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TOWN HALL ANNEX  
238 Danbury Road  
Wilton, Connecticut 06897

PLANNING & ZONING  
COMMISSION  
Telephone (203) 563-0185  
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**WILTON PLANNING AND ZONING COMMISSION  
PUBLIC HEARING/SPECIAL MEETING  
AGENDA**

**DATE:** Monday, September 24, 2018  
**TIME:** 7:15 P.M.  
**PLACE:** Wilton Town Hall Annex, Meeting Room A, 238 Danbury Road, Wilton, CT 06897

**PUBLIC HEARINGS**

At this time interested persons may be heard after being recognized by the Chair of the Commission. See last page of this Agenda for more information on the Public Hearing process.

- 1. REG#18369: Applicant: Wilton Planning & Zoning Commission Application: Amendments to Section 29-4.D.1 of Zoning Regulations for modifications to accessory dwelling units regulations**

Date of Commission Receipt:	4/9/2018
Initial Public Hearing Opening Date:	5/29/2018
Public Hearing Status:	Public comment period is open. Public Hearing closure is at the discretion of the Commission.

**CONTINUED UNTIL OCT 8, 2018.**

- 3. CHZ#18370: Applicant: Wilton Heights, LLC Application: For change of zone from R-1A to Wilton Center District, for properties located 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:	5/14/2018
Initial Public Hearing Opening Date:	6/25/2018
Public Hearing Status:	Public comment period is open. Public hearing must close by 9/24/2018. No further extensions permitted.

4. **REG#18371: Applicant: JFM Properties II, LLC and MWD I, LLC Application:**  
Proposed text amendments to Section 29-6.D. pertaining to Area and Bulk requirements for the Wilton Center District

Date of Commission Receipt:	5/14/2018
Initial Public Hearing Opening Date:	6/25/2018
Public Hearing Status:	Public comment period is open. Public hearing must close by 9/24/2018. No further extensions permitted.

5. **SP#447: Applicant: David F. & Marylynn K. Clune Application:** to allow an accessory dwelling unit in an existing detached cottage pursuant to Section 29-4.D.a, for property located at 50 Middlebrook Farm Road

Date of Commission Receipt:	6/25/2018
Initial Public Hearing Opening Date:	9/11/2018
Public Hearing Status:	Public comment period is open. Public hearing must close by 10/8/2018 unless applicant consents to extension.

#### **REGULAR MEETING**

**A. CALL TO ORDER  
SEATING OF MEMBERS**

**B. APPROVAL OF MINUTES**

1. Sept 11, 2018 – Regular Meeting

**C. ACCEPTANCE OF NEW APPLICATIONS**

**D. SITE DEVELOPMENT PLAN REVIEW**

**E. PENDING APPLICATIONS**

1. **REG#18369: Applicant: Wilton Planning & Zoning Commission Application:**  
Amendments to Section 29-4.D.1 of Zoning Regulations for modifications to accessory dwelling units regulations *[Application status noted above]*

2. **SP#444: Applicant:** ASML US, LLC **Application:** For construction of 25,170 square-foot addition on south side of existing facility, for property located at 77 Danbury Road  
*[Decision must be rendered by 11/13/2018 unless applicant consents to extension]*
3. **CHZ#18370: Applicant:** Wilton Heights, LLC **Application:** For change of zone from R-1A to Wilton Center District, for properties located 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]*
4. **REG#18371: Applicant:** JFM Properties II, LLC and MWD I, LLC **Application:** Proposed text amendments to Section 29-6.D. pertaining to Area and Bulk requirements for the Wilton Center District  
*[Application status noted above]*
5. **SP#447: Applicant:** David F. & Marylynn K. Clune **Application:** to allow an accessory dwelling unit in an existing detached cottage pursuant to Section 29-4.D.a, for property located at 50 Middlebrook Farm Road  
*[Application status noted above]*

#### F. COMMUNICATIONS

1. Communication from Beverly Brokaw regarding upcoming meeting on October 23, 2018 at Wilton High School Clune Center concerning Blue Zone communities
2. **Amd to SP#435**, Wilton YMCA, 404 Danbury Road, Request for administrative approval to reduce scope of previously approved building additions and site work

