

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



TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

WILTON PLANNING AND ZONING COMMISSION MINUTES*
April 24, 2023 REGULAR MEETING
(CONDUCTED ELECTRONICALLY VIA ZOOM)

PRESENT: Chair Rick Tomasetti, Vice-Chair Rotini, Commissioners Murphy, Pagliaro, Warren and Wilson and Hoffman.

Also present was Town Planner Michael Wrinn. Absence were Chair Tomasetti and Commissioners Johnson and Fanwick

REGULAR MEETING

A. CALL TO ORDER at 7:05PM by Chair Tomasetti

B. SEATING OF MEMBERS – All 7 members present were seated by Chair Tomasetti.

C. PUBLIC HEARINGS

1. **1 – SP 511 – The Lake Club, 175 & 195 Thayer Pond Road** – Request to modify tennis court for tennis and 4 pickleball courts

Attorney Kathleen Royle of Gregory and Adams introduced the proposal. Patrick Shurr, PE of Redniss and Mead detailed the proposal, note that they will have underground stormwater detention. Martin Schiff of Lally Acoustics reviewed the noise report, saying the pitch is different from pickleball but the sound level is about the same.

Mr. Pagliaro said he had no problem with the location but asked for an acoustical screen on the fence. Ms. Rotini asked if there was any noise consideration given the body of nearby water. after any approval by P&Z.

The Chair opened the meeting to the public.

Jeffery Boehme, a neighbor, was very concerned, had 4 major areas – did it violate the charter of the Lake Club; disputes the acoustical report; past issues with the Lake Club and finally quality

of life. He expanded on each of these issues.

Ed Rowley, 45 Woods End Road, is a member of the club, concerned about the noise, future plans and expansion of the Club. Higher pitch and more strikes create additional noise.

William Bishop, 180 Thayer Pond Road, concerned about noise creep, parties, loudspeakers, foul language on courts.

Joe Krincich, 140 Thayer Pond Road, lots of noise at the club, parties, DJ's, of the opinion the acoustical report is flawed.

Laura Rowley, 45 Woods End Road, very loud activity at the club, becoming an event venue, concerned about future plans, possible bubble.

Justin Cooper, opposed due to the noise

Marc Woodman – 46 Woods End Road, member since 2009, increase in activity, paddleball season is longer than tennis

Michael Solecki – a Lake Club member, opposed, has seen pickleball destroy communities

Roxane White, 61 Woods End Road Exposed to a lot of noise, =swim meets and other parties, opposed.

Ms. Rotini made a motion to seek an acoustical expert, seconded by Mr. Murphy, approved 7-0. Attorney Royle would appreciate the second opinion

Mr. Hoffman asked for a history of complaints, both on the Town side and from the Club. Mr. Pagliaro asked for the limitations that have been set on the club , including types/number of members and a varication of limitations on events.

The public hearing was continued and left open.

2 - #SP 510 – Wilton Land Conservation Trust – 183 Ridgefield Road – Creation of nature center and associated site improvements

Attorney Kathleen Royle of Gregory and Adams introduced the proposal. Explained that the grant for the property expected educational uses, with a large portion of the property reserved for open space. The barn would have 2 bathrooms but not be open on an ongoing basis unless staff was on the site. Discussion over the condition of the stone wall and granite slab portion.

Tom Nelson, PE, went over the site elements, including drainage and driveway location.

Silvia Erskine, Landscape Architect, reviewed the landscaping.

Thomas Wamser PE, went over the traffic.

Commission discussed the sign, looking for something more than a sign that looked like a realty sign.; wanted to see the wall repaired along Ridgefield Road and an area designated for portable toilets when on site.

Meeting was opened up to the public.

Kelly Morron, 846 Ridgefield Road inquired about the location of electric and water location and the coverage of the barns/walkways. Mr. Nelson said the electric was on site underground and showed the location of the wells. Coverage was approximately 2.8%.

Motion made by Mr. Murphy to close the hearing, seconded by Ms. Rotini, approved 7-0.

3 – REG #23398 Outdoor Dining – Continuation of outdoor dining

Mr. Wrinn explained that the Commission has allowed outdoor dining, starting with the state laws enacted during Covid, in order to help the local businesses. Noted that it has been very successful and we have seen very few problems. The extension would allow the continuation and future changes can be made, noting that some areas on Danbury Road were different than Wilton Center.

The item was opened up to the public and there was no one wishing to speak.

Public Hearing was kept open for a resolution to be prepared.

D. DISCUSSION AND POSSIBLE ACTION

2. SP # 503 – A Kids Place, 436 Danbury Road – Childcare center, 372, 378 & 380 Danbury Road for proposed parking lot adjacent to existing building

Commissioner Warren recused herself and left the meeting for the next two items.

As requested by the Commission at the last meeting, a resolution of approval was drafted:

WHEREAS, the Wilton Planning and Zoning Commission has received a Special Permit application (**SP#503**) from A Kids Place 2, LLC, for an amendment to prior adaptive use approvals to allow a child day care center in a carriage barn, pursuant to Section 29-5.C.5. of the Zoning Regulations, property located at 436 Danbury Road; located in a Residential “R-2A” District, Assessor’s Map #47, Lot #1-2, consisting of 1.98 acres, owned by the Cannon House

LLC and shown on the plans entitled:

Property Survey- Prepared for A Kids Place 2 LLC, Prepared by Lawrence W. Posson Jr., surveyor with Ryan and Faulds, dated December 30, 2022, last revised March 7, 2023, drawn at a scale of 1" = 30' (reduced 11"x17" copy).

Existing First Floor Plan- Prepared for Carriage House, Prepared by Mercer Construction, builders, dated December 4, 2022, drawn at a scale of 3/8" = 1', sheet #A-1.

Demolition Plan- Prepared for Carriage House, Prepared by Mercer Construction, builders, dated December 4, 2022, drawn at a scale of 3/8" = 1', sheet #A-2.

Proposed Revised Floor Plan- Prepared for Carriage House, Prepared by Mercer Construction, builders, dated December 4, 2022, revised March 11, 2023, drawn at a scale of 3/8" = 1', sheet #A-3.

Outdoor Play Area Plan and Section- Prepared for A Kids Place LLC, drawn at a scale of 1"=8', dated March 2023.

WHEREAS, the Wilton Planning and Zoning Commission has conducted public hearings electronically on February 27, 2023, April 10, 2023 and April 24, 2023 to receive comment from the public and has fully discussed and considered all evidence submitted at said hearings; and

WHEREAS, the Wilton Planning and Zoning Commission finds that the application meets the criteria of Section 29-5.C.5., pertaining to the use of an adaptive use property; and

WHEREAS, the special permit application was referred to the Architectural Review Board for review and comment concerning architectural design and site improvements and the Commission has fully considered the applicant's plans; and

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** Special Permit #503, under adaptive use, to allow a child day care center, allowed by way of Section 29-5.C.5., of the Zoning Regulations, for property located at 436 Danbury Road, effective May 5, 2023 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 March 26, 2026.
3. Any further site improvements on the property (other than those depicted on the approved site plan) shall be subject to the approval of the Planning and Zoning staff or referred to the Planning and Zoning Commission for review and approval.
4. The applicant shall submit written approvals for the child day care center from the Health Department and the Fire Department prior to the issuance of a zoning permit.
5. The applicant shall revise the building plans to reflect the 2 new emergency side doors, as requested by the Fire Department, prior to the issuance of a zoning permit.
6. The applicant shall revise the site plan/survey to reflect a new sidewalk along the closest 8 parking spaces to connect to the existing sidewalk, code compliant parking spaces for the day care center, and to include a dumpster enclosure, prior to the issuance of a zoning permit.
7. The applicant's proposed split rail fencing with attached PVC mesh for the outdoor play area shall have the mesh between the railings, in either a green or black color.
8. The applicant shall file a Land Record Information Form, for **SP#503**, 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 Planning and Zoning staff prior to the issuance of a zoning permit.

Commissioners Pagliaro and Rotini said they missed the last meeting but both had watched the video and were familiar with the project.

A motion was made by Mr. Murphy, seconded by Mr. Hoffman to approved the draft resolution. Motion carried 6-0.

2 – SP # 488 – Bark and Bone – 15 Road Cannon– Modification to fence

The Commission has requested a resolution for approval of the change of material on the fence at Bark and Bone.

WHEREAS, the Wilton Planning and Zoning Commission (the Commission) had **APPROVED** Special Permit application # **488** for an adaptive use of an historical structure from Warrior Walkers LLC, to allow for the establishment of a kennel within an existing building with 4 outdoor canine exercise areas and 2 employee apartments, property located at 15 Cannon Road, in an R-2A zone, District 47, Assessor's Map #1, Lot # 5, 2.22± acres, property owned by The Cannon House LLC, 436 Danbury Road,

Wilton, CT, and shown on the following plans:

Floor Plans: Prepared by Fredrick William Hoag , Architect, Westport, CT, entitled “Bone and Bark, Wilton, CT, 06897”, exhibits SD201, SD 202. SD 203 and A 400, dated 2/10/22, Scale 1/4”=1’0”

Survey: Entitled “Existing Building Location Survey, 15 Cannon Road Prepared for Bone and Bark Inn, Wilton, Connecticut, Scale 1”=30’, dated January 25, 2022”, prepared by Ryan and Faulds, LS, a Redniss and Mead Company, Wilton, CT, Douglas R. Faulds, Land Surveyor.

WHEREAS, the Commission reviewed a proposal from the applicant to modify its fencing plan, specifically to change acoustical panels on portions of runs entitled “Puppy Pen” and “Pen 3” on the approved application with a solid wood board fence.

WHEREAS, the applicant has agreed to limit the number of dogs in each of these 2 pens to 3 dogs each;

WHEREAS, the existing conditions pertaining to noise from the facility are still in full force for the entire property, specifically conditions numbers 6,7,8 and 9, as follows:

6. Any noise associated with barking dogs in the play area or housed inside the kennel shall be properly attenuated immediately. Any repeated noise issues will require plan or program modifications to be approved by the Commission.
7. The care and boarding of pets shall not exceed 60 number of dogs at any time on the site.
8. That any dogs utilizing the outdoor exercise area be with a handler at all times and the number of dogs outside at any one time be limited to a maximum of **36** animals in order to minimize dogs barking.
9. The Planning and Zoning Department reserves the right to request a noise analysis by an acoustical engineer detailing and confirming compliance with Town noise regulations.

WHEREAS, the Commission, in reviewing the applicant’s request for a change of the fencing material on 2 dog runs has determined that the application is in substantial compliance with the Wilton Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that the Commission **APPROVES** the fence modifications to Special Permit **SP#488**, Bark and Bone for property located at 15 Cannon Road, effective May 5, 2023.

A motion was made by Mr. Murphy, seconded by Mr. Pagliaro, to approve the draft resolution. The motion was approved 6-0

The Chair reseated Commissioner Warren.

F. PRE-APPLICATION REVIEW

1. **Pre-Application Review – 88 Danbury Road**, site work and parking waiver discussion –

Mr Wrinn said this would be at a future meeting as there apparently has been a communication lapse, as the applicants are not in the Zoom.

D. ACCEPTANCE OF APPLICATIONS

1.SP#512 – Mr. Mango’s LLC – 33 Danbury Road – Restaurant/smoothie shop

Mr. Wrinn noted that the applicants were going to withdraw this application.

G. FUTURE AGENDA ITEMS

Mr. Wrinn quickly listed the items below for future action by the commission and would be set for a public hearing on May 8th

1. **SDP, Wilton Center Lofts LLC**, 12 Godfrey Place, proposed multi-family development, 8-30g
2. **SP #509 – i-Park Norwalk II**, One Cannondale Way, 120-room hotel

H. APPROVAL OF MINUTES

1. April 10, 2023 – Regular Meeting –

Commissioner Warren noted she recused herself from the discussion on the Daycare and Bark and Bone and that should be reflected in the minutes.

Commissioner Murphy made a motion to approved the minutes as amended, seconded by Commissioner Wilson. Motion passed 5-0-1.

I. ADJOURNMENT Mr. Hoffman made a motion, seconded by Mr. Pagliaro, which carried 7-0, to adjourn the meeting at approximately 9:20 PM.