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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 *
JANUARY 14, 2019 REGULAR MEETING**

PRESENT: Chairman Scott Lawrence, Vice Chairman Rick Tomasetti, Secretary Doris Knapp, Commissioners Fanwick, Murphy, Nabulsi, Pagliaro, and Shiue

ABSENT: Sally Poundstone (notified intended absence)

ALSO

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

PUBLIC HEARINGS

1. **SP#449: Applicant:** Wilton Heights, LLC **Application:** To allow stores and shops for the conduct of retail business, pursuant to Section 29-6.C.3.a of zoning regulations; and to allow dwelling units located above street level stores/offices pursuant to Section 29-6.C.4.b of zoning regulations, for property located at 300 Danbury Road and at 3, 7 and 11 Whitewood Lane, and additional properties on Whitewood Lane known as Assessor's Map #58, Lots #37 and #39

Date of Commission Receipt:	9/10/2018
Initial Public Hearing Opening Date:	10/22/2018
Public Hearing Status:	Public comment period is open. Public hearing must close by 1/14/2019 unless applicant consents to further extension.

The public hearing was called to order at approximately 7:15 PM.

Attorney Casey Healy, engineer Craig Flaherty, traffic engineer Mike Gallante, landscape architect Kate Throckmorton and Paxton Kinol, principal, represented the applicant.

***MINUTES HAVE NOT BEEN REVIEWED BY THIS COMMISSION AND MAY BE SUBJECT TO
REVISION IN FUTURE MINUTES. FULL AUDIO RECORDING OF MEETING IS
AVAILABLE AT: www.wiltonct.org/tv/index.html**

Mr. Kinol distributed and entered into the record additional renderings, photos, a memorandum dated January 14, 2019 from Gooding Architecture, and a letter with accompanying charts from Belpointe Real Estate Group [undated].

Additional input was received from the Town’s traffic consultant David Spear of DLS Traffic Engineering, who distributed SU-30 and WB-40 Truck Turning Exhibits; and Rob Sanders, Chairman, Village District Consultant Committee.

Public comment was received from Lisa Pojano, 59 Range Road, who submitted a Statement dated January 14, 2019 into the record; and Barbara Geddis-Wooten, 296 Cannon Road.

At approximately 9:20 PM, the hearing was continued, with the agreement of the applicant to grant an extension until January 28, 2019.

The Commission took a break at 9:20 PM and returned from break at 9:25 PM.

2. **REG#18373: Applicant:** Millstone Property Holdings, LLC **Application:** To amend Section 29-2.B, Section 29-5.A.3 and Section 29-5.A.4 of Wilton Zoning Regulations to establish regulatory provisions for “agritourism” (educational, recreational and entertainment activities conducted in conjunction with a working farm or agricultural operation) as a special permitted use in the Single-Family Residential Districts, and to allow offices accessory to a farm or riding stable as a permitted accessory use

Date of Commission Receipt:	11/26/2018
Initial Public Hearing Opening Date:	12/10/2018
Public Hearing Status:	Public comment period is open. Public hearing must close by 1/14/2019 unless applicant consents to extension.

The public hearing was called to order at approximately 9:25 PM.

Attorney Casey Healy and planner David Schiff represented the applicant.

Commissioner Pagliaro distributed additional documentation summarizing various aspects of agritourism and information on other Towns’ regulations/methods of enforcement.

Public comment was received from Tim McLaughlin, 34 Hickory Hill Road, who also entered a letter dated January 14, 2019 into the record; G. M. O’Connell, 347 Nod Hill Road; Frank Simone, 69 Charter Oak Drive; Ann Klotz, 296 Millstone Road; Sarah

Delia, 181 Deer Run Road; Warren Howard, 214 Millstone Road; Charles Steward, 159 Deer Run Road; Susan DiLoreto, 160 Belden Hill Road; Clare Rainone, 167 Deer Run Road; and Bill McMorris, 128 Deer Run Road.

At approximately 11 PM, the hearing was continued, with the agreement of the applicant to grant an extension until January 28, 2019.

The Commission took a break at 11:00 PM and returned from break at 11:03 PM.

A. REGULAR MEETING – CALL TO ORDER; SEATING OF MEMBERS

B. APPROVAL OF MINUTES

1. December 10, 2018 – Regular Meeting

MOTION was made by Mr. Fanwick, seconded by Mr. Murphy, and carried (7-0-1) to approve the minutes of December 10, 2018 as drafted. Mr. Lawrence abstained.

C. ACCEPTANCE OF NEW APPLICATIONS

- 1. SP#452: Applicant:** Friends of Ambler Farm, Inc. **Application:** To allow modifications to conditions of approval of SP#288D pertaining to noise restrictions; types and frequency of meetings/events allowed on site; and restrictions on attendance numbers at 257 Hurlbutt Street

A public hearing was scheduled for February 11, 2019.

D. SITE DEVELOPMENT PLAN REVIEW

E. PENDING APPLICATIONS

- 1. SP#449: Applicant:** Wilton Heights, LLC **Application:** To allow stores and shops for the conduct of retail business, pursuant to Section 29-6.C.3.a of zoning regulations; and to allow dwelling units located above street level stores/offices pursuant to Section 29-6.C.4.b of zoning regulations, for property located at 300 Danbury Road and at 3, 7 and 11 Whitewood Lane, and additional properties on Whitewood Lane known as Assessor's Map #58, Lots #37 and #39
[Application status noted above]

Tabled.

