

PLANNING & ZONING
COMMISSION
Telephone (203) 563-0185
Fax (203) 563-0284



TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

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TOWN OF WILTON
2018 JUL -5 P 4: 24
BY: AF

**WILTON PLANNING AND ZONING COMMISSION
PUBLIC HEARING/REGULAR MEETING
AGENDA**

DATE: Monday, July 9, 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.

- 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

Date of Commission Receipt:	5/14/2018
Initial Public Hearing Opening Date:	6/11/2018
Public Hearing Status:	Public comment period is open. Public hearing must close by 7/9/2018 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**

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 7/23/2018 unless applicant consents to extension.

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 7/23/2018 unless applicant consents to extension.

5. **SP#445: 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:	5/14/2018
Initial Public Hearing Opening Date:	7/9/2018
Public Hearing Status:	Public comment period is open. Public hearing must close by 7/23/2018 unless applicant consents to extension.

6. **CHZ#18372: Applicant: TBS Partners, LLC Application: For change of zone from DRB to GB for property located at 255, 261 and 265 Danbury Road**

Date of Commission Receipt:	5/29/2018
Initial Public Hearing Opening Date:	7/9/2018
Public Hearing Status:	Public comment period is open. Public hearing must close by 7/23/2018 unless applicant consents to extension.

7. **SP#446: Applicant: Farinas Application:** To permit modifications of approved adaptive use for a kennel/pet daycare business pursuant to Section 29-5.C.5, for property located at 523 Danbury Road

Date of Commission Receipt:	6/11/2018
Initial Public Hearing Opening Date:	7/9/2018
Public Hearing Status:	Public comment period is open. Public hearing must close by 7/23/2018 unless applicant consents to extension

REGULAR MEETING

A. CALL TO ORDER SEATING OF MEMBERS

B. APPROVAL OF MINUTES

1. June 21, 2018 – POCD - Special Meeting
2. June 25, 2018 – POCD - Special Meeting
3. June 25, 2018 – Regular Meeting

C. ACCEPTANCE OF NEW APPLICATIONS

1. **SDP: Applicant:** CH Danbury Road Associates, LLC and Osman Wilton, LLC,
Application: For an Amendment to an Existing Alternative Signage Program for property located at 249 Danbury Road
[Application received 7/5/2018. Decision must be rendered no later than 9/10/2018.]

D. SITE DEVELOPMENT PLAN REVIEW

1. **SDP: Applicant:** Wilton Partners, LLC d/b/a The Learning Experience **Application:** To allow a child daycare center pursuant to Section 29-6.B.2.a of zoning regulations, for property located at 213 Danbury Road
[Application received 4/23/2018. Decision must be rendered no later than 7/9/2018.]
2. **SDP: Applicant:** Wilton Partners, LLC d/b/a The Learning Experience **Application:** For Alternative Signage Program associated with proposed child daycare facility, for property located at 213 Danbury Road
[Application received 4/23/2018. Decision must be rendered no later than 7/9/2018.]

E. PENDING APPLICATIONS

1. **REG#18368: Applicant:** ASML US, Inc. **Application:** Amendment to Section 29-7.E.7 of Zoning Regulations to increase site coverage in a DE-10 (Design Enterprise) Zoning District from 40% to 50%. *[Decision must be rendered no later than 7/23/2018.]*
2. **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]*
3. **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 *[Application status noted above]*
4. **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]*
5. **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]*
6. **SP#445: 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]*
7. **CHZ#18372: Applicant:** TBS Partners, LLC **Application:** For change of zone from DRB to GB for property located at 255, 261 and 265 Danbury Road *[Application status noted above]*
8. **SP#446: Applicant:** Farinas **Application:** To permit modifications of approved adaptive use for a kennel, daycare business pursuant to Section 29-5.C.5, for property located at 523 Danbury Road *[Application status noted above]*

F. COMMUNICATIONS

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#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
[Public Hearing scheduled for September 10, 2018]

J. UPCOMING MEETINGS

1. July 19, 2018 – Special Meeting – POCD (Annex, Room A, 7:00 PM)
2. July 23, 2018 – Special Meeting – POCD (Annex, Room A, 6:30 PM)
3. July 23, 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.

WILTON PLANNING AND ZONING
COMMISSION

AMEND REGULATIONS

REG# 18369

ZONING REGULATIONS OF THE TOWN OF WILTON
TITLE OF REGULATIONS TO BE AMENDED

SECTION 29-4.D.1. ACCESSORY DWELLING UNITS
REFERENCE SECTION(S) TO BE AMENDED

PLANNING & ZONING COMMISSION
APPLICANT'S NAME

738 DANBURY RD, WILTON, CT 06897
ADDRESS

AMENDMENT DESCRIPTION: Describe in detail the reasons for the proposed amendment. Attach additional sheets as required.

SEE ATTACHED.

THE FOLLOWING MATERIAL SHALL BE ATTACHED:

Fifteen **COLLATED** copies of all application materials shall be submitted.

N/A \$460 FILING FEE payable to: Town of Wilton.
ATT'D THE PROPOSED AMENDED TEXT.

THE APPLICANT understands that this application is to be considered complete only when all information and documents required by the Commission have been submitted and is responsible for the payment of all legal notices incurred.
THE UNDERSIGNED WARRANTS the truth of all statements contained herein and in all supporting documents according to the best of his or her knowledge and belief.

RL + JN
APPLICANT'S SIGNATURE

Agent for Commission 3/26/2018
DATE

203-563-0185
TELEPHONE

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.²~~ 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 PLANNING AND ZONING
COMMISSION

AMEND REGULATIONS

REG#
18371

Area and Bulk Requirements - WC Wilton Center
TITLE OF REGULATIONS TO BE AMENDED

RECEIVED

MAY - 9 2018

Section 29-6.E

REFERENCE SECTION(S) TO BE AMENDED

PLANNING & ZONING

c/o J. Casey Healy, Esq.

Gregory and Adams, P.C.

190 Old Ridgefield Road, Wilton, CT
ADDRESS

JFM Properties II, LLC and MWD I, LLC
APPLICANT'S NAME

AMENDMENT DESCRIPTION: Describe in detail the reasons for the proposed amendment. Attach additional sheets as required.

See attached Proposed Text Amendments to Section 29-6.E which includes statements of reasons for the proposed text amendments.

THE FOLLOWING MATERIAL SHALL BE ATTACHED:

Fifteen **COLLATED** copies of all application materials shall be submitted.

- ☒ \$460 FILING FEE payable to: Town of Wilton.
☒ THE PROPOSED AMENDED TEXT.

THE APPLICANT understands that this application is to be considered complete only when all information and documents required by the Commission have been submitted and is responsible for the payment of all legal notices incurred.

THE UNDERSIGNED WARRANTS the truth of all statements contained herein and in all supporting documents according to the best of his or her knowledge and belief.

JFM Properties II, LLC and MWD I, LLC by their agent Gregory and Adams, P.C.

APPLICANT'S SIGNATURE By: J. Casey Healy

May 9, 2018
DATE

(203) 571-6304
TELEPHONE

WILTON HEIGHTS
PROPOSED TEXT AMENDMENT TO SECTION 29-6.E.
(Additions indicated in bold, red, underline)
 Discussion is in blue

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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,f)*
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,f)
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 (f)
6. Maximum Building Height (Stories/Feet)	2/35(c)	2/35(c)	3/42(c,f)*

VERSION: MAY 2, 2018

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. 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: This amendment is proposed primarily as a clarification. The regulations do not overtly differentiate between at-grade parking and loading versus parking and loading located within a building and completely blocked from view. A reasonable conclusion is that this language simply clarifies the intent of the existing regulations. All at-grade parking and loading on the subject parcel is at least 60 feet from the neighboring Planned Residential Development to the south. Parking and loading within the building meets the proposed principle structure setbacks.

(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. 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: This amendment is proposed to clarify how the front landscaped area is measured when there are varied property boundary conditions along the site frontage. On the subject parcel, the northerly portion of the property boundary along the site frontage is located within the sidewalk along the public street. Therefore, all landscaped area behind the sidewalk counts towards the requirement. However, the southerly portion of the property boundary along the site frontage is oddly configured leaving significant distance between the back of the sidewalk and the property boundary. This amendment clarifies that the depth of the front landscaped area starts at the back of the sidewalk in the right-of-way resulting in a standard that can be more consistently applied.

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

(f) 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:

- | | |
|--|------------------|
| <u>(1) Maximum Building Height (Stories/Feet):</u> | <u>3 ½ / 46'</u> |
| <u>(2) Minimum Side Yard when abutting a residential district:</u> | <u>25'</u> |
| <u>(3) Minimum Side Yard Parking and Loading Setbacks</u> | |
| - <u>When abutting a residential district:</u> | <u>25'</u> |

DISCUSSION: The amendments above are proposed to provide more flexibility in building height (an additional half story and three feet), and side yard setbacks (25 feet in lieu of 75 feet), on sites that have a much smaller limit of development than is otherwise permitted in the WC zone. The regulation only allows such flexibility when the amount of landscaped area on the parcel is three times the minimum allowance (60% landscaped in lieu of 20% landscaped) and the Building Coverage is reduced by a third (from 30% coverage to 20% coverage). The rationale is that the benefit of the smaller development footprint and more open space greatly outweighs the amount of flexibility granted.