out of statutory enabling provisions established by way of Public Act 17-155 and codified in Section 8-2(a) of the Connecticut General Statutes as it pertains to temporary health care structures.

Mr. Lawrence called the Public Hearing to order at approximately 10:15 P.M., seated members Knapp, Lawrence, O'Hearn, Preston, Rotini, Shiue, and Tomasetti, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Ms. Knapp read into the record the legal notice dated October 31, 2017.

Mr. Nerney reviewed details of Public Act 17-155, noting that it became effective October 1, 2017 and establishes provisions for what are called temporary health care structures, sometimes referred to as "nanny pods". He briefly reviewed some of the law's requirements, including that the caregiver must live on the property and be unpaid, and the structure must be removed within 120 days of the impaired person vacating the unit. He noted that the law establishes allowance for these structures by right unless a municipality opts out. He reviewed the opt-out process, including the requirement for a Planning and Zoning public hearing and a subsequent vote by the Board of Selectmen to opt out.

Mr. Nerney noted that Wilton has a long established policy governing accessory dwelling units, which he felt was in many ways more generous than the recently adopted law and thus he did not feel it necessary for Wilton to be subjected to this new law. He noted further that the new law doesn't provide any voice to owners of surrounding properties, as

does Wilton's current special permitting process for accessory dwellings, and monitoring and enforcement of the new law could also be problematic.

The Commission briefly discussed the matter. There seemed to be broad consensus that it would be redundant to regulations that already exist in the Town, as well as difficult to enforce with respect to vacating within a specific timeframe and caregiver residency requirements, and would not provide any opportunity for Commission and/or public input. A concern was raised as to whether an accessory apartment, as currently permitted, and a temporary health care structure could both be allowed on a property.

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

Chris Law, 215 Ridgefield Road, speculated that it might be an advantage to the Town in that it might encourage people to stay in Town. He suggested that perhaps a requirement could be imposed that people reapply every year for such structures.

Patricia Frisch, 166 Ridgefield Road, expressed frustration that the published legal notice gave no clear indication as to the nature of the hearing this evening.

Sarah Curtis, 290 Cannon Road, questioned whether there is any time limitation by which the Town has to opt out or in. Mr. Nerney explained that it became law as of October 1 so the Town would be required to approve any conforming application as of that date. He noted that the Town is tracking at a pace comparable to other towns in the area. Ms. Curtis expressed concern that the Town was once again meeting the barest minimum standard of public notice.

Addressing the issue of adequate notice, Ms. Rotini noted that the matter has been included as a Communications item and/or Future Agenda item as far back as the September 25th agenda and all such agendas were published on the Town's website. Mr. Shiue acknowledged the expressed concerns, but pointed out that all references to the matter on the Town's website, in addition to the legal notice published in the newspaper, clearly referenced Public Act 17-155 and thus could have been easily "googled" if so inclined.

There being no further comments from the Commission or the public, at approximately 10:58 P.M. the Public Hearing was continued until December 11, 2017 and will likely be held in Meeting Room A at the Town Hall Annex.

REGULAR MEETING

A. Mr. Lawrence called the Regular Meeting to order at approximately 10:58 P.M., seated

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members Knapp, Lawrence, O'Hearn, Preston, Rotini, Shiue, and Tomasetti, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. October 23, 2017 – Regular Meeting

MOTION was made by Ms. Knapp, seconded by Mr. O'Hearn, and carried (7-0) to approve the minutes of October 23, 2017 as drafted.

C. SITE DEVELOPMENT PLAN REVIEW

1. SDP, Gleason & Assoc, LLC, Fujii Properties, LLC, 9 Hollyhock Lane, Second-story addition to accommodate four offices and bathroom, plus various site modifications to handicapped ramp, stairway, parking, etc.

The Commission reviewed draft Resolution #1117-4Z.

MOTION was made by Ms. Knapp, seconded by Ms. Preston, and carried unanimously (7-0) to adopt as drafted Resolution #1117-4Z for **Site Development Plan at 9 Hollyhock Road**, effective November 17, 2017.

