

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



TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

**WILTON PLANNING & ZONING COMMISSION MINUTES *
MAY 26, 2020 REGULAR MEETING
(CONDUCTED ELECTRONICALLY VIA ZOOM)**

PRESENT: Chairman Rick Tomasetti, Vice-Chair Melissa Rotini, Secretary Doris Knapp, Commissioners Fanwick, Johnson, Murphy, Pagliaro, Shiue, and Warren

ABSENT:

ALSO

PRESENT: Michael Wrinn, Town Planner

REGULAR MEETING

- A. CALL TO ORDER**
- B. SEATING OF MEMBERS**
- C. PUBLIC HEARINGS**

- 1. SP#466**, a special permit application from Rob Sanders Architects for conversion of an existing 2-car garage to an accessory dwelling unit pursuant to Section 29-4.D.1 of Zoning Regulations; for property located at 56 De Forest Road; in a Residential (R-2A) Zoning District; Assessor's Map #117, Lot #31; consisting of 1.93+/- acres; owned by Dana and Chris Roth.

Date of Commission Receipt:	4/9/2020
Initial Public Hearing Opening Date:	5/26/2020
Public Hearing Status:	Public comment period is open.

The public hearing was called to order at approximately 7:15 PM.

Rob Sanders, architect, represented the applicant.

***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>**

No public comment was received.

At approximately 7:37 PM, the hearing was closed.

2. **SP#467**, a special permit application submitted by Wilton Medical Realty, LLC to convert existing general office space (250,508 SF) known as #60 Danbury Rd to an ambulatory surgical center and medical offices for property located at #60 Danbury Road, in a DE-5 zone, Assessors Map #68, Lot 33-64; consisting of 22.27 +/- acres owned by Wilton 40/60, LLC, c/o Gregory and Adams, Wilton, CT.

Date of Commission Receipt:	4/9/2020
Initial Public Hearing Opening Date:	5/26/2020
Public Hearing Status:	Public comment period is open.

The public hearing was called to order at approximately 7:38 PM.

Representing the applicant were Attorney J. Casey Healy; Julie Grey, general counsel, Wilton Medical; Craig Yannes, traffic engineer; John Block, civil engineer; David Fiore, principal, Marcus Partners.

No public comment was received.

At approximately 8:04 PM, the hearing was closed.

D. DISCUSSION AND REVIEW OF PUBLIC HEARINGS

1. **SUB#920, Cannonwoods, LLC**, Application from Cannonwoods, LLC for 5-lot subdivision on Cannon Road, Tax Map #21, Lot #13, consisting of 55.05+/- acres

Date of Commission Receipt:	1/13/2020
Initial Public Hearing Opening Date:	2/10/2020
Public Hearing Status:	Public comment period is closed.

The Commission discussed the application. The issue of parcel 6 was raised, with concern expressed regarding potential future development of the parcel and, if so, what that might look like. Ultimately, it was the consensus of the Commission that this issue was adequately addressed by Wilton Town Counsel twice and was determined not to be germane to the 5-lot

subdivision application before it.

The Commission reviewed and incorporated changes into a draft resolution of approval prepared by staff.

MOTION was made by Mr. Shiue, seconded by Mr. Fanwick, and carried unanimously (9-0) to adopt as amended a resolution of approval for **SUB#920**, as follows:

WHEREAS, the Wilton Planning and Zoning Commission has received a **Subdivision** application (**SUB#920**) from Cannonwoods LLC, for a five-lot subdivision located on Cannon Road, in an R-2A District, Assessor's Map #21, Lot #13, 55.05 acres, owned by Cannonwoods, LLC, 490 Danbury Road, Wilton, CT and shown on plans entitled "Subdivision Prepared for Cannonwoods, LLC, Wilton CT, prepared by Douglas R. Faulds, CT LS, Lic No. 13292, dated January 9, 2019, as amended and various plans entitled "Cannonwoods, LLC, , by Peak Engineers, LLC, Redding CT, Thomas Quinn, PE, No. 17051 :

WHEREAS, the Planning and Zoning Commission conducted a special meeting for a site walk of the property on February 8, 2020, and held public hearings on February 10, 2010, February 24, 2020 and May 11, 2020 to receive comment from the public and met on May 26, 2020 to review and has fully considered all evidence submitted at said hearings; and

WHEREAS, due to the global pandemic known as Covid-19, the Governor of Connecticut issued Executive Order 71, which modified the procedures and deadlines for land use applications and decisions;

