

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

**WILTON PLANNING & ZONING COMMISSION MINUTES \***  
**JULY 8, 2019 REGULAR MEETING**

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

**ABSENT:** Melissa Rotini (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. REG#19377: Applicant:** 200 Danbury Road, LLC **Application:** To amend Section 29-2.B.17, Section 29-6.E.6 and Section 29-6.E.12 of Wilton Zoning Regulations to increase maximum building height, allowable stories and maximum floor area ratio in the Design Retail Business (DRB) Zoning District

Date of Commission Receipt:	4/22/2019
Initial Public Hearing Opening Date:	5/28/2019
Public Hearing Status:	Public comment period is open. Public hearing must close this evening unless applicant consents to extension.

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

Attorney J. Casey Healy and developer Patrick Downend represented the applicant.

Public comment was received from:

Allison Sanders, Chair of Historic District Commission;

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Barbara Geddis-Wooten, 296 Cannon Road;  
Florence Johnson, 1086 Ridgefield Road.

At approximately 8:48 PM, and with the consent of the applicant, the hearing was continued until July 22, 2019.

2. **SP#458: Applicant:** Wilton Heights, LLC **Application:** To allow a drive-up facility for a pharmacy within a previously approved retail/residential development, pursuant to Section 29-6.C.4.o of zoning regulations; for property located at 300 Danbury Road, Whitewood Lane (Assessor's Map #58, Lot #37), Whitewood Lane (Assessor's Map #58, Lot #39), 3,7 and 11 Whitewood Lane

Date of Commission Receipt:	5/13/2019
Initial Public Hearing Opening Date:	6/10/2019
Public Hearing Status:	Public comment period is open. Public hearing must close this evening unless applicant consents to extension.

The public hearing was called to order at approximately 8:48 PM.

Attorney J. Casey Healy represented the applicant.

Public comment was received from Valerie Oben, 17 Crowne Pond Lane.

At approximately 9:00 PM, the hearing was closed.

The Commission took a break and returned at approximately 9:06 PM.

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

**B. APPROVAL OF MINUTES**

**1. June 24, 2019 – Regular Meeting**

MOTION was made by Ms. Knapp, seconded by Mr. Tomasetti, and carried (6-0-2) to approve the minutes of June 24, 2019 as drafted. Commissioners Fanwick and Shiue abstained.

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**C. ACCEPTANCE OF NEW APPLICATIONS**

- 1. REG#19378: Applicant:** Planning and Zoning Commission **Application:** Creation of Section 29-9.K of zoning regulations pertaining to the formation of Architectural Review Board standards

The public hearing date of July 22, 2019 was confirmed.

**D. SITE DEVELOPMENT PLAN REVIEW**

- 1. SDP: Applicant:** Wilson Properties I, LLC **Application:** Approval for 7,110 square feet for a health and fitness use, characterized as sports training, physical fitness and related uses; for property located at 37 Danbury Road

Principal/owner Lee Wilson and traffic engineer Craig Yannes of Tighe and Bond represented the applicant.

Additional input was received from Town Planner Nerney.

Draft resolution #0719-2Z was reviewed and amended.

**MOTION** was made by Mr. Tomasetti, seconded by Mr. Fanwick, and carried unanimously (8-0) to adopt as amended Resolution **#0719-2Z** for **SDP at 37 Danbury Road**, effective July 12, 2019.

**WHEREAS**, the Wilton Planning and Zoning Commission has received an application for a Site Development Plan from Wilson Properties I, LLC for conversion of 7,110 square feet for health and fitness uses, for property located at 37 Danbury Road; in a General Business “GB” District, Assessors Map #84, Lot #33, and 3.495+/- acres; owned by Wilson Properties I, LLC and shown on the plans entitled:

Town of Wilton, Connecticut- Assessment Parcel Map- Prepared for 39 Danbury Road, submitted June 19, 2019, at a scale of 1"=100’.

Map Showing Easement Area- Prepared for 39 Danbury Road, Prepared by Leo Leonard, land surveyor, dated March 7, 1997, at a scale of 1"=20’, (reduced copy -11”X17” sheet size).

Map- Prepared for Wilton Properties I, LLC, Prepared by Charles L. Leonard, land surveyor, dated August 8, 2016, at a scale of 1"=30’.

Parking Survey Index Plan- Prepared for Kent Center, Prepared by Tighe&Bond, engineers, dated June 26, 2019, not to scale.

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**WHEREAS**, the Wilton Planning and Zoning Commission reviewed the Site Development Plan on July 8, 2019; and

**WHEREAS**, the Wilton Planning and Zoning Commission has reviewed the applicant's parking study for 35-39 Danbury Road, including an analysis of the existing and proposed parking needs and finds the study supportive of the requested waiver of 25 parking spaces.

**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 37 Danbury Road effective July 12, 2019 and subject to the following conditions:

**General 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 July 12, 2024.
3. Based on the proposed assemblage of uses and in accordance with Section 28-8.B.2.c of the Zoning Regulations, the Commission approves a reduction of on-site parking requirements from 190 spaces to 165 spaces.

**Site Specific Conditions:**

4. The applicant shall provide a floor plan for all buildings on the site. The plan shall broadly define use groups so provide staff with direction in determining future parking requirements associated with changes in tenancy.
5. Prior to the issuance of a zoning permit, the applicant shall demonstrate that the first floor building elevation is located at or above the designated base flood elevation or the building is flood-proofed to or above the designated base flood elevation. If not, the cost of such improvement(s) shall not exceed a value as specified in Section 29-9-F of the Zoning Regulations.
6. Two (2) completed revised sets – two full sized sets, (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 July 12, 2024".
- b. "For conditions of approval for Site Development Plan, see **Resolution** #0719-2Z".

- End Resolution -

**E. PENDING APPLICATIONS**

1. **REG#19377: Applicant:** 200 Danbury Road, LLC **Application:** To amend Section 29-2.B.17, 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 in the Design Retail Business (DRB) Zoning District *[Application status noted above]*

Tabled.

2. **SP#458: Applicant:** Wilton Heights, LLC **Application:** To allow a drive-up facility for a pharmacy within a previously approved retail/residential development, pursuant to Section 29-6.C.4.o of zoning regulations; for property located at 300 Danbury Road, Whitewood Lane (Assessor's Map #58, Lot #37), Whitewood Lane (Assessor's Map #58, Lot #39), 3,7 and 11 Whitewood Lane *[Application status noted above]*

Draft resolution #0719-11P was reviewed and amended.

MOTION was made by Mr. Fanwick, seconded by Ms. Knapp, and carried unanimously (8-0) to adopt as amended Resolution **#0719-11P** for **SP#458**, effective July 22, 2019.

**WHEREAS**, the Wilton Planning and Zoning Commission has received a Special Permit application (**SP#458**) from JFM Properties II, LLC and MWD I, LLC and Gerald Greene and Kenneth Greene, Trustees of the Edward Greene Rev. Trust for the establishment of a proposed pharmacy with a drive-up facility, for property located at 300 Danbury Road (known as Assessor's Map #58, Lot #36), 11 Whitewood Lane (known as Assessor's Map #58, Lot #40), 3 Whitewood Lane (known as Assessor's Map #58, Lot #42), 7 Whitewood Lane (known as

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Assessor's Map #58, Lot #41) and Whitewood Lane (known as Assessor's Map #58, Lot #37 and 39), consisting of 7.64 acres in total and owned by JFM Properties II, LLC and Gerald Greene and Kenneth Greene, Trustees of the Edward Greene Revocable Trust and shown on the plans entitled:

Vicinity Map (SV-1) – Prepared for Wilton Heights, LLC, prepared by Redniss and Mead, dated May 2, 2018, drawn at a scale of 1" = 160' (11' x 17" plan).

Site Development Map (SE-1) - Prepared for Wilton Heights, LLC, prepared by Redniss and Mead, last revised January 23, 2019, drawn at a scale of 1" = 60' (11' x 17" plan).

Drive Through Turning Exhibit Building 1 – Designer not noted, date received June 19, 2019, drawn at a scale of 3/4" = 1' (8" x 11" plan).

Exterior Drive-Thru Window Elevation - Prepared by Redniss and Mead, dated June 11, 2019, drawn at a scale of 1" = 30' (11' x 17" plan).

Property and Topographic Survey (PSTS) - Prepared for Wilton Heights, prepared by Redniss and Mead, dated May 2, 2018, drawn at a scale of 1" = 80'.

Site Development Map (SE-1) - Prepared for Wilton Heights, prepared by Redniss and Mead, last revised July 1, 2019, drawn at a scale of 1" = 30'.

Site Development Map (SE-1) - Prepared for Wilton Heights, prepared by Redniss and Mead, last revised July 1, 2019, drawn at a scale of 1" = 30'.

Building Elevation & Section (A-23) - Prepared for Wilton Heights, prepared by Gooding Architecture, dated June 19, 2019, drawn at a scale of 1/8" = 1'.

North Bldg.: Elevation West and South (A-10) - Prepared for Wilton Heights, prepared by Gooding Architecture, dated May 2, 2018, last revised January 23, 2019, drawn at a scale of 1" = 10'.

**WHEREAS**, the Wilton Planning and Zoning Commission conducted a public hearing on June 10, 2019, continuing said hearing to the Commission's June 24, 2019 and July 8, 2019 meetings to receive comment from the applicant, public and Town staff and has fully considered all evidence submitted at said hearing; and

**WHEREAS**, the Wilton Planning and Zoning Commission has considered the findings of an updated communication prepared by Frederick P. Clark Associates, Inc. that accounts for the proposed pharmacy/drive-up facility; concluding that there is no change in projected traffic

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conditions from the Commission’s initial approval of the project; and

**WHEREAS**, the applicant has modified the site plan to reduce potential conflict between truck loading and vehicle pass-through traffic; and

**WHEREAS**, the Planning and Zoning Commission concludes that proposed architectural elevation changes to the building are negligible and hidden from public view; hence not requiring review of the Village District Design Advisory Committee; and

**WHEREAS**, the Planning and Zoning Commission concludes that there is adequate acoustic screening and attenuation due to the below grade location of the drive-thru and its shielded location within the garage structure; and

**WHEREAS**, the Planning and Zoning Commission has received a memorandum dated June 6, 2019 from the Conservation Commission expressing no comment.

**NOW THEREFORE BE IT RESOLVED** that the Wilton Planning and Zoning Commission **APPROVES** Special Permit **#458** to allow for the establishment of a proposed drive-up facility associated with a pharmacy use located in the Wilton Center “WC” District, for property located at 300 Danbury Road (known as Assessor’s Map #58, Lot #36), 11 Whitewood Lane (known as Assessor’s Map #58, Lot #40), 3 Whitewood Lane (known as Assessor’s Map #58, Lot #42), 7 Whitewood Lane (known as Assessor’s Map #58, Lot #41) and Whitewood Lane (known as Assessor’s Map #58, Lot #37 and 39), effective July 22, 2019 subject to the following conditions:

### **General 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 plan shall be completed within five years of the effective date of this resolution. This five-year period shall expire on July 22, 2024.
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.

**Site Specific Conditions:**

4. The drive up window shall be operated in accordance with Section 29-6.A.3.s. of the zoning regulations, including but not limited to the restriction that use of the facility occur only between the hours of 7:00 a.m. and 10:00 p.m.
5. Two (2) completed final sets, (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. "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 July 22, 2024."
  - b. "For conditions of approval for Special Permit #458, see **Resolution #0719-11P.**"

**Prior to the Issuance of a Certificate of Zoning Compliance:**

6. The Commission's staff reserves the right to require an "as-built" lighting survey to confirm the adequacy of lighting within the covered drive through area.

-END RESOLUTION-

**F. COMMUNICATIONS AND REPORT FROM PLANNER AND/OR COMMISSION MEMBERS**

1. **Request of Montessori School** to extend deadline until October 14, 2024 for completion of site improvements pursuant to CT General Statute Section 8-3(i).

Mr. Nabulsi recused himself from the discussion and left the meeting room.

Sharon Grace, Board President, Grumman Hill Montessori Association, Inc. represented the applicant.

Additional background/input was provided by Town Planner Nerney.

After a brief discussion, a Motion was made by Ms. Knapp, seconded by Mr. Tomasetti and carried unanimously (7-0) to approve the extension of the deadline until October 14, 2024.



2. **i.Park II Norwalk, LLC**, One Cannondale Way, Request for confirmation of a recreational bicycle training circuit (pump track) as a permitted accessory use, pursuant to Sections 29-7.C.3 and 29-2.B.126 of zoning regulations.

Mr. Nabulsi returned to the meeting room.

Mr. Nerney reviewed details of the request.

The Commission discussed the matter and determined that it could not provide the requested confirmation because additional data and context for the proposed use is required. The applicant was advised to submit an application for future consideration by the Commission if it wished to pursue such an option further.

3. **Kevin E. O'Brien**, Request to discuss possible coming changes to allow additional drive-up facilities in Town

Mr. O'Brien requested guidance regarding the feasibility of allowing drive-through coffee shops in the future. He was advised to bring in a regulation change application for review by the Commission if he wished to propose such an amendment to the regulations.

#### **G. PLAN OF CONSERVATION AND DEVELOPMENT (POCD) UPDATES**

1. Continuing discussion pertaining to the POCD

The Commission noted the upcoming July 18<sup>th</sup> public hearing at Trackside at 7 PM to review the 2020 draft Plan of Conservation and Development.

#### **H. REPORT FROM CHAIRMAN AND/OR COMMISSION MEMBERS**

#### **I. FUTURE AGENDA ITEMS**

1. **REG#19378**, Creation of Section 29-9.K of zoning regulations pertaining to the formation of Architectural Review Board standards  
[Public Hearing scheduled - July 22, 2019]

#### **J. UPCOMING MEETINGS**

1. Thursday, July 18, 2019 – Special Meeting/Public Hearing - Plan of Conservation & Development (Trackside, 7 PM)

2. Monday, July 22, 2019 – Regular Meeting (Annex, Room A, 7:15 PM)

**K. ADJOURNMENT**

MOTION was made by Ms. Knapp, seconded by Mr. Fanwick, and carried unanimously (8-0) to adjourn at 10:30 P.M.

Respectfully submitted,

Lorraine Russo  
Recording Secretary