

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

**WILTON PLANNING & ZONING COMMISSION MINUTES *
SEPTEMBER 9, 2019 REGULAR MEETING**

PRESENT: Chairman Scott Lawrence, Vice Chairman Rick Tomasetti, Secretary Doris Knapp, Commissioners Fanwick, Murphy, Nabulsi, Pagliaro, and Shiue

ABSENT: Melissa Rotini (notified intended absence)

ALSO

PRESENT: Bob Nerney, Town Planner; Daphne White, Assistant Town Planner; Lorraine Russo, Recording Secretary; members of the press; and interested residents.

PUBLIC HEARINGS

- 1. REG#19378: Applicant:** Planning & Zoning Commission **Application:** Creation of Section 29-9.K of zoning regulations pertaining to the formation of Architectural Review Board standards

Date of Commission Receipt:	7/8/2019
Initial Public Hearing Opening Date:	7/22/2019
Public Hearing Status:	Public comment period is open.

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

The Commission reviewed draft text recommendations from the Village District Design Advisory Committee (VDDAC).

Additional input was received from Rob Sanders, Chairman, VDDAC.

No public comment was received.

MOTION was made by Ms. Knapp, seconded by Mr. Tomasetti, and carried (8-0) to close the public hearing.

At approximately 7:25 PM, the hearing was closed.

***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>**

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2. **SP#459: Applicant:** Hilltop Beverages, LLC **Application:** To allow an existing unoccupied retail space at Gateway Shopping Center to be converted to a package store, pursuant to Section 29-6.A.3.r of zoning regulations; for property located at 14 Danbury Road

Date of Commission Receipt:	7/22/2019
Initial Public Hearing Opening Date:	9/9/2019
Public Hearing Status:	Public comment period is open. Public hearing must close by 9/23/19 unless applicant consents to extension.

The public hearing was called to order at 7:25 PM.

Attorney J. Casey Healy represented the applicant and property owner.

Public comment was received from Max Stoeckli, 63 Fawn Ridge Lane.

Additional input/response was received from applicant Chintan Patel, 173 Old Kings Highway, Hilltop Beverages, LLC.

MOTION was made by Mr. Fanwick, seconded by Mr. Murphy, and carried (8-0) to close the public hearing.

At approximately 7:45 PM, the hearing was closed.

A. REGULAR MEETING – CALL TO ORDER; SEATING OF MEMBERS

B. APPROVAL OF MINUTES

1. **July 18, 2019 – Special Meeting**
MOTION was made by Ms. Knapp, seconded by Mr. Murphy, and carried (7-0-1) to approve the minutes of July 18, 2019 as drafted. Mr. Pagliaro abstained.
2. **July 22, 2019 – Regular Meeting**
MOTION was made by Mr. Fanwick, seconded by Ms. Knapp, and carried (8-0) to approve the minutes of July 22, 2019 as drafted.
3. **August 5, 2019 – Special Meeting**
MOTION was made by Mr. Fanwick, seconded by Mr. Lawrence, and carried (5-0-3) to approve the minutes of August 5, 2019 as drafted. Commissioners Knapp, Murphy and Tomasetti abstained.

***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>**

C. ACCEPTANCE OF NEW APPLICATIONS

1. **SP#460: Applicant:** The Grumman Hill Montessori Association, Inc. **Application:** To amend SP#191C to allow preschool classes and grades Kindergarten through Eight, reflecting a grade extension from the previously approved “preschool classes and grades Kindergarten through Six”; for property located at 34 Whipple Road
2. **REG#19379: Applicant:** MNG Equities, LLC **Application:** To amend Section 29-4.D.4 pertaining to location, density and maximum building height of Congregate Housing Units; Section 29-4.D.6 pertaining to location of Assisted Living Facilities; and Section 29-8.B.5 pertaining to Minimum Parking Requirements for Congregate Housing

The Commission accepted both applications, noting that a public hearing date for each would be determined at a later time.

D. SITE DEVELOPMENT PLAN REVIEW

E. PENDING APPLICATIONS

1. **REG#19377: Applicant:** 200 Danbury Road, LLC **Application:** To amend Section 29-2.B.17, Section 29-6.E.6 and Section 29-6.E.12 of Wilton Zoning Regulations to increase maximum building height and maximum floor area ratio in the Design Retail Business (DRB) Zoning District *[Decision must be rendered by September 23, 2019]*

The Commission discussed the proposed text regulation in detail, with a specific emphasis towards clarifying and consolidating text, removing and/or merging items where possible.

The Commission requested that staff prepare a draft resolution of approval for vote at the next meeting, with the understanding that a number of proposed text modifications/issues remained outstanding and subject to further discussion at the next meeting prior to vote.

2. **REG#19378,** Creation of Section 29-9.K of zoning regulations pertaining to the formation of Architectural Review Board standards *[Application status noted above]*

The Commission briefly discussed the proposed text regulation, incorporating a number of minor changes into the draft text. Staff was directed to prepare a resolution of approval for vote at the next meeting.

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3. **SP#459: Applicant:** Hilltop Beverages, LLC **Application:** To allow an existing unoccupied retail space at Gateway Shopping Center to be converted to a package store, pursuant to Section 29-6.A.3.r of zoning regulations; for property located at 14 Danbury Road *[Application status noted above]*

The Commission reviewed draft resolution #0919-12P.

MOTION was made by Mr. Nabulsi, seconded by Mr. Shiue, and carried unanimously (8-0) to adopt as amended Resolution **#0919-12P** for **SP#459**, effective September 13, 2019.

WHEREAS, the Wilton Planning and Zoning Commission has received Special Permit application **SP#459** from Hilltop Beverages, LLC c/o Gregory and Adams, P.C. seeking authorization to establish a 3,350 square foot package store pursuant to Section 29-6.A.3.r. of the Zoning Regulations, for property located at 14 Danbury Road; in a Design Retail Business “DRB” District, known as Assessor’s Map #83, Lot #20, consisting of 7.455 acres owned by Gateway Center Associates and shown on the plans entitled:

Map of Property- Prepared for Robert C. Fielding, Alfred B. Winslow and Nathan Rosenberg, Prepared by Russell G. Faulds, land surveyor, dated December 28, 1983, at a scale of 1"=50' (reduced 11"x17" copy).

Vicinity Map- Prepared for Gateway Center Associates, no scale noted.

Proposed Floor Plan- Prepared for Hilltop Beverages, LLC, Prepared by Jp Rey, management & drafting, dated July 15, 2019, no scale noted.

Gateway Shopping Center- Prepared for Gateway Center Associates, Prepared by John W. Block, civil engineer, dated February 28, 2018, at a scale of 1"=30' (reduced 11"x17" copy).

WHEREAS, the Wilton Planning and Zoning Commission conducted a public hearing on September 9, 2019 to receive comment from the public and has fully considered all evidence submitted at said hearing;

WHEREAS, pursuant to the Connecticut General Statutes, the application was referred to the City of Norwalk for comment and the Town of Wilton has received no reply from said jurisdiction; 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 #459 to allow the establishment of a 3,350 square foot package store, effective September 13, 2019 subject to the following 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 Site Plan shall be completed within five years of the effective date of this resolution. This five-year period shall expire on September 13, 2024.
3. The applicant shall file a Land Record Information Form 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 staff prior to the issuance of a zoning permit.
4. The site plan shall be revised to depict the location of an additional dumpster, if an additional dumpster is proposed. Such structure shall be screened and shall be located in an area acceptable to the Planning and Zoning Department staff. Said revision shall be completed prior to the issuance of a zoning permit.
5. Exterior refrigeration compressors or other exterior mechanical equipment shall be located either on the roof or behind the building in a location so as not to interfere with vehicle traffic. Noise from such equipment shall be attenuated so as to comply with noise standards contained with the zoning regulations.
6. Any new rooftop mechanical equipment shall be screened so to minimize visual impact from public rights-of-way and private properties. Prior to the issuance of a zoning permit, the applicant shall submit a screening plan acceptable to staff, assuring that all new rooftop equipment is properly shielded.
7. All signage shall conform to the alternative signage program for 14 Danbury Road as provided in Resolution #0402-3Z. The installation of signage shall be subject to the issuance of a sign permit from the Zoning Enforcement Officer. All signage shall be either non-illuminated or illuminated by means of external lighting only.
8. There shall be no outdoor storage of any materials or products, including ice machines or bottle/can recycling containers.

9. Any new lighting shall comply with the Zoning Regulations for outdoor lighting and shall be subject to review and approval by either the Planning and Zoning staff or the Planning and Zoning Commission.

Submittal of revised plans and application:

10. Two (2) completed revised sets, (collated and bound) shall be submitted to the Commission's office for endorsement as "Final Approved Plan" by the Town Planner. Said plans shall include all revisions noted above and shall bear an ORIGINAL signature, seal and license number of the professional responsible for preparing each plan or portion of it. Said plans shall include the following notes:

a. "Pursuant to Section 8-3.(i) of the Connecticut General Statutes, all work in connection with this Special Permit shall be completed within five years after the approval of the plan. Said five-year period shall expire on September 13, 2024."

b. "For conditions of approval for Special Permit #459, see **Resolution #0919-12P.**"

- END RESOLUTION -

4. **#0919-1CPD: Applicant:** Town of Wilton Planning & Zoning Commission;
Discussion and adoption of 2019-2029 Plan of Conservation and Development

After a brief discussion, it was determined that a final draft, inclusive of edits provided by Commissioners Lawrence and Rotini and some additional modifications from consultant Milone and MacBroom, would be provided to Commissioners in their packages prior to the next meeting. The Commission requested that staff prepare a draft resolution of approval to adopt the 2019-2029 Plan of Conservation and Development for vote at the next meeting.

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

G. FUTURE AGENDA ITEMS

H. UPCOMING MEETINGS

1. Monday, September 23, 2019 – Regular Meeting (Annex, Room A, 7:15 PM)
2. Tuesday, October 15, 2019 – Regular Meeting (Annex, Room A, 7:15 PM)

I. ADJOURNMENT

MOTION was made by Mr. Fanwick, seconded by Mr. Tomasetti, and carried unanimously (8-0) to adjourn at approximately 10:07 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary