

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

**WILTON PLANNING & ZONING COMMISSION MINUTES *
APRIL 11, 2022 REGULAR MEETING
(CONDUCTED ELECTRONICALLY VIA ZOOM)**

PRESENT: Vice-Chair Melissa Rotini, Secretary Eric Fanwick, Commissioners Hoffman, Johnson, Murphy, Pagliaro, Warren, and Wilson (with video interruptions)

ABSENT: Rick Tomasetti (notified intended absence)

ALSO

PRESENT: Michael Wrinn, Town Planner

REGULAR MEETING

In Chairman Tomasetti's absence, Vice-Chair Rotini acted as Chair for the meeting.

A. CALL TO ORDER – at approximately 7 PM.

B. SEATING OF MEMBERS

C. PUBLIC HEARINGS

- 1. SP#490**, a special permit application from Athithi, LLC c/o J. Casey Healy, Esq. of Gregory and Adams to allow the conversion of retail space for use as a restaurant, pursuant to Section 29-6.A.3.b. of zoning regulations; for property located at 14 Danbury Road; Assessor's Map #83, Lot #20; in a Design Retail Business (DRB) Zoning District; consisting of 7.455+/- acres; owned by Gateway Center Associates.

The public hearing was called to order at approximately 7:01 PM.

Present on behalf of the applicant were J. Casey Healy and Kathleen Royle, attorneys.

***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>**

P&Z Minutes – 04/11/22 – Page 2

Additional input was received from Chandru Krishnaswami [sp?], restaurant chef/partner.

Public comment was received from Devlynn Hresko, 3 Heathcote Rd, Norwalk, who indicated a desire to speak on another application which was not on the agenda this evening.

MOTION was made by Mr. Murphy, seconded by Mr. Fanwick, and carried unanimously (7-0) to close the public hearing for SP#490.

At approximately 7:20 PM, the hearing was closed.

2. **SP#488**, a special permit application from Warrior Walkers, LLC for an adaptive use permit to allow a State-licensed dog retreat (Bone and Bark Inn) pursuant to Sections 29-5.A.3.o. and 29-5.C.5 of zoning regulations; for property located at 15 Cannon Road; Assessor's Map #47, Lot #1-5; in a Residential (R-2A) Zoning District; consisting of 2.22+/- acres; owned by The Cannon House, LLC.

The public hearing was called to order at approximately 7:20 PM.

Commissioner Warren recused herself.

Present on behalf of the applicant were Frederick Hoag, architect; and Raz and Maria Farinas, applicants.

Public comment was received from:
Stephen Jones, 200 Pimpewaug Rd;
Nicholas Schnitzler, 109 Warncke Rd;
Barbara Geddis, 296 Cannon Rd;
Jeff Kaplan, 8 Greenbriar Ln;
David Waters, 3 Deerfield Rd.

MOTION was made by Mr. Fanwick, seconded by Mr. Murphy, and carried unanimously (6-0) to close the public hearing for SP#488.

At approximately 8:16 PM, the hearing was closed.

Commissioner Warren returned to the meeting and was reseated.

- 3. Proposal to opt-out of accessory apartment requirements** set forth in Public Act 21- 29 (An Act Concerning the Zoning Enabling Act, Accessory Apartments, etc.). This proposal is the Planning and Zoning Commission’s official notice of intent to initiate the process by which a municipality may opt out of the provisions of Section 6 of section 8-2 of the Connecticut General Statutes, regarding limitations on Accessory Apartments and Accessory Dwelling Units.

Mr. Wrinn briefly reviewed and compared details of the recently adopted State legislation with the Town’s accessory dwelling unit regulations.

Public comment was received from Barbara Geddis, 296 Cannon Road.

It was the consensus of the Commission to opt-out of the State’s legislation, thus retaining the flexibility/control of its own regulations going forward.

MOTION was made by Mr. Murphy, seconded by Mr. Pagliaro, and carried unanimously (7-0) to close the public hearing.

- 4. REG#22393, Outdoor Dining Extension - Public Hearing** continued to April 25, 2022.

Continued until April 25, 2022.

D. DISCUSSION AND POSSIBLE ACTION

- 1. SP#490 – Athithi Restaurant – 14 Danbury Road**

The Commission briefly discussed the application and reviewed draft resolution of approval **RES #0422-490SP**.

MOTION was made by Mr. Fanwick, seconded by Mr. Murphy, and carried unanimously (7-0) to adopt as amended Resolution **#0422-490SP** for **SP#490**, effective April 22, 2022.

WHEREAS, the Wilton Planning and Zoning Commission has received Special Permit application **SP#490** from Athithi, LLC c/o J. Casey Healy, Esq. of Gregory and Adams seeking authorization to establish a 1,600 square foot restaurant, for property located at 14 Danbury Road; in a Design Retail Business “DRB” District, known as Assessor’s Map#83, Lot#20,

P&Z Minutes – 04/11/22 – Page 4

consisting of 7.455 acres owned by Gateway Center Associates and shown on the plans entitled:

Improvement Location Survey- Prepared for Gateway Center Associates, Prepared by Mark S. Lebow, land surveyor, dated January 22, 2013, last revised August 7, 2018, at a scale of 1"=50'.

Plot Plan-General Notes, etc.- Prepared for Athithi Indian Cuisine, Prepared by Peter Klein, architect, dated February 1, 2022, scale as noted, sheet #A-001.00.

Existing and Proposed First Floor Plan etc.- Prepared for Athithi Indian Cuisine, Prepared by Peter Klein, architect, dated February 1, 2022, scale as noted, sheet #A-002.00.

First Floor Lighting and Ceiling Plan and Par Elevation etc.- Prepared for Athithi Indian Cuisine, Prepared by Peter Klein, architect, dated February 1, 2022, scale as noted, sheet #A-003.00.

Site of Location and Existing/Proposed Roof Plan etc.- Prepared for Athithi Indian Cuisine, Prepared by Peter Klein, architect, dated February 1, 2022, scale as noted, sheet #A-004.00.

WHEREAS, the Wilton Planning and Zoning Commission conducted a public hearing on April 11, 2022 to receive comment from the public and has fully considered all evidence submitted at said hearing; and

WHEREAS, the Wilton Planning and Zoning Commission previously approved a parking waiver of 20% in December of 2021, under SDP#5-21; 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 #490 to allow the establishment of a 1,600 square foot restaurant, effective April 22, 2022 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 April 22, 2027.

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P&Z Minutes – 04/11/22 – Page 5

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 layout plan has been modified to depict the location of a grease trap. Said improvement shall be approved by the Wilton Department of Public Works prior to the issuance of a zoning permit.
5. The applicant shall submit a site plan for review by the Planning and Zoning staff showing how screening will be provided for all existing and planned waste containers located on the south side of the building, consistent with this applicant's proposed screening for their dumpster, prior to the issuance of a zoning permit.
6. Any new rooftop mechanical equipment shall be screened so to minimize visual impact from public rights-of-way and private properties, as shown on the proposed roof-top plan.
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.
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 April 22, 2027."

b. "For conditions of approval for **Special Permit #490**, see **Resolution #0422-490SP.**"

Prior to the Issuance of a Certificate of Zoning Compliance:

11. Prior to the issuance of a zoning certificate of compliance, the applicant shall complete the proposed and required exterior improvements, including the roof-top mechanical screening and the dumpster screening.

- END RESOLUTION -

2. SP#488 – Warrior Walkers, LLC (Bone & Bark Inn) – 15 Cannon Road

Ms. Warren was recused from the deliberations.

The Commission discussed the application and reviewed draft resolution of approval **RES #0422-488SP**.

MOTION was made by Mr. Murphy, seconded by Mr. Hoffman, and carried (5-0-1) to adopt as amended Resolution **#0422-488SP** for **SP#488**, effective April 22, 2022, with Commissioners Rotini, Hoffman, Johnson, Murphy and Pagliaro voting in favor, and Mr. Fanwick voting “present”.

WHEREAS, the Wilton Planning and Zoning Commission (the Commission) has received Special Permit application **SP#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, Assessor’s Map #47, Lot #1-5, 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 conducted a public electronically on April 11, 2022 to receive comment from the applicant and the public, and the Commission fully discussed and considered all evidence at its meeting on April 11, 2022;

WHEREAS, the Commission reviewed the applicant’s request for an adaptive use of an historic structure for a dog kennel with outdoor runs and has determined that the application is in substantial compliance with the Wilton Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that the Commission **APPROVES** Special Permit **SP#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, allowed by way of Section 29-5.C.5 of the Zoning Regulations for property located at 15 Cannon Road, effective April 22, 2022, 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 United States Government. 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 (5) years of the effective date of this resolution. This five- year period shall expire on April 22, 2027.
3. The applicant shall file a Land Record Information Form with the Town Clerk (form to be provided by the Planning and Zoning Department). A copy of the file document shall be submitted to the Planning and Zoning staff prior to the issuance of a zoning permit.
4. Fencing location shall be consistent with the submitted fencing detail shown on the Proposed Site Plan Revision, prepared by Fredrick William Hoag, Architect, dated 2/10/22. Such fencing for the runs shall be outside of the regulated wetland area and also out of the existing water easement area to the north.
5. 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.
6. The care and boarding of pets shall not exceed 60 number of dogs at any time on the site.
7. 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.
8. 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.

Submittal of revised plans and application:

9. Two (2) completed revised sets (one full size set and one reduced sized set), (collated and bound) shall be submitted to the Commission’s office for endorsement as “Final Approved Plan” by the Town Planner prior to receiving a zoning permit. 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. “According to Section 8-3.(i) of the Connecticut General Statutes, all work in connection with this site plan shall be completed within five years after the approval of the plan. Said five-year period shall expire on April 22, 2027.”
 - b. “For conditions of approval for **Special Permit #488**, see **Resolution #0422-488SP**.”

- END RESOLUTION -

Commissioner Warren returned to the meeting and was reseated.

3. Proposal to Opt Out of Accessory Apartment Requirements

The Commission briefly reviewed resolution **RES#0422-2MISC**.

MOTION was made by Mr. Fanwick, seconded by Mr. Murphy, and carried (6-0-1) to adopt Resolution **#0422-2MISC** as written to opt out of the State’s accessory apartment requirements, with Commissioners Rotini, Fanwick, Hoffman, Murphy, Pagliaro and Warren voting in favor, and Ms. Johnson voting “present”. It was noted that the matter would now be forwarded to the Board of Selectmen for its review/consideration.

WHEREAS, the Wilton Planning and Zoning Commission (the Commission) held a public hearing to notice its official intent to initiate the process by which a municipality may opt out of the provisions of Section 6 of section 8-2 of the Connecticut General Statutes, regarding accessory dwelling units (ADU’s).

WHEREAS, the Commission conducted this public hearing electronically on March 28, 2022 and April 11, 2022 to receive comment from the public, and the Commission fully discussed and considered all evidence from these public hearings at its meeting on April 11, 2022.

WHEREAS, the Commission has determined that the proposed accessory apartment regulations under this Public Act 21-29 are not appropriate for the Town, for the following reasons:

1. The Commission has a Zoning Regulation rewrite proposed for 2022, which will also be reviewing the ADU's regulations. The flexibility to be able to change the ADU regulations as a result of that study is needed.
2. That the Commission wants to keep local control and have the ability to modify its ADU zoning regulations whenever and however they see the need for modifications as appropriate for the town.
3. That the Commission has been an advocate for ADU's as evidenced by its recent action to remove the requirement for needed a special permit for a detached unit; the Commission is keenly aware of what works for Wilton and will continue to made any needed changes to its local regulation.

NOW THEREFORE BE IT RESOLVED that the Commission takes this action to affirmatively OPT OUT of the provisions of Public Act 21-29 regarding the maximum number of parking spaces required for multifamily units.

BE IT FURTHER RESOLVED that notice of the action be forwarded to the Board of Selectman.

-END RESOLUTION-

4. **Proposal to Opt Out of Parking Requirements** (P.H. closed on Mar 28)

The Commission briefly reviewed resolution **RES#0422-1MISC**.

MOTION was made by Mr. Murphy, seconded by Mr. Hoffman, and carried unanimously (7-0) to adopt Resolution **#0422-1MISC** as written to opt out of the State's parking requirements. It was noted that the matter would now be forwarded to the Board of Selectmen for its review/consideration.

WHEREAS, the Wilton Planning and Zoning Commission (the Commission) held a public hearing to notice its official intent to initiate the process by which a municipality may opt out of the provisions of Section 4 and subdivision (9) of subsection (d) of section 8-2 of the Connecticut General Statutes, regarding the maximum number of required parking spaces for multi-family units.

WHEREAS, the Commission conducted this public hearing electronically on March 28, 2022 to receive comment from the public, and the Commission fully discussed and considered all evidence from this public hearing at its meeting on April 11, 2022,

WHEREAS, the Commission has determined that the proposed parking regulations

under this Public Act 21-29 are not appropriate for the Town of Wilton, for the following reasons:

1. The Town is currently engaged in a Wilton Center Area Master Plan, which will be making recommendations for future development and associated parking requirements; it would be premature to change parking regulations until that plan is completed.
2. Wilton Center has no municipal parking, either on street or off street, thereby having correct multifamily parking numbers based on the particular location is critical to the safety and functionality of this unique area
3. That the Commission would like the ability in the future to appropriately change the parking regulations for multifamily, in reaction to any proposed zone change/zoning amendment that would allow multifamily development.
4. In addition to the Wilton Center Area Master Plan, the Commission has a Zoning Regulation rewrite proposed for 2022, which will also be reviewing parking regulations across a larger zoning area. The flexibility to be able to change the parking regulations as a result of that study is also crucial.
5. That the Commission wants to keep the ability to modify its zoning regulations whenever and however they see the need for modifications as appropriate for the town.

NOW THEREFORE BE IT RESOLVED that the Commission takes this action to affirmatively OPT OUT of the provisions of Public Act 21-29 regarding the maximum number of parking spaces required for multifamily units.

BE IT FURTHER RESOLVED that notice of the action be forwarded to the Board of Selectman.

-END RESOLUTION-

E. SITE DEVELOPMENT PLAN REVIEW – DISCUSSION/POSSIBLE ACTION

1. **SDP#4-22, Glengate Company & Jared Martin EPC, LLC**, 47 Old Ridgefield Road, Tax Map #73, Lot #40, consisting of 0.512+/- acre; located in the Wilton Center (WC) Zoning District – For conversion of first floor to retail sales center and showroom.
- REVIEW & ACTION on draft resolution of approval

The Commission briefly reviewed draft resolution **RES#0422-SDP#4-22**.

MOTION was made by Mr. Fanwick, seconded by Ms. Johnson, and carried unanimously (7-0) to adopt as written Resolution **#0422-SDP#4-22** for **SDP#4-22**, effective April 22, 2022.

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WHEREAS, the Wilton Planning and Zoning Commission (the Commission) has reviewed Site Development Plan, SDP#4-22 from Glengate Company & Jared Martin EPC, LLC, to allow for the establishment of a retail sales showroom on the first floor of a bank building at 47 Old Ridgefield Road, in the Wilton Center (WC) zone, Tax Map #73, Lot #40, 0.512± acres, property owned by Bankwell Bank, Elm Street, New Canaan, CT, and shown on the following plans:

Survey: Entitled “Property Survey 47 Old Ridgefield Road Prepared for Glengate Company” Scale 1”=30’, dated March 4, 2022, prepared by Ryan and Faulds, LS, a Redniss and Mead Company, Wilton, CT, Douglas R. Faulds, Land Surveyor.

WHEREAS, the Commission met electronically on March 28, 2022 and on April 11, 2022 to receive comment from the applicant, and the Commission fully discussed and considered all evidence at that meeting.

WHEREAS, the Commission reviewed the applicant’s request to allow a retail sales showroom on the first floor of the building located at 47 Old Ridgefield Road and has determined that the application is in substantial compliance with the Wilton Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that the Commission **APPROVES** Site Development Plan, SDP#4-22 for the establishment of retail sales showroom on the first floor of a now or former bank building at 47 Old Ridgefield Road, effective April 22, 2022, 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 United States Government. 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 (5) years of the effective date of this resolution. This five-year period shall expire on April 22, 2027.
3. The applicant shall file a Land Record Information Form with the Town Clerk (form to be provided by the Planning and Zoning Department). A copy of the filed document shall be submitted to the Planning and Zoning staff prior to the issuance of a zoning permit.
4. There shall be no outdoor storage of product or sales items.
5. A plan to screen the rooftop units shall be submitted to the Village District Design Advisory Committee for review within 90 days of occupancy, followed by a

submittal to the Planning and Zoning Commission

Submittal of revised plans and application:

6. Two (2) completed revised sets (one full size set and one reduced sized set), (collated and bound) shall be submitted to the Commission’s office for endorsement as “Final Approved Plan” by the Town Planner prior to receiving a zoning permit. 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. “According to Section 8-3.(i) of the Connecticut General Statutes, all work in connection with this site plan shall be completed within five years after the approval of the plan. Said five-year period shall expire on April 22, 2027.”
 - b. “For conditions of approval for **Site Development Plan, SDP#4-22**, see **Resolution #0422–SDP#4-22.**”

- END RESOLUTION -

F. PRE-APPLICATION REVIEW

The pre-application discussion is being held under Section 29-11.A.3.b of the Zoning Regulations of the Town of Wilton and Section 7-159b of the CT General Statutes. No public comment will be taken.

1. **Greenwich Realty Development, LLC**, 12 Godfrey Place, Tax Map #73, Lot #33, consisting of 0.62+/- acres located in the Wilton Center (WC) District; for a new multi-family structure consisting of 30 apartments in a 2 ½ story building, above on-grade parking spaces.

Present were Elizabeth Suchy, attorney; Jay Ross, principal, Greenwich Realty Development; and Rich Granoff, architect.

Attorney Suchy briefly reviewed details of the proposed development, specifically noting its compatibility with the Town’s Plan of Conservation and Development. Mr. Granoff reviewed architectural details of the proposed application, including its 10% affordability component.

The Commission indicated a preference for some public component on street level that could encourage community interaction/connectivity.

G. COMMUNICATIONS & REPORT FROM PLANNER AND/OR COMMISSION MEMBERS - DISCUSSION & POSSIBLE ACTION

1. Remote Meetings – Status

Tabled until further information is available, hopefully within a week or two.

H. APPROVAL OF MINUTES

1. March 28, 2022 – Regular Meeting

MOTION was made by Mr. Fanwick, seconded by Mr. Murphy, and carried (7-0) to approve the minutes of March 28, 2022 as written.

I. ADJOURNMENT

MOTION was made by Mr. Murphy, seconded by Mr. Fanwick, and carried unanimously (7-0) to adjourn at approximately 9:35 P.M.

UPCOMING MEETINGS

1. Thursday, April 21, 7:00 pm – Wilton Center Subcommittee – Special (Electronic) Meeting – **CANCELED!**
2. Monday, April 25, 2022, 7:00 pm – Regular (Electronic) Meeting
3. Monday, May 9, 2022, 7:00 pm – Regular (Electronic) Meeting

Respectfully submitted,

Lorraine Russo
Recording Secretary