

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

WILTON PLANNING AND ZONING COMMISSION MINUTES*
OCTOBER 23, 2023 REGULAR MEETING
(CONDUCTED ELECTRONICALLY VIA ZOOM)

PRESENT: Chairman Rick Tomasetti, Vice-Chair Melissa-Jean Rotini, Secretary Eric Fanwick, Commissioners Matthew Murphy, Christopher Pagliaro, Christopher Wilson, Jill Warren, Mark Ahasik. Notified Intended Absence: Ken Hoffman

Also present was Town Planner Michael Wrinn.

REGULAR MEETING

- A. CALL TO ORDER at 7:00 PM** by Chairman Tomasetti
- B. SEATING OF MEMBERS** – Members present were seated by Chairman Tomasetti.
- C. PUBLIC HEARINGS**

Mr. Tomasetti stated that two public hearings, REG#23403, ASML US, LLC, for property at 77 Danbury Road, and SP#514, ASML US, LLC, for property at 77 Danbury Road, have been postponed to the November 13, 2023 meeting.

- 1. REG#23404 – Cannabis Regulation Change** – Amendment to Section 29-9.L of the Wilton Zoning Regulations to prohibit adult use cannabis establishments in the Town of Wilton, extend the current prohibition, or allow with conditions.

Mr. Wrinn started by giving a brief background. Public Act 21-1 (2021) gives local municipalities the ability to amend their regulations relating to the recreational use, sales and cultivation of marijuana. For the past two years the P&Z Commission has extended the moratorium. With the moratorium ending, the Commission must decide, and has the authority to, 1) Extend the moratorium, 2) Prohibit the use entirely, or 3) Develop regulations for its use.

Mr. Tomasetti then opened the meeting to comments from the Commissioners.

Mr. Ahasik stated that he was not well enough informed, referencing uses and business opportunities, to make a decision of supporting or not supporting the prohibition. Mr. Wilson stated that he was not in favor. Ms. Warren stated that she would like another one-year moratorium, based on some uses that could be permitted. Mr. Pagliaro said that he was not in favor of bringing establishments into Wilton, but was open-minded about farming/growing. He would support another one-year moratorium. Mr. Murphy would support another one-year moratorium. Mr. Fanwick would support a permanent prohibition, and commented that based on future circumstances the regulation could be amended. Ms. Rotini stated that she would like to hear the public comment, and that she agreed with Mr. Fanwick, as the regulation could be amended in the future. Mr. Tomasetti asked Mr. Wrinn about how things would move forward if the Commission were to allow uses. Currently, the only State regulation states that there can only be one establishment per 25,000 population. Beyond that, the Commission has discretion to regulate other uses as it sees fit. Mr. Wrinn also stated his recommendation to extend the moratorium.

Mr. Tomasetti then opened the meeting for public comments.

1. Farah Masani, 21 Hubbard Road, expressed that she would favor the people of Wilton making the decision via a town vote, versus the Commission having the final say. She also stated that she was against prohibition and that she would support another one-year extension.
2. Madeleine Wilken, 179 Skunk Lane, a user of cannabis for pain suppression. She noted that she would like a referendum so Wiltonians could make the decision.
3. First Selectwoman, Lynne Vanderslice, 103 Middlebrook Farm Road, first detailed the decision-making process, the role of the P&Z Commission and Board of Selectman, and the possibility of a Town Meeting to decide the outcome. She also said she believed that should there be a prohibition, medicinal use should not be a part of the prohibition. She also stated that the availability of cannabis for non-medicinal uses is not difficult outside of Wilton.
4. Sara Curtis, 290 Cannon Road, expressed that she would like to hear more public opinion, and that she would support a one-year extension to determine how different uses could be handled.
5. Philip Murphy, 106 Spectacle Lane, expressed support for the decision-making process.

Mr. Tomasetti then closed the public comment period and asked the Commissioners for comments. Ms. Warren and Mr. Murphy stated their preference of a one-year extension. Mr. Wilson stated that is open to the options. Mr. Pagliaro said he would like more time to research the uses before making a decision. Mr. Fanwick stated support of a permanent ban and would be in favor of a town referendum. Ms. Rotini disagreed with public comments that the process hadn't been inclusive. She also stated agreement with Mr. Fanwick's comments relating to a permanent ban, which could be amended if necessary. The public hearing was then closed.

SP#512 – The Lake Club, Inc., 175 & 195 Thayer Pond Road. Assessor's Map #139, Lots #47 and #48; in R-2A Zoning District; consisting of 13.34+/- acres; owned by The Lake Club, Inc., for tennis court modification for tennis and pickle ball.

Mr. Wrinn said the applicant's sound consultant was not available for this meeting and would like to move the hearing to the next meeting. The public hearing was opened, then a motion was made to continue the hearing at the next meeting on November 13. The motion passed unanimously.

D. DISCUSSION OF POSSIBLE ACTION

REG#23405 – Wilton Center Area Overlay

- a. Section 29-6.G.1, Wilton Center Overlay District and Form Based Code
- b. Section 29-6.G.4, Danbury Road Transit Oriented Development District (TOD) Overlay

Mr. Tomasetti expressed his disagreement with some of the public comments that questioned the transparency of the process of developing the Master Plan. Mr. Ahasik expresses concerns about height restrictions (four plus one bonus). He stated preference for residential to be four floors, and three floors over retail. His motion to amend the plan was denied. Ms. Warren, Mr. Wilson, Mr. Murphy, Mr. Pagliaro, Mr. Fanwick, and Ms. Rotini, expressed support for the plan.

Mr. Wrinn gave details of WestCOG comments which could be incorporated into the resolution. He noted their comments regarding roof color, which should be white to improve energy efficiency, and the reduction of impervious areas abutting the Norwalk River.

Mr. Fanwick made a motion to approve the Wilton Center Overlay District and Form Based Code part of REG#23405, with an amendment covering roof color and revised language relating to street standard changes. Mr. Murphy seconded the motion. Mr. Murphy then made a motion to approve the TOD part of REG#23405, which was seconded by Mr. Fanwick. The Commission then voted to approve both parts of REG#23405.

REG#23404 – Cannabis Regulation Change

Mr. Ahasik and Ms. Warren expressed support for extending the moratorium another year. Mr. Wilson and Mr. Murphy stated their willingness to support either extending the moratorium or banning and amending. Mr. Pagliaro stated that he favored a prohibition and preferred reviewing applications with the possibility of an amendment. Mr. Fanwick stated approval of a prohibition. Ms. Rotini said she would support more time to consider all uses and potential outcomes. Mr. Tomasetti said that there are many distinct uses that need to be addressed and understood better.

Mr. Fanwick then made a motion for a permanent ban, and direct staff to do further investigation, which was seconded by Mr. Pagliaro. Mr. Ahasik voted no. Ms. Warren voted no. Mr. Wilson voted yes. Mr. Murphy voted yes. Mr. Pagliaro voted yes. Mr. Fanwick voted yes.

Ms. Rotini voted yes. Mr. Tomasetti voted no. The proposed regulation change to prohibit cannabis establishments passed 5-3.

E. REPORT FROM TOWN PLANNER

Mr. Wrinn stated that P&Z had received an ARB application from AMS Acquisitions for 131 Danbury Road. Fuller Development, 64 Danbury Road is doing the same. Both will be on the agenda for the ARB/VDDAC meeting on November 2.

F. APPROVAL OF MINUTES

October 10, 2023 meeting minutes were approved unanimously.

H. ADJOURNMENT

UPCOMING MEETINGS

1. Monday, October 30, 2023 – 7:00 PM – Planning & Zoning Commission Special Meeting
2. Monday, November 13, 2023 – 7:00PM - Planning & Zoning Commission Regular (Electronic) Meeting

Respectfully submitted by Rich Callahan – Recording Secretary

***MINUTES HAVE NOT BEEN REVIEWED BY THIS COMMISSION AND MAY BE SUBJECT TO REVISION IN FUTURE MINUTES. FULL AUDIO RECORDING OF MEETING IS AVAILABLE AT: <https://www.wiltonct.org/node/86/minutes-agendas>**