WHEREAS, the Wilton Planning and Zoning Commission has received an application for a Site Development Plan from Gleason & Associates, LLC for approval for the expansion of an existing office building and for site modifications, to create a combined total of 2,424 square feet of office space for professional office use relating to individual and group counseling, for property located at 9 Hollyhock Road; in a DE-5 District, Assessors Map #68, Lot 27, and 0.637 +/- acres; owned by Fujii Properties, LLC and shown on the plans entitled:

Vicinity Map- Prepared for Fujii Properties, LLC, Prepared by Douglas R. Faulds, land surveyor, dated August 7, 2017, at a scale of 1"=20'. No sheet #.

Zoning Location Survey, Proposed- Prepared for Fujii Properties, LLC, Prepared by Douglas R. Faulds, land surveyor, dated August 7, 2017, at a scale of 1"=20'. No sheet #.

Untitled rendered copy of survey- received October 23, 2017, no scale noted – (sheet size 11"X17").

Site Plan Diagram Site Notes- Prepared for Fujii Building, Prepared by Gill & Gill, architects,

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dated August 23, 2017, at a scale of 1"=10', sheet #A-1.

Site Plan Diagram Site Notes- Prepared for Fujii Building, Prepared by Gill & Gill, architects, dated October 6, 2017, at a scale of 1"=10' (reduced copy size – 11"X17"), sheet #A-1.

First Floor Plan General Notes & Details- Prepared for Fujii Building, Prepared by Gill & Gill, architects, dated August 23, 2017, scale as noted, sheet #A-2.

First Floor Plan General Notes & Details- Prepared for Fujii Building, Prepared by Gill & Gill, architects, dated October 6, 2017, at a scale of 1"=10' (reduced copy size – 11"X17"), sheet #A-2.

Second Floor Plan Roof Framing Plan- Prepared for Fujii Building, Prepared by Gill & Gill, architects, dated August 27, 2017, scale of ¼"=1'-0", sheet #A-3.

Second Floor Plan Roof Framing Plan- Prepared for Fujii Building, Prepared by Gill & Gill, architects, dated October 6, 2017, at a scale of 1"=10' (reduced copy size – 11"X17") , sheet #A-3.

Exterior Elevations General Notes & Details- Prepared for Fujii Building, Prepared by Gill & Gill, architects, dated August 23, 2017, scale of ¼"=1'-0", sheet #A-4.

Exterior Elevations General Notes & Details- Prepared for Fujii Building, Prepared by Gill & Gill, architects, dated October 6, 2017, at a scale of 1"=10' (reduced copy size – 11"X17"), sheet #A-4.

Site and Landscape Plan- Prepared for Fujii Properties, LLC, Prepared by Environmental Land Solutions, LLC, landscape architects, dated September 12, 2017, revised September 20, 2017, at a scale of 1"=20' (reduced copy size – 11"X17"), sheet #SP.1.

Untitled photometric plan- average illuminance 1.88 (Fc) - Prepared for Fujii Properties, Prepared by Cliff Gilbert/Illuminate, lighting company, dated September 11, 2017, at a scale of 1"=30' (reduced copy size – 11"X17"), sheet #1 (drawing #SL1).

Untitled photometric plan- average illuminance 2.66 (Fc) - Prepared for Fujii Properties, Prepared by Cliff Gilbert/Illuminate, lighting company, dated September 11, 2017, at a scale of 1"=30' (reduced copy size – 11"X17"), sheet #1 (drawing #SL2).

WHEREAS, the Wilton Planning and Zoning Commission reviewed the Site Development Plan on October 23, 2017; and

WHEREAS, by way of application WET #2446, the Inland Wetlands Commission has approved a permit for the development of the property, in accordance with submitted plans; and

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WHEREAS, the Zoning Board of Appeals, pursuant to application #17-09-13, granted requisite variances to permit structural additions, subject to compliance with submitted plans; 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** the Site Development Plan for 9 Hollyhock Road effective November 17, 2017 and 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 November 17, 2022.
3. The applicant shall secure all necessary approvals from the Wilton Health Department, prior to the issuance of a zoning permit.
4. The site plan shall be modified so as to remove the proposed parking turnaround area and the adjoining northwesterly parking space. In addition, an end island shall be added to the site plan in an area next to the southeasterly parking space (adjacent to the entrance drive). The survey shall be modified to reflect any resulting increases in building coverage. Such plans shall be modified and submitted for staff review and approval, prior to the issuance of a zoning permit.
5. The Planning and Zoning Commission has reviewed the submitted lighting plans and, as a means of reducing impact to adjoining residences, approves the plan calling for an average of 1.88 foot-candle of lighting within the parking area. This plan is approved in lieu of an alternative plan depicting an average of 2.66 foot-candles.
6. All light fixtures shall be of the type submitted by the applicant's attorney and lighting company. The light fixtures shall comply with specifications and requirements outlined in Section 29-9.E of the Zoning Regulations.
7. Unless otherwise approved by the Commission, all proposed pavers in the parking area shall remain set in stone dust and shall not be mortared.
8. Tree protection shall be provided for all trees to be saved.
9. Installation of signage shall be subject to the approval of a sign permit and shall be fully compliant with Section 29-8.A. of the Zoning Regulations.
10. There shall be no construction activities on the site on Sundays or federal holidays. The hours of construction shall be between 7:00 a.m. and 6:00 p.m. Monday through Friday and 8:00 a.m. and 5:00 p.m. on Saturdays. These restrictions shall not apply to interior

work within the building.

Submittal of Revised Plans and Application:

11. Three (3) completed revised sets – one full sized set and two reduced copies (11”X17”), (collated and bound) shall be submitted to the Commission's office for endorsement as "Final Approved Plan" by the Town Planner prior to the issuance of a zoning permit. 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. "According to Section 8-3.(i) of the Connecticut General Statutes, all work in connection with this Site Development Plan shall be completed within five years after the approval of the plan. Said five-year period shall expire on November 17, 2022".
- b. "For conditions of approval for Site Development Plan, see **Resolution #1117-4Z**".

Prior to the Issuance of a Certificate of Zoning Compliance:

- 12. The applicant shall submit an as-built survey, prepared, signed and sealed by a Connecticut licensed land surveyor, depicting all building setbacks and denoting building and site coverage. Such information shall be provided prior to the issuance of a zoning compliance certificate.
- 13. The applicant shall submit an as-built photometric plan demonstrating compliance with the approved lighting plans. Such information shall be furnished to the Planning and Zoning Department staff prior to the issuance of a zoning certificate of compliance. All light fixtures shall be consistent with submitted cut-sheets and specifications approved by the Planning and Zoning Commission.
- 14. The existing wheelchair accessible signage located off the property in the front shall be removed prior to the issuance of a certificate of zoning compliance.

- END RESOLUTION -

D. ACCEPTANCE OF NEW APPLICATIONS

E. PENDING APPLICATIONS

- 1. **REG# 17365**, 183 Ridgefield Road, LLC, For Age Restricted District (Overlay) (“AROD”) regulations for property within a Residential “R-1A” or Residential “R-2A” district where property fronts on and provides vehicular access to either

Danbury Road, Westport Road or Ridgefield Road from Danbury Road up to the intersection of Ridgefield Road with Drum Hill Road, or located no further than 750 feet from Danbury Road, provided the lot fronts on an arterial public road that directly connects to Danbury Road; and modifications to the Design Residence “DRD”, Townhouse Residence “THRD” and Center Residence Apartment “CRA-10” multifamily housing districts to establish provisions for age-restricted housing.

Tabled.

2. **SUB#918**, Millstone Property Holdings, LLC, 180 Millstone Road, for a 3-lot subdivision from 2 previously existing lots

Tabled.

3. **SP#439**, Millstone Property Holdings, LLC, 180 Millstone Road, To allow a riding stable as defined in Section 29-2.B.132 of Zoning Regulations, including barn and indoor riding ring

Tabled.

4. **REG#17366**, an application from Patricia Frisch to amend Sections 29-3.A and 29-5 of the Town of Wilton Zoning Regulations to impose a moratorium (a) on any pending or future application to amend such Regulations in any manner that may allow the rezoning, use or development of any lot located in a R-2A or R-1A Single Family Residence District where such property fronts on or provides vehicular access to Ridgefield Road for multiple single-family or multi-family homes, whether by creation or “restoration” of an age-restricted overlay district or any other district, or otherwise, and (b) on any pending or future application for a zone change or special permit that would allow multiple single-family or multi-family homes on any lot located in a R-2A or R-1A Single Family Residence District where such property fronts on or provides vehicular access to Ridgefield Road, until not less than thirty (30) days following the date on which a new Plan of Conservation and Development (“POCD”) updating the 2010 POCD, including guidelines as to the desirability of any new zoning district or any such development on Ridgefield Road, is approved and formally adopted by the Planning & Zoning Commission.

The Commission discussed the application.

Mr. Lawrence cited the numerous text changes proffered by Ms. Frisch subsequent to the initial submission but ultimately felt they would not be problematic from a noticing standpoint since the changes are clarifying and less onerous, although he indicated that he would probably strike the word “otherwise” as discussed during the hearing. He

acknowledged some benefits of waiting until a POCD is adopted, although he questioned whether a moratorium is even needed given the legislative tools available to the Commission. He stated his belief that the current POCD does not prohibit what was previously passed (and ultimately rescinded) but noted that the Commission needs to consider this application as a new application.

Mr. Tomasetti felt that the two applications (183 Ridgefield Road, LLC and the Moratorium) should be addressed simultaneously. He felt that the Commission needs to rethink everything, not just the issue of Ridgefield Road, and he too felt that the Commission has plenty of tools at its disposal with which to work. He expressed discomfort at prohibiting something that doesn't yet exist.

Ms. Preston stated that she would like to see a moratorium passed for all three roads but would vote to support the proposed moratorium on Ridgefield Road since she would like to hold tight until the next POCD is adopted.

Ms. Knapp was uncomfortable with the prospect of adopting a moratorium, noting that the Commission can do whatever it needs to do without adopting this moratorium.

Mr. O'Hearn was impressed with Ms. Frisch's work/research, which he felt was compelling. He was in favor of pausing via the proposed moratorium, noting that haste does make waste.

Mr. Shiue ultimately decided he would vote in favor of the proposed moratorium as a means to lean on and draw further guidance from the upcoming POCD, although he felt that the Commission's prior decision to adopt the original AROD was made with all of the necessary due diligence. He expressed some doubt as to whether the people who have shown up for these hearings reflect a representative sampling of the Town.

As the Commission appeared to be evenly split on the matter, staff was directed to prepare draft resolutions both for and against the application for a vote at the next meeting when Commissioners Fiteni and Poundstone would likely also be present.

5. SP#437, H.A.R.T.S. Inc., 196 Danbury Road, To establish package (liquor) store

The Commission reviewed draft Resolution #1117-13P.

MOTION was made by Mr. Tomasetti, seconded by Ms. Knapp, and carried unanimously (7-0) to adopt as drafted Resolution #1117-13P for SP#437, effective November 17, 2017.

WHEREAS, the Wilton Planning and Zoning Commission has received Special Permit application **SP#437** from Robert Hall of H.A.R.T.S. Inc. seeking to establish a 2,080 square foot retail package store, for property located at 196 Danbury Road; in a Design Retail Business “DRB” District and in a R-1A Single Family Residence District, Known as Assessor’s Map#56, Lot#12, consisting of 2.025 acres owned by Buildings at 196 Danbury Road, LLC and shown on the plans entitled:

Property Survey- Prepared for Peter J. Hastings, Prepared by Douglas R. Faulds, land surveyor, dated September 8, 1998, at a scale of 1"=30'.

Exterior Access-Floor Plan- Prepared for 196 Danbury Road, Prepared by Frank M. Diurno, architect, dated October 23, 2017, at a scale of 1/4"=1'-0", Sheet #A-1.

Current Floor Plan (w/dimensions)- Prepared for 196 Danbury Road, submitted September 20, 2017, no scale noted.

Current Floor Plan (w/layout)- Prepared for 196 Danbury Road, submitted September 20, 2017, no scale noted.

Proposed Floor Plan (w/dimensions & layout)- Prepared for 196 Danbury Road, submitted September 20, 2017, no scale noted.

WHEREAS, the Wilton Planning and Zoning Commission conducted a public hearing on October 23, 2017 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, including provisions governing retail package stores;

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission **APPROVES** Special Permit **#437** to allow the establishment of a 2,080 square foot retail package store, effective November 17, 2017 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

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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 November 17, 2022.

