

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

**WILTON PLANNING & ZONING COMMISSION MINUTES \*  
OCTOBER 28, 2019 REGULAR MEETING**

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

**ABSENT:** Eric Fanwick (notified intended absence)

**ALSO**

**PRESENT:** Bob Nerney, Town Planner; Daphne White, Assistant Town Planner; Lorraine Russo, Recording Secretary; Town Counsel Peter Gelderman, Berchem Moses PC; members of the press; and interested residents.

At approximately 7:15 PM, Chairman Lawrence called the meeting to order and seated all Commissioners present. Town Counsel Peter Gelderman confirmed, in response to a request for same from Mr. Lawrence, the appropriateness of entering into an Executive Session to discuss pending litigation in connection with a recently submitted application from The Brubeck Trusts and Derry Music Company pertaining to SUB#391.

**MOTION** was made by Ms. Rotini, seconded by Ms. Knapp, and carried (8-0) for the Commission to enter into Executive Session to discuss the aforementioned matter. Town Counsel Gelderman and staff were invited to join the session.

At approximately 7:20 PM the Commission, Town Counsel Gelderman and staff entered into Executive Session.

**EXECUTIVE SESSION**

- To discuss pending litigation and settlement regarding The Brubeck Trusts and Derry Music Company application (SUB #391), for properties located at 221 Millstone Road, 67, 69, 73, 85 and 87 Hickory Hill Road and Assessor's Map 79, Lot 40 on Millstone Road

At approximately 7:52 PM,

**MOTION** was made by Mr. Nabulsi, seconded by Mr. Murphy, and carried (8-0) for the Commission, Town Counsel Gelderman, and staff to come out of Executive Session.

**\*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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At approximately 7:55 PM, after exiting Executive Session and with the public meeting back in session, the Commission took the following action:

**MOTION** was made by Mr. Tomasetti, seconded by Mr. Murphy, and carried (8-0) for the Commission to not accept the second portion of the recently submitted application from The Brubeck Trusts and Derry Music Company, which requested the Commission to “approve or direct Planning Director Nerney to approve the proposed lot reconfiguration map”.

Attorney Gelderman acknowledged the foregoing Commission direction to not recommend settlement in connection with litigation still pending on the subject matter.

## PUBLIC HEARINGS

- 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

Date of Commission Receipt:	9/9/2019
Initial Public Hearing Opening Date:	10/15/2019
Public Hearing Status:	Public comment period is open. Public hearing must close by 11/11/19 unless applicant consents to extension.

The public hearing was called to order at approximately 7:57 PM.

Mr. Nabulsi recused himself and left the meeting.

Tracy Castelli, former Grumman Hill Montessori Association Board member; and David Godfrey, current Grumman Hill Montessori Association Board member represented the applicant.

Public comment was received from:

Carolyn Reifers, 9 Ivy Lane, who distributed a handout entitled “Montessori School Growth History”;

Mark Reifers, 9 Ivy Lane, who distributed a 2-page letter dated October 28, 2019, with attached maps and photos;

Barbara Valk, 43 Whipple Road, who distributed a photo taken October 21, 2018;

Joe Bruno, 12 Ivy Lane;

Kimberly Johnson, 25 Exeter Lane;

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Renee Anderson, 33 Whipple Road;  
Victor Gorshkov, 23 Whipple Road;

Additional comment was received from Wanda Stockfish, representing the applicant.

At approximately 9:25 PM, the hearing was continued until November 11, 2019.

The Commission took a break at 9:25 PM and returned at approximately 9:27 PM.

2. **REG#19379: Applicant:** MNG Equities, LLC **Application:** To amend Section 29-4.D.4 pertaining to location, density, maximum building height, and affordable housing requirements in connection with Congregate Housing; 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

Date of Commission Receipt:	9/9/2019
Initial Public Hearing Opening Date:	10/15/2019
Public Hearing Status:	Public comment period is open. Public hearing must close by 11/11/19 unless applicant consents to extension.

The public hearing was called to order at approximately 9:27 PM and it was noted that the applicant had requested a continuance of the public hearing until November 11, 2019.

Commissioner Lawrence noted for the record that he had watched the tape of the first hearing on the matter.

The applicant was not present but public comment was received from:

Bev Sutherland, 15 Nod Hill Road;  
Tammy Thornton, 175 Pimpewaug Road;  
Tina Duncan, 121 Middlebrook Farm Road;  
Woodson Duncan, 121 Middlebrook Farm Road.

At approximately 9:47 PM, the hearing was continued until November 11, 2019.

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

**B. APPROVAL OF MINUTES**

1. October 15, 2019 – Regular Meeting

MOTION was made by Mr. Tomasetti, seconded by Mr. Pagliaro, and carried (6-0-1) to approve the minutes of October 15, 2019 as modified on page 2, 5<sup>th</sup> paragraph from the top, to read as follows: “After a brief discussion, the Commission indicated that to hear the request an application was required, should The Brubeck Trusts and Derry Music Company and Counsel so determine.” Mr. Lawrence abstained.

**C. ACCEPTANCE OF NEW APPLICATIONS**

1. **SUB#391: Applicant:** The Brubeck Trusts and Derry Music Company **Application:** To modify a condition of a 1968 subdivision approval (SUB#391) regarding access from Millstone Road; for properties located at 69 and 87 Hickory Hill Road; and approval of a map of reconfigured lot lines, for properties located at 221 Millstone Road, 67, 69, 73, 85 and 87 Hickory Hill Road and Assessor’s Map 79, Lot 40 on Millstone Road

As noted earlier and pursuant to Executive Session discussion, it was the consensus of the Commission to not accept the second portion of the subject application to “approve or direct Planning Director Nerney to approve the proposed lot reconfiguration map”, for properties located at 221 Millstone Road, 67, 69, 73, 85 and 87 Hickory Hill Road and Assessor’s Map 79, Lot 40 on Millstone Road.

The Commission accepted the first portion of the application to modify a condition of a 1968 subdivision approval (SUB#391) regarding access from Millstone Road, for properties located at 69 and 87 Hickory Hill Road. A date for future discussion was not determined.

2. **REG#19381: Applicant:** Dominick P. and Marie C. Agostin **Application:** To amend Section 29-5.C.6 of zoning regulations to allow professional offices for non-resident occupants on Old Ridgefield Road

The application was accepted, with the understanding that a public hearing date would be determined at a future time.

**D. SITE DEVELOPMENT PLAN REVIEW**

**E. PENDING 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  
*[Application status noted above]*

**Tabled.**

2. **REG#19379: Applicant:** MNG Equities, LLC **Application:** To amend Section 29-4.D.4 pertaining to location, density, maximum building height, and affordable housing units in connection with Congregate Housing; 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 *[Application status noted above]*

**Tabled.**

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

**G. FUTURE AGENDA ITEMS**

1. **CHZ#19380: Applicant:** Dominick P. and Marie C. Agostin **Application:** Change of zone from Residential Two-Acre (R-2A) District to Wilton Center (WC) District; for property located at 15 Old Ridgefield Road

**Withdrawn.**

**H. UPCOMING MEETINGS**

1. Monday, November 11, 2019 – Regular Meeting (Annex, Room A, 7:15 PM)
2. Monday, November 25, 2019 – Regular Meeting (Annex, Room A, 7:15 PM)

**I. ADJOURNMENT**

MOTION was made by Mr. Tomasetti, seconded by Mr. Murphy, and carried unanimously (7-0) to adjourn at approximately 9:57 P.M.

Respectfully submitted,

Lorraine Russo  
Recording Secretary