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

1. Continuing discussion pertaining to the POCD (as needed)

#### H. REPORT FROM PLANNER AND/OR COMMISSION MEMBERS

#### I. FUTURE AGENDA ITEMS

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 received 9/10/2018. Public hearing scheduled to open Oct 8, 2018]*

## **J. UPCOMING MEETINGS**

1. September 26, 2018 – Special Meeting (Annex, Room A, 7:15 PM)
2. October 8, 2018 – Regular Meeting (Annex, Room A, 7:15 PM)

## **K. ADJOURNMENT**

### **How the Public Hearing Process Works**

Pursuant to Connecticut General Statutes, applications that require a public hearing are administered in three distinct phases. It is important to recognize that public comment, either written or oral communication, cannot be received by the Commission once a public hearing is closed.

1. *Application Receipt Phase:* An application to the Commission is considered “received” at the first regularly-scheduled meeting of the Commission following submittal of the application to the town offices or thirty-five days; whichever date occurs first. The public hearing must open within sixty-five (65) days following the application receipt date.
2. *Public Hearing Phase:* Once opened, a public hearing must be heard and close within thirty-five (35) days. This stage is when the applicant presents the application to the Commission and interested party are allowed to comment on application. Again, public comment cannot be received once the hearing is closed.
3. *Deliberations Phase:* Once a public hearing closes, the Commission is provided sixty-five (65) days to deliberate the merits of an application and render a decision. Though public comment is not taken at this point, these meetings are open to public.

*Time Extensions:* Note, the Connecticut General Statutes provides up to sixty-five (65) days of additional extension time which can be applied to any of the three referenced phases. This is to encourage a complete and thorough review of applications before the Commission and to allow for full public participation.

*Continuances:* Public hearing matters are subject to requests for continuation or withdrawal at any time prior to a scheduled hearing. Inquiries regarding late changes may be made to the Planning and Zoning Department during business hours at (203) 563-0185.

June 7, 2018 VERSION

Amend Section 29-4.D.1 of the Zoning Regulations by deleting text shown in strikethrough font, retaining text depicted in black print and adding text depicted in red print. Recent edits appear in green print:

D. USES PERMITTED IN ALL DISTRICTS

1. Accessory Dwelling Units in Single Family Residences:

~~A single family dwelling unit in any district may be converted to allow the inclusion of one additional dwelling unit per lot, subject to the issuance of a zoning permit in accordance with 29-12D; and the following conditions:~~

a. Purpose: The Commission recognizes the high cost of living throughout the region has made it increasingly more difficult for people to secure suitable and affordable housing; particularly for Wilton's younger and senior population. In response, the Commission has adopted these regulations as a measure of recognizing and addressing these challenges; but doing so in a manner that protects the health, safety and character of the community.

b. General Requirements: Not more than one accessory dwelling unit may be established on a lot used exclusively for single family residential purposes. The regulations provide for two types of accessory dwelling units: "attached" units and "detached" units. An attached accessory dwelling unit constitutes a living area that is internally integrated within an existing or proposed single family dwelling. An attached arrangement shall be deemed permitted by right, subject to adherence to the below criteria and the issuance of a zoning permit. A detached accessory dwelling unit represents a living area that is physically detached from a single family dwelling unit. Detached accessory dwelling units may be allowed subject to the approval of a special permit from the Commission as provided in Section 29-10 of these regulations, compliance with the below criteria and the issuance of a zoning permit. An accessory dwelling unit connected by means of an open porch or deck, roof connection or attached by an unheated corridor, for purposes of these regulations, shall constitute a detached accessory unit.

1. Maximum Size: The floor area of the accessory dwelling unit ~~may~~ shall not exceed ~~one-fourth~~ one-third of the gross floor area of the building or 750 850 square feet, whichever area is greater. (Recommend further discussion regarding possible size limitation) Only habitable portions of the principal residence shall be considered when calculating the allowable area of an accessory dwelling unit. Permissible area shall not be based on unfinished basement space, areas used exclusively as utility rooms, garages or other unheated areas, such as open decks, porches or porticos. ~~No more than two bedrooms are permitted in the accessory dwelling unit.~~

~~2. b. Occupancy:~~ One of the dwelling units shall be owner-occupied at all times. (Recommend further discussion regarding occupancy)

3. Bedrooms: No more than two bedrooms shall be permitted in an accessory dwelling unit.

4. Location of Units: At least one side of each dwelling unit ~~must~~ shall be at or above grade level and shall be fully compliant with building and fire code requirements at time of construction. ~~Each unit shall have separate entrances, which can be from a common hall. Both units shall be contained within one building, attached by a common wall, floor or ceiling. A Special Permit, issued in accordance with the requirements of 20-10, shall be required if the accessory unit is to be within an accessory building, or attached to the principal structure only by a breezeway or porch.~~

5. Adequacy of Facilities: Certification shall be required from the Town Sanitarian that the sewage disposal system is adequate to serve both dwelling units.

6. Accessory Unit Lot/Ownership Requirements: An accessory dwelling unit shall, at all times, be maintained on the same lot as the principal single family dwelling unit.

7. Outdoor Stairway: No outdoor stairways serving the accessory unit on any floor other than the ground floor shall be visible from a public street.

8. Driveways: No additional driveways shall be created for the purpose of serving an accessory unit. An existing driveway may be extended for purposes of providing convenient and safe access to and from an accessory dwelling unit.

9. Minimum Lot Size and Yard Requirements: Accessory units shall be located only in structures on lots which are in conformance with minimum area and dimensional requirements of the zoning district within which they are located with the exception that accessory dwelling units may be located on any undersized lot within a two-acre zone that was approved for subdivision or re-subdivision by the Planning and Zoning Commission at a time when lot averaging was permitted under the zoning regulations and the lot was created as a result of lot averaging. ~~Accessory units shall not be permitted by action of the Zoning Board of Appeals. The structure which contains the principal accessory unit shall meet all current applicable setback, coverage and bulk requirements. Said exception shall not apply to conservation subdivisions or undersized lots created by way of variance. The undersized lot must be at least 1.8 acres.\*~~ An accessory dwelling shall be constructed as a detached building or contained within a structure that meets all current applicable setback, coverage and bulk (land area) requirements. The prescribed minimum lot area requirement shall not apply to those lots approved as part of a conservation subdivision or created by way of variance; provided such lots comprise a land area of no less than 1.8 acres.

9. Minimum Lot Size and Yard Requirements: Accessory dwelling units shall be located only in structures on lots which are in conformance with minimum area and dimensional requirements of the zoning district within which they are located. Accessory dwelling units shall not be prohibited on undersized lots approved under the following circumstances: 1. Any undersized lot within a two-acre zone that was approved for subdivision or re-subdivision by the Planning and Zoning Commission at a time when lot averaging was permitted; provided such lot comprises a land area of no less than 1.8 acres and the structure in which the accessory dwelling unit is located meets all other dimensional requirements of the underlying district. 2. Any lot approved as part of a Conservation Subdivision; provided the structure in which the accessory dwelling unit is located meets the prescribed density and dimensional requirements for a Conservation Subdivision. (Note, this is intended to rephrase Paragraph 9. depicted above in black and red print.)

~~h. Certification of ownership: The owner of the property shall certify to the Commission, in the form of an affidavit that the owner is in residence in one of the dwelling units on the property. Such certification shall be made at the time of the initial application for the Zoning Permit and subsequently on an annual basis.~~

*Amend Section 29-8.B.5.a (1) of the Zoning Regulations by retaining text depicted in black print and adding text depicted in red print.*

5. Minimum Parking Requirements: The following requirements shall be considered the minimum number of parking spaces required for each use. Where the number of parking spaces is calculated to be a fraction, it shall be rounded up to the nearest whole number.

a. RESIDENTIAL USES; PUBLIC AND  
REQUIRED SEMI-PUBLIC USES

MINIMUM NUMBER OF  
SPACES REQUIRED

(1) Single-family dwellings

2 per principal dwelling unit,  
plus 1 per guest sleeping  
room for roomer and  
boarders or living area  
designated as an accessory  
dwelling unit

*Amend Section 29-2.B.46 of the Zoning Regulations by deleting text shown in strikethrough font, retaining text depicted in black print and adding text depicted in red print:*

~~DWELLING UNIT, ACCESSORY\*: A separate dwelling unit, whether or not it contains cooking facilities, which is in conjunction with, and accessory to, a single family dwelling, including but not limited to, an in-law apartment, a guest cottage, a studio, or a cabana.~~

DWELLING UNIT, ACCESSORY: A fully-habitable and ancillary living area internally integrated within a single family dwelling unit (attached) or existing as a freestanding structure (detached), occupied in conjunction with a single family dwelling unit and having separate and independent provisions for sleeping, sanitation, personal hygiene and cooking facilities; whether cooking facilities are provided or not. Such units shall be subordinate to and located on the same lot as a principal residence. An accessory dwelling unit may commonly be referred to as an "in-law apartment", "guest cottage", "studio" or "cabana". Accessory dwelling units shall not be construed to include travel trailers, mobile homes, boats, recreational vehicles or similar structures, whether mounted on wheels or not.



**WILTON HEIGHTS**  
**PROPOSED TEXT AMENDMENT TO SECTION 29-6.**  
(Additions indicated in bold, red, underline)  
(Version 4 edits in bold, green, underline)  
 Discussion is in blue, Version 4 edits to the discussion is bold

**Amendments to Section 29-6.E.**

**E. AREA AND BULK REQUIREMENTS**

The following area and bulk requirements shall be applicable to all developments in the DRB, GB and WC Districts, as indicated. Dimensions are in feet unless otherwise indicated.

	DRB Design Retail Business	GB General Business	WC Wilton Center
1. Minimum Front Yard	50(a) *	50(a) *	10(d)*
2. Maximum Front Yard	75 *	75 *	20(e)*
3. Minimum Side Yard (each)	25	25	0 *
- When abutting a residential district	85(b)	85(b)	75(b, <b>f</b> )
3a. Maximum Side Yard on one side of the property	50 *	50 *	NA*
- When abutting a Residential district	85(b) *	85(b) *	NA
4. Minimum Rear Yard	25	25	20
- When abutting a residential district	85(b)	85(b)	75(b)
5. Minimum Parking and Loading Setbacks (side and rear yards)	10	10	0**
[** 20 feet where the property abuts a multi-family district] [** 60 feet where the property abuts a single-family district]			
- When abutting a residential District	60	60	60 ( <b>f</b> )

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 CH2 #18370  
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6. Maximum Building Height (Stories/Feet)	2/35(c)	2/35(c)	3/42(c, <b>f</b> )*
7. Maximum Building Coverage (%)	20	25	30
8. Maximum Site Coverage (%)	80	80	80
9. Minimum Lot Size (acres)	1	1	No Minimum
10. Minimum Lot Frontage	100	50	No Minimum
11. Minimum Width	100	50	No Minimum
12. Maximum Floor Area Ratio (F.A.R)	0.25	0.35	0.50 *

(a) Except that where no parking is provided in the front yard, only 30 feet shall be required. In either case, a ten-foot minimum width landscaped area approved by the Commission shall be provided along the front lot line, except where driveway entrances and exits are located.

(b) Where adjoining property in a residence district lies within the right-of-way of a railroad, the building setback may be reduced to 50 feet and the parking and loading setbacks may be reduced to ten feet.

(c) Except as otherwise provided in 29-4.C.1.

(d) Where property fronts on Danbury Road (U.S. Route 7) 50 feet, except that where no parking is provided in the front yard, only 30 feet shall be required. In either case, a 10-foot minimum width landscaped area approved by the Commission shall be provided along the front lot line, except where driveway entrances and exits are located. On Danbury Road, and within 1,000 feet of the Wilton Center Train Station, the front landscaped depth shall be an average measurement between the back of sidewalk in the right-of-way and the parking on the subject property.

DISCUSSION: An additional restriction was added to prevent the proliferation of this definition to areas of Danbury Road not recently widened by CTDOT. The 1,000' envelope has precedent within the regulations. Section 29-6.C.4.b. identifies this envelope as where additional residential density is permitted in the WC zone.

(e) Where the property fronts on Danbury Road (U.S. Route 7), 75 feet.

(f) On Danbury Road, and within 1,000 feet of the Wilton Center Train Station, and where Building Coverage is no more than 20% and Site Coverage is no more than 40%, the Commission may approve the following standards in the Wilton Center District:

DISCUSSION:

Option to strike “On Danbury Road, and” to expand the applicability of these amendments to the Wilton Center district within 1,000’ of the train station.

Additionally, option to strike “within 1,000 feet of the Wilton Center Train Station, and” to expand the applicability of these amendments to all of the Wilton Center district regardless of proximity to the train station.

- (1) Maximum Building Height (Stories/Feet): 3 ½ / 46’ (and no more than 52’ to the highest point for buildings with sloped roofs)**

DISCUSSION: The modified language was added to address Commissioner Pagliaro’s concern regarding steeply pitched roofs.

- (2) The Minimum Side Yard abutting property zoned and used for a single-family residence (i.e. one principal dwelling unit per property) shall be no less than 75 feet. Otherwise, the Minimum Side Yard shall be no less than 25 feet.**

- (3) Parking and loading located inside or below a structure and not visible from a residence district shall meet the minimum yard requirements for a principal structure.**

DISCUSSION:

An additional restriction was added to limit the applicability of this footnote to within 1,000’ feet of the Wilton Center Train Station and on Danbury Road (while maintaining the added open space requirements). The 1,000’ envelope has precedent within the regulations. Section 29-6.C.4.b. identifies this envelope as where additional residential density is permitted in the WC zone. Given the allowance for additional density in the existing regulations, there is a logical nexus to the allowances requested on height and setback.

Additional restrictions were added in footnote (f)(2) to clearly prohibit a reduced setback where the subject property abuts conventional, single-family residential properties containing one principal dwelling unit per property. The reduced setback would only be allowed if abutting property is a commercial, business, multi-family residential (e.g. DRD), or cluster residential (e.g. R-2A with PRD overlay) property.

The note regarding parking and loading was placed under footnote (f) to limit its applicability.

#### **Amendment to Section 29-6.C.6.:**

##### **6. Additional Requirements for Wilton Center District:**

- a. All uses, except parking, loading outside dining, permitted signs, and any other uses specifically approved by the Commission, shall be conducted entirely within a building.
- b. All buildings shall include a principal entrance oriented towards the public right-of-way.

- c. Sidewalks with a minimum of width of five feet shall be required:
  - i. In front of all new buildings,
  - ii. To link the entrance to the building to the existing sidewalk system, and
  - iii. To link the pedestrian walkways within the parking lot.
- d. The maximum front yard setback for all new buildings shall be 20 feet, excepting properties that front on Danbury Road (U.S. Route 7).
- e. For uses requiring Special Permit approval pursuant to Section 29-C.6.4 on properties located Projects proposed on the east side of Danbury Road, in granting such Special Permit, the Commission may impose additional conditions requiring the provision of shall provide off-site public infrastructure and public access improvements designed to enhance, improve, or create practical, physical, or aesthetic connectivity to the train station and downtown Wilton Center, when necessary to protect public health, safety and general welfare.

DISCUSSION: This language is added to clearly signal the Commission's right to impose conditions on Special Permit Approval; specifically, for projects proposed on the easterly side of Danbury Road, to provide infrastructure improvements that enhance the connection from Danbury Road to the train station or downtown. With this language a P&Z resolution could require, by way of the Special Permit, the developer to make reasonable efforts to deliver on physical off-site improvements. Additionally, provisions for those Special Permit conditions could include fee-in-lieu options for those improvements. The following language was struck from the prior version to comport with our legal research and analysis: "The value of such improvements shall be at least \$1,000 of documented construction costs or contributed funds for each 1,000 square feet of gross floor area or portion thereof."