WHEREAS, the Planning and Zoning Commission has determined that the application is in substantial compliance with the Wilton Subdivision Regulations and the Zoning Regulations of the Town of Wilton;

NOW THEREFORE BE IT RESOLVED effective June 5, 2020 the Wilton Planning and Zoning Commission **APPROVES** subdivision #920 submitted by Cannonwoods, LLC, 5 lots on Cannon Road (Tax Map 21, Lot 13) subject to the endorsement and filing of the record Subdivision Map, and subject to the following conditions:

A. GENERAL CONSIDERATIONS

1. It is the responsibility of the applicant to obtain any other permits or licenses required by law or regulation. Governing bodies which may have jurisdiction include the Town of Wilton; the State of Connecticut or the United States Government.
2. All signoffs and permits as required by Town Agencies are made a condition of this approval
3. No equipment or material shall be deposited, placed or stored in any wetland or water

- course, on or off site unless specifically authorized by an Inland Wetlands Permit.
4. Housing numbers shall be as assigned by the Planning and Zoning Department and shall be assigned before the map of record is filed.
 5. That all required filings (Open Space, driveway easements, maintenance agreements) be placed on the Land Records after review and approval by Town Counsel.

B. CONDITIONS PERTAINING TO ALL LOTS

4. All utilities shall be installed underground.
5. Development shall not alter the existing natural site grading and drainage patterns of adjoining properties. Runoff caused by new development, during and after construction, shall be minimized and diverted to natural drainage patterns.
6. That all work shall be preformed in accordance with the Inland Wetlands Approval as granted.
7. Driveways shall be clearly marked to facilitate rapid identification by emergency vehicles.
8. Fuel oil tanks shall only be located above ground or within a basement.
9. All existing stone walls and existing trees and shrubs shall be preserved to the fullest extent possible. The applicant shall install tree protection around trees to be preserved in accordance with the submitted plan entitled “Tree Protection Detail”.
10. To ensure public safety, clear access of the driveway shall be maintained at all times during construction. Construction equipment shall not be parked or stored on or within any public right-of-way.
11. Any change deemed significant in the discretion of the Planning and Zoning Department staff in the build-out of each lot or location and design of infrastructure improvements associated with this application shall be subject to the review and approval of either the Planning and Zoning Department staff or the Planning and Zoning Commission.
12. The applicant, contractor and Planning and Zoning Department staff shall have a pre-construction meeting in order to ensure compliance with Planning and Zoning Commission requirements. Said meeting shall be conducted prior to the commencement of any site work including tree cutting and/or land clearing.
13. Unless otherwise approved by the Planning and Zoning Department staff, all site disturbance shall be performed in a manner as indicated on the grading plan.
14. There shall be no construction activities on the site on Sundays or holidays. The hours of construction shall be within the hours of 7:00 am and 5:00 pm Monday through Friday and 8:00 am and 5:00 pm on Saturdays. Such restrictions shall not apply to interior work performed within individual houses.
15. A copy of this resolution shall be given to the project manager of each lot and shall be available on-site during construction.
16. The 39.736± acre parcel labeled “Parcel 6” is not approved for development, is not a valid building lot and can never be developed without receiving resubdivision

approval.

C. PRIOR TO FILING OF FINAL SUBDIVISION MAP

17. The Final Subdivision Map shall be revised to include the following:
 - a. The address designation and lot number (not the parcel number), within each approved lot as specified herein.
 - b. The approval block for Subdivision **#920**, and resolution number, pursuant to Section 3.3.14 of the Subdivision Regulations shall be added.
 - c. A note shall be updated to include the Health Department certification block pursuant to Section 3.3.15 of the Subdivision Regulations.
 - d. The subdivision map shall be filed within 90 days following expiration of the appeal period, unless the applicant obtains an extension from the Planning and Zoning Commission.
 - e. The applicant shall provide the Planning and Zoning Department with an electronic copy of the subdivision map prior to the recording of said plan with the Town Clerk.

D. SUBSEQUENT TO FILING OF THE FINAL SUBDIVISION MAP

18. The applicant shall, within thirty (30) day of the filing of the Record Subdivision Map, submit the following:
 - a. Eight (8) paper prints of the filed subdivision map with the Town Clerk's notations. Said prints shall be signed and embossed by all the appropriate consultants/engineers.
 - b. The record subdivision map shall indicate all watercourses and wetlands on all of the lots and shall delineate the limit of disturbance on each lot.
 - c. A Mylar reduction of the approved Subdivision Map at a scale of 1"=800'.
 - d. Four (4) copies of all other plans and documents as specified herein. Said plans and documents shall bear the seal, signature and license number of the registered professional(s) responsible for preparing appropriate sections of the plans and documents.

E. PRIOR TO THE ISSUANCE OF A ZONING PERMIT

19. The submitted site plan for all lots shall be in accordance with the applicant's approved site development plans by Peak Engineers, LLC, Redding, CT prepared by Thomas Quinn, CT PE, 17051, sheets SD-1, SD-1A, SD-2, SD-2A, SD3, SD-3A, SD4, SD4-A, SD5, SD5A, made part of the record.

20. The Planning and Zoning Department reserves the right to require a storm water drainage analysis for each lot to be developed, if there are changes to the approved site development plan submitted as part of the approved subdivision application. Said plan shall be prepared and stamped by a professional engineer and submitted and approved by the Planning and Zoning Department, prior to the issuance of a Zoning Permit. All drainage designs shall conform to standards set forth in the town's zoning regulations and subdivision regulations and an additional hydrology report by a Connecticut licensed engineer may be required if requested by the Planning and Zoning Department officials.
21. In accordance with the approval of the Fire Marshal, each dwelling shall be equipped with fire sprinklers in lieu of installing a fire cistern on the property. The sprinklers shall meet the specifications of the Fire Marshall and shall be fully operational and inspected prior to any occupancy.
22. Prior to obtaining a zoning permit for the re-development of each lot, the applicant shall submit a site plan for review by the Commission's staff. Each site plan shall include a tree and stone wall preservation plan. Such plan shall locate trees with a diameter (caliper) over 16" within the buildable area and 10" diameter (caliper) within the setback areas and the location of stone walls. The plan shall explain why any such tree or stone wall is not being preserved, and shall explain alternate plans that have been considered. All trees and stone walls included in the tree and stone wall preservation plan must be protected during the construction phase and thereafter.
23. *The Grant of Conservation Restriction, and the Declaration of Driveway and Utility Easements and Maintenance Agreement* shall all be subject to review and approval by the Town's Counsel and staff and the documents shall all be filed with the Town Clerk and copies shall be submitted to the Planning and Zoning staff, prior to the issuance of a zoning permit.
24. Slope disturbance calculations for all areas in excess of 15% grade, shall be submitted for each lot prior to the issuance of a zoning permit for each individual lot.
25. A bond estimate for all site work shall be provided by the applicant to the Commission's staff, which shall include, but not be limited to sedimentation and erosion controls, tree protection and a 10% contingency. Such amount shall be approved by the Commission's staff. The bond shall be in a form and amount with proper surety satisfactory to the Commission's Land Use Counsel and shall be submitted prior to any site disturbance.
26. All disturbed areas, including areas near where trees are to be removed, shall be clearly delineated through the use of either silt or construction fencing prior to the commencement of any site activity. Delineation of such areas shall be approved by staff prior to the commencement of any site work and prior to the issuance of a zoning permit.

F. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE

27. All new utilities for each lot shall be installed underground prior to the issuance of a

certificate of zoning compliance.

28. All lot corners shall be pinned and verified by the applicant's Land Surveyor and shall be submitted prior to obtaining zoning compliance for each lot.
29. The engineer of record shall inspect above and below ground improvements and, upon completion, provide a letter certifying the functionality of such systems. An as-built plan depicting the location of storm water systems, shall be provided if requested by the Zoning Enforcement Officer.
30. Prior to the issuance of a zoning certificate of compliance, the applicant shall submit an as-built slope plan and slope calculations for any and all lots if applicable and requested by either the Zoning Enforcement Officer or the Town Planner. Site disturbance shall be in conformance with provisions outlined in Section 29-9.I.2 of the Zoning Regulations.

-END RESOLUTION-

2. **SP#461, 200 Danbury Road, LLC**, a special permit application from 200 Danbury Road, LLC, to allow any and all principal uses permitted pursuant to Section 29-6.A.2 of Zoning Regulations; and to allow dwelling units located above street level stores or offices pursuant to Section 29-6.A.3.h of Zoning Regulations; for property located at 198 & 200 Danbury Road.

Date of Commission Receipt:	1/13/2020
Initial Public Hearing Opening Date:	2/24/2020
Public Hearing Status:	Public comment period is closed.

The Commission discussed the application at length. Commissioners generally felt that although the applicant had met the necessary requirements/regulations for the site and it was an area of Town that could benefit from new development, they expressed concern that sufficient public benefit was not demonstrated to justify the benefits received by the applicant in exchange. In that regard, a number of key areas of concern were highlighted and discussed. A general consensus was reached that there was a lack of creativity in the overall design of the project, particularly with respect to its connections (or lack thereof) to the Norwalk River Valley Trail.

The Commission ultimately requested that staff draft a resolution of approval, with conditions reflecting the numerous concerns expressed by Commissioners, with the hope that the resolution could be reviewed and voted on at the next meeting.

3. **SP#466**, a special permit application from Rob Sanders Architects for conversion of an existing 2-car garage to an accessory dwelling unit pursuant to Section 29-4.D.1 of Zoning Regulations; for property located at 56 De Forest Road; in a

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Residential (R-2A) Zoning District; Assessor's Map #117, Lot #31; consisting of 1.93+/- acres; owned by Dana and Chris Roth.

Date of Commission Receipt:	April 9, 2020
Initial Public Hearing Opening Date:	5/26/2020
Public Hearing Status:	Public comment period is open.

After a brief discussion and a general consensus to move forward with a draft resolution of approval for the application, staff was directed to prepare same for a vote at the next meeting.

- 4. SP#467**, a special permit application submitted by Wilton Medical Realty, LLC to convert existing general office space (250,508 SF) known as #60 Danbury Rd to an ambulatory surgical center and medical offices for property located at #60 Danbury Road, in a DE-5 zone, Assessors Map #68, Lot 33-64; consisting of 22.27 +/- acres owned by Wilton 40/60, LLC, c/o Gregory and Adams, Wilton, CT.

Date of Commission Receipt:	April 9, 2020
Initial Public Hearing Opening Date:	5/26/2020
Public Hearing Status:	Public comment period is open.

The Commission discussed the application, noting in particular that the proposed medical use is a good use for the site and for the Town. The class A ownership and excellent maintenance of the property was noted for the record.

The Commission requested that staff prepare a draft resolution of approval, with appropriate conditions, for vote at the next meeting.

E. ACCEPTANCE OF NEW APPLICATIONS

- 1. SP#469, Apple Blossom School and Family Center**, 426 Danbury Road, Adaptive use for childcare center with existing 1-bedroom apartment
Public Hearing scheduled for June 22nd

F. FUTURE AGENDA ITEMS

- 1. Site Development Plan, Three Hubbard Rd, LLC**, site development plan application to construct a 17-unit apartment building at 3 Hubbard Road pursuant

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to Section 8-30g of the CT General Statutes; comprising a 3-story structure containing 3 three-bedroom apartments and 14-two-bedroom apartments
Public Hearing not yet scheduled.

2. SP#468, Darbandi, 516 Danbury Road, Adaptive reuse of former residence/antique shop to retail tile store
Public Hearing not yet scheduled.

3. SP#465, Anderson, 5 Forge Road, Conversion of previously approved accessory structure into an accessory dwelling unit
Public Hearing scheduled June 8th, 2020.

G. WORK SESSION -

- 1. Outdoor Dining –**
 - A. General Discussion over existing regulations and possible amendments
 - B. Discussion of Executive Order regarding outdoor dining

Mr. Wrinn briefly updated the Commission regarding the ongoing process of reviewing/approving outdoor dining in connection with the Governor's recent Executive Order. The Commission also discussed future planning ideas to develop a good comprehensive regulation going forward that could expedite some desired uses in Town, with particular focus on seasonal outdoor dining and parking requirements, and which could potentially eliminate the requirement for Special Permits in connection with such uses in the future.

H. APPROVAL OF MINUTES

- 1. May 11, 2020 – Regular Meeting**

MOTION was made by Mr. Fanwick, seconded by Mr. Murphy, and carried (9-0) to approve the minutes of May 11, 2020 as amended on page 2 to change the time that the SUB#920 hearing was closed from 8:20 PM to 9:20 PM.

I. COMMUNICATIONS AND REPORT FROM PLANNER AND/OR COMMISSION MEMBERS

J. ADJOURNMENT

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MOTION was made by Mr. Fanwick, seconded by Ms. Knapp, and carried unanimously (9-0) to adjourn at approximately 9:58 P.M.

UPCOMING MEETINGS

1. Monday, June 8, 2020 – Regular Meeting – Electronic remote meeting
2. Monday, June 22, 2020 – Regular Meeting – Electronic remote meeting

Respectfully submitted,

Lorraine Russo
Recording Secretary