2. **REG#18373: Applicant:** Millstone Property Holdings, LLC **Application:** To amend Section 29-2.B, Section 29-5.A.3 and Section 29-5.A.4 of Wilton Zoning Regulations to establish regulatory provisions for “agritourism” (educational, recreational and entertainment activities conducted in conjunction with a working farm or agricultural operation) as a special permitted use in the Single-Family Residential Districts, and to allow offices accessory to a farm or riding stable as a permitted accessory use
[Application status noted above]

Tabled.

3. **REG#18374: Applicant:** CH 241 Danbury Road Associates, LLC **Application:** To amend Section 29-6.A.2.h of Wilton Zoning Regulations by removing certain regulatory provisions pertaining to public and semi-public uses (places of worship, schools, libraries, museums, child care centers and other similar uses referenced in Section 29-5.C.3 of zoning regulations) when said use is located on commercially-zoned property
[Public hearing is closed. Deliberation and decision must be rendered by 2/11/2019]

Mr. Tomasetti recused himself and left the meeting room.

Mr. Lawrence indicated that he would abstain from voting as he was not present at the one public hearing held for the application.

Discussion ensued and minor modifications were made to draft Resolution #0119-1REG.

MOTION was made by Mr. Nabulsi, with an additional minor modification by Mr. Shiue, seconded by Mr. Fanwick, and carried (6-0-1) to adopt as amended Resolution #0119-1REG for REG#18374, effective January 18, 2019. Mr. Lawrence abstained.

F. COMMUNICATIONS

1. **Kevin O’Brien, 487 Danbury Road,** Request for interpretation regarding Section 29-5.C.5.c.3 of zoning regulations concerning eligible uses for adaptive use

Commissioners engaged in extensive discussion on the matter, with reference to Mr. O’Brien’s letter to the Commission of January 8, 2019. Ultimately, it was determined that the Commission was more supportive than not of the applicant’s premise that residence apartments may be permitted in a separate, newly-constructed accessory structure on an adaptive use site, as long as all other requirements of Section 29-5.C.5 of zoning regulations are satisfied; but no formal guidance with respect to the matter was proffered by the Commission.

2. **Wilton Land Conservation Trust**, Request for letter of support for the preservation of 183 Ridgefield Road through an Open Space Grant from the CT Department of Energy & Environmental Protection

The Commission discussed the matter, with reference made to a letter from Donna Merrill to Robert Nerney dated January 9, 2019. It was the consensus of the Commission, with Mr. Tomasetti abstaining, that Town Planner Nerney should draft a letter indicating that preservation of the 183 Ridgefield Road parcel is consistent with/supported by the Town's 2010 Plan of Conservation and Development [POCD], given the POCD's designation of the property as an Open Space Priority Parcel; with the understanding that said letter, if deemed acceptable/appropriate upon review by Chairman Lawrence, would be signed by him and forwarded to the Wilton Land Conservation Trust.

G. PLAN OF CONSERVATION AND DEVELOPMENT (POCD) UPDATES

1. Continuing discussion pertaining to the POCD

H. REPORT FROM CHAIRMAN AND/OR COMMISSION MEMBERS

Mr. Lawrence suggested the scheduling of a Special Meeting to discuss PZC priorities in the coming year. The meeting was tentatively scheduled for Monday, February 4, 2019, with the understanding that the date would be finalized in the near future.

I. FUTURE AGENDA ITEMS

1. **REG#18375: Applicant:** 200 Danbury Road, LLC **Application:** To amend Section 29-6.E.6 and Section 29-6.E.12 of Wilton Zoning Regulations to increase maximum building height and maximum floor area ratio for properties with frontage on Route 7, served by sewer and water, with a minimum lot size of 2 acres and a minimum lot frontage and width of 200 feet, when located in the Design Retail Business (DRB) Zoning District.

Public Hearing – Jan 28, 2019

2. **SP#451: Applicant:** O'Brien/O'Meara **Application:** To permit an accessory dwelling unit within an existing barn/accessory building, pursuant to Section 29-4.D.1 of Wilton Zoning Regulations, including a small addition to the existing barn to accommodate an elevator to the second floor; and a gravel driveway to the unit; for property located at 25 Heritage Ct

Public Hearing – Jan 28, 2019

3. **CHZ#18376: Applicant:** Motors Group Associates LP **Application:** Proposed change of zone from Residential (R-1A) District to General Business (GB) District; for property located at 10 North Main Street

Public Hearing – Feb 11, 2019

J. UPCOMING MEETINGS

1. Thursday, January 17, 2019 – Special POCD Meeting (Trackside, 15 Station Road, 7 PM)
2. Monday, January 28, 2019 – Regular Meeting (Annex, Room A, 7:15 PM)

K. ADJOURNMENT

MOTION was made by Mr. Fanwick, seconded by Mr. Tomasetti, and carried unanimously (8-0) to adjourn at approximately 12:07 A.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary