

GREGORY AND ADAMS, P.C.

ATTORNEYS AT LAW
190 OLD RIDGEFIELD ROAD
WILTON, CT 06897

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* ALSO ADMITTED IN NEW YORK
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ESTABLISHED 1964

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JULIAN A. GREGORY
(1912 - 2002)

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PLEASE REPLY TO SENDER:
J. CASEY HEALY
DIRECT DIAL: 203-571-6304
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October 23, 2019

To be delivered by hand

Planning and Zoning Commission
Town Hall Annex
238 Danbury Road
Wilton, CT 06897

Attention: Mr. Robert J. Nerney – Director of Planning and Land Use Management

Re: Dominick P. and Marie C. Agostin – Application to Amend Zoning Regulations
Premises: 15 Old Ridgefield Road, Wilton, Connecticut

Dear Members of the Commission:

As attorneys for Dominick P. and Marie C. Agostin (“**Dr. and Mrs. Agostin**”), I hereby submit their application to amend Section 29-5.C.6 of the zoning regulations to allow professional offices for non-resident occupants on Old Ridgefield Road. In connection therewith, I enclose fifteen (15) copies each of the following:

1. Application to Amend the Zoning Regulations (original and fourteen copies).
2. Proposed Text Amendment.
3. Zoning Text Amendment Discussion prepared by Redniss & Mead dated October 16, 2019.
4. Letter signed by Dr. and Mrs. Agostin as owners and applicants authorizing Gregory and Adams to act as their agent in connection with this application.

As owners of property located within the Town of Wilton, Dr. and Mrs. Agostin are entitled to petition the Commission to amend pursuant to Section 29-21-E.2 of the Regulations.

I hereby request that the \$460.00 check drawn to the order of the Town of Wilton and submitted to the Commission with the application for change of zone (CHZ#19380) be applied to this application for text

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Page 2 of 2

amendment. If approved, a check for the notice of hearing and any other costs incurred by the Commission will be submitted for this application.

If you have any questions, please do not hesitate to contact me.

Respectfully submitted,
Gregory and Adams, P.C.

By: 
J. Casey Healy

JCH/ko

Enclosures

cc: Dr. and Mrs. Dominck P. Agostin

**WILTON PLANNING AND ZONING
COMMISSION**

AMEND REGULATIONS

REG#

Professional Offices for Nonresident Occupants

TITLE OF REGULATIONS TO BE AMENDED

Section 29-5.C.6

REFERENCE SECTION(S) TO BE AMENDED

Dominick P. and Marie C. Agostin
J. Casey Healy
c/o Gregory and Adams, P.C.

190 Old Ridgefield Road
Wilton, CT 06897

APPLICANT'S NAME

ADDRESS

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

See Proposed Text Amendment attached.

THE FOLLOWING MATERIAL SHALL BE ATTACHED:

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

☒ **\$ 460 FILING FEE** payable to: Town of Wilton. (see letter attached)

☒ **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.

Dominick P. and Marie C. Agostin by their agent
by Gregory and Adams, P.C.

By:

APPLICANT'S SIGNATURE

BY; J. Casey Healy

October 23, 2019

DATE

203-571-6304

TELEPHONE

Dominick P. and Marie C. Agostin

Proposed Text Amendment

1. Modify Section 29-5.C.6:

Professional Offices for Nonresident Occupants may be conducted in residential districts provided such property shall have a minimum of 50 feet of frontage on, and primary access from, Route 7, Danbury Road *or Old Ridgefield Road*, by a person or persons other than resident occupants, subject to Special Permit and Site Plan approvals in accordance with 29-10 and 29-11 and compliance with the following:

Zoning Text Amendment Discussion

October 16, 2019

The proposed text amendment seeks to expand the applicability of Section 29-5.C.6. to include properties on Old Ridgefield Road.

Section 29-5.C.6. allows professional offices for nonresident occupants meeting certain requirements by Special Permit in residential zones. Additional requirements include a limit on the gross floor area of the accessory office use, a prohibition on exterior storage and advertising, restrictions on signage and lighting, and a minimum established use of the principal single-family residence.

Currently, Professional Offices for Nonresident Occupants are only allowed in residential zones on properties fronting on and having primary access from Route 7, Danbury Road.

A single-family home and accessory dentist office run by the primary resident of the home has occupied 15 Old Ridgefield Road for decades. A modification of the zoning regulations will allow the dentist to retire from his business, transfer ownership of the business to a new dentist, and allow that new dentist to continue to operate in the same location.

Plan of Conservation and Development

The addition of Old Ridgefield Road to Section 29-5.C.6. by text amendment is consistent with the 2019 Plan of Conservation and Development as it both encourages mixed-use development within the Greater Wilton Center specifically identified as a transition area between Wilton Center and adjacent low-density residential neighborhoods, while at the same time balancing the needs for economic development in a way that preserves the Town's original and unique character.

The Future Land Use Plan on Page 97 of the Plan of Conservation and Development places Old Ridgefield Road and the subject property in a defined category identified as Greater Wilton Center. Greater Wilton Center is defined on Page 96 as follows, with emphasis added in underline:

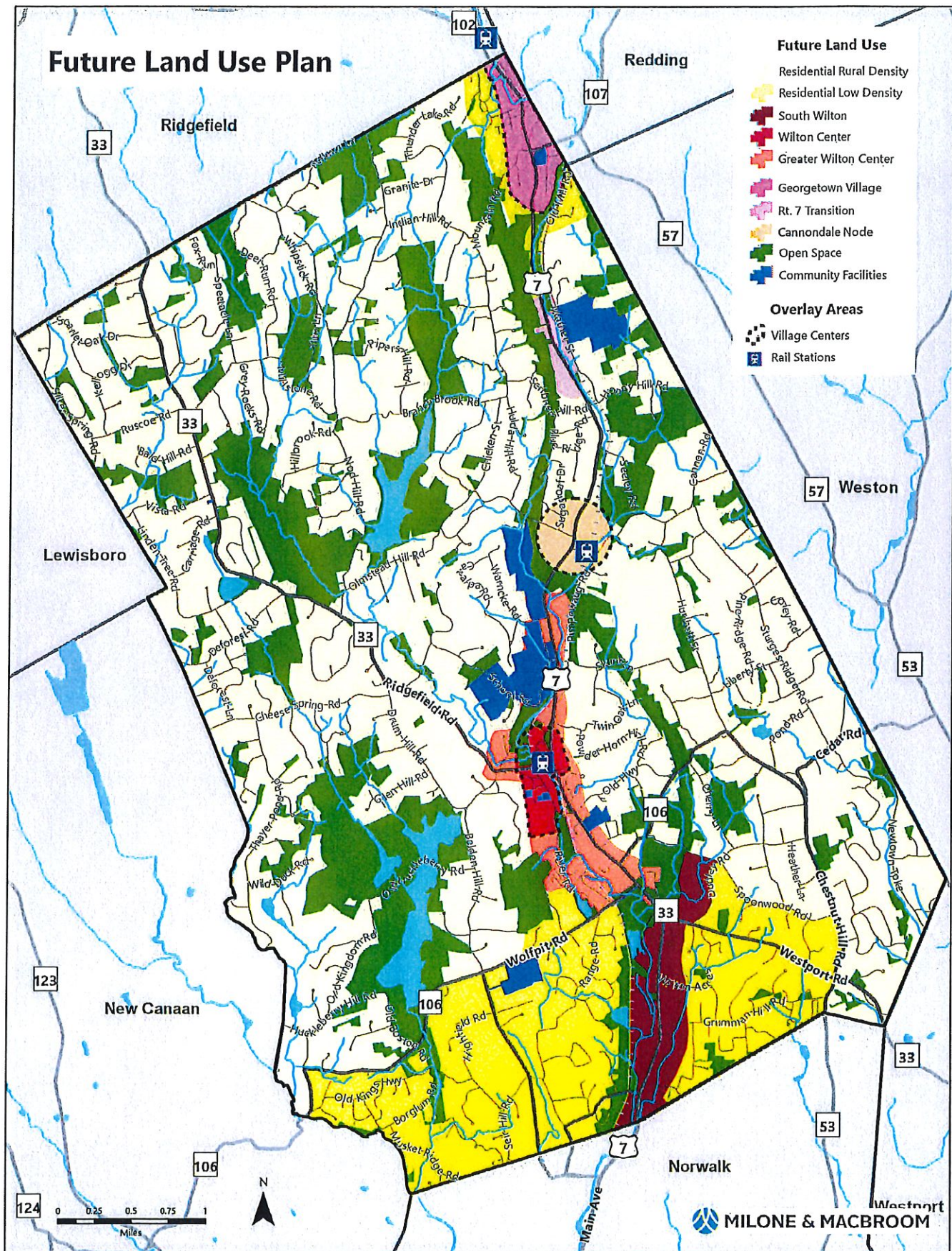
"Greater Wilton Center encompasses areas on the outskirts of Wilton Center that are intended to provide a residential and employment base supportive of Wilton Center businesses... It may be intended to be a step-down in density between Wilton Center and the adjacent rural and low-density residential neighborhoods... Multi-family residences, offices, institutions, and mixed-use development should be encouraged, particularly as transit-oriented development within extended walkable distance to the Wilton Train Station. Greater Wilton Center is mostly built out and is a master planning and redevelopment priority area..."

Goal 3 of the POCD is to enhance the strength and diversity of the local economy and its connections to the region. Objective 3.4 of that goal is "support existing businesses" and objective 3.3 of that goal is "balance modern economic development with the need to preserve the Town's original and unique character". Further, objective 3.3 notes "the lack of vacant land will naturally put development pressure on older, less

expensive, and/or underutilized properties. Without formal historic protections, antique structures are often seen as redevelopment candidates. Antique structures contribute to Wilton's community history, design character and sense of scale and place."

The core of 15 Ridgefield Road was constructed in 1825 and a dentist's office has operated from it since 1977. The text amendment will facilitate the continued use of the building in its mixed-use format and reduce the redevelopment pressure that might otherwise be placed on the property. The requirement that no more than 50% of the gross floor area of the structure be occupied by the professional office means that a residence will continue as the principal use thereby balancing the retention of a commercial use with the need to preserve the Town's original character.

In addition to consistency with the POCD, the applicability of the text amendment is logical and consistent with current land use practices and development patterns on Old Ridgefield Road. Every other property having frontage and primary access on Old Ridgefield Road is in the more intense Wilton Center Zone. This enables the property to continue its function as a buffer between Wilton Center and adjacent single-family residences.



This map is intended for planning purposes only. Definitions may not be exact.

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September 16, 2019

Mr. and Mrs. Dominick P. Agostin
15 Old Ridgefield Road
Wilton, CT 06897

Re: Agostin - Application to Planning and Zoning Commission
Premises: 15 Old Ridgefield Road, Wilton, Connecticut

Dear Dr. and Mrs. Agostin:

The Planning and Zoning Commission of the Town of Wilton requires a letter signed by you as owners and applicants authorizing Gregory and Adams, P.C to act as your agent in connection with the above-referenced application. Please sign a copy of this letter and return it to me.

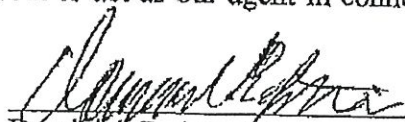
Very truly yours,

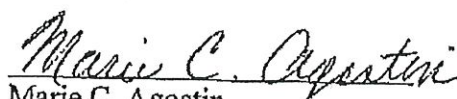
/s/ J. Casey Healy

J. Casey Healy

JCH:ko

The undersigned hereby authorizes Gregory and Adams, P.C. to act as our agent in connection with the above-referenced application.


Dominick P. Agostin


Marie C. Agostin