3. The applicant shall file a Land Record Information Form with the Town Clerk (form to be provided by the Planning and Zoning Department) prior to the issuance of a zoning permit. A copy of the filing shall be submitted to the staff prior to the issuance of a zoning permit.
4. There shall be no outdoor storage of any products, including the storage of ice and/or the storage of recyclable containers. Any indoor storage of ice and/or of recyclable containers shall be conducted in accordance with all applicable State and local health code requirements.
5. Due to physical constraints associated with the site, the applicant shall ensure that all shopping carts are used strictly within the retail package store.
6. Any new lighting shall comply with the Zoning Regulations for outdoor lighting and shall be subject to review and approval by either the Planning and Zoning staff or the Planning and Zoning Commission.
7. The installation of signage shall be subject to the approval and permit granted by the Zoning Enforcement Officer. All signage shall be either non-illuminated or illuminated by means of external lighting only. Signage shall comply with the requirements set forth in the Zoning Regulations.
8. The installation of rooftop mechanical equipment shall be prohibited unless otherwise authorized by the Planning and Zoning staff and screened.
9. Pursuant to Section 29-11 the Commission has elected to not require a sidewalk given that the application is limited to a change of tenancy found to have little impact on current pedestrian traffic generated by the use.

Submittal of revised plans and application:

10. Two (2) 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 November 17, 2022."

b. "For conditions of approval for Special Permit #437, see **Resolution #1117-13P.**"

-END RESOLUTION-

6. **SP#438**, CT Poke-Wilton, LLC, Gateway Shopping Center, 14 Danbury Road,

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Conversion of existing retail space to a food service establishment

Tabled.

7. **Public Hearing** for the purposes of discussing and rendering a decision on whether to opt out of statutory enabling provisions established by way of Public Act 17-155 and codified in Section 8-2(a) of the Connecticut General Statutes as it pertains to temporary health care structures.

Tabled.

F. COMMUNICATIONS

1. **Jordan Savitt, Gofer Ice Cream, 379 Danbury Road, Request to consider modification of sign regulations**

Ms. Knapp referenced a letter dated November 1, 2017 from Jordan Savitt to the Planning and Zoning Commission seeking a waiver of sign regulations.

Mr. Savitt, present in the audience, addressed the Commission with his wife. He explained his plight, noting that only the gas station and his Gofer Ice Cream shop are open in the evenings along that dark strip of Danbury Road and, as a result, people driving by have no idea that his shop is open for business. Due to current signage regulations, he has been threatened with fines if he continues to display his internally illuminated “Open” signs and thus has taken them down. He stated that he will have to close his business if he can’t get some relief/compromise on the signage issue. He noted that there are other businesses in Town that are currently displaying internally illuminated “Open” signs.

The Commission discussed the issue at length. Considering the constraints imposed by existing signage regulations, Commissioners offered other suggestions including speaking to the landlord about possibly providing additional illumination in the outside area/parking lot, on the façade of the building, and on the monument sign itself. Other suggestions included placing an open sign in the windows (which are allowed to be covered by up to 25% of window space) and shining a spotlight up onto it; as well as utilizing Christmas lights to illuminate the building.

Commissioners agreed that signage regulations need to be revamped to be more business-friendly.

Ms. Rotini suggested submitting something in writing to the EDC (Economic

Development Commission) which has a subcommittee on signs.

Mr. Lawrence raised the possibility of adopting a narrow regulation change going forward to just address the issue of “open” signs.

G. REPORT FROM CHAIRMAN

1. Reports from Committee Chairmen

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

- 1. SP#435, Wilton YMCA, 404 Danbury Road, To allow construction of additions to existing club and to reconfigure parking areas serving the facilities
[Public Hearing – November 27, 2017]**
- 2. SP#436, i.Park Norwalk II, LLC, 1 Cannondale Way, To allow the construction of a parking garage facility
[Public Hearing – November 27, 2017]**
- 3. SDP, Sola Wilton, LLC, 5 River Road, To permit alternate signage in conjunction with a retail shopping center [Discussion – November 27, 2017]**

J. ADJOURNMENT

MOTION was made by Ms. Knapp, seconded by Mr. O’Hearn. and carried unanimously (7-0) to adjourn at approximately 12:15 A.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary

