



**TOWN OF WILTON
PLANNING BOARD MEETING
APPROVED MINUTES**

DATE: November 18, 2015
TIME: 7:30 PM
PLACE: Wilton Town Hall Courtroom

PRESENT: Wilton Planning Board Members: Chairman Jeffrey Kandt, Vice-Chairman Sara Spittel, Neil Faiman, Alec MacMartin, Tracey Ewing (Alternate), Dawn Tuomala (Alternate), Marion Kearns, Matt Fish (arrived late), Selectmen Representative Kermit Williams, NRPC Representative Camille Pattison, Secretary Sorrell Downing, Abutters – Gary Newstead and Uli Danuk.

Public Meeting

Chairman Kandt opened the meeting at 7:30 PM.

PB-SD04-0915 – Zuber

An application by Walter Zuber for a subdivision of three lots. The first proposed lot is the existing lot of 10.282 acres (H-83-1). The two proposed new lots are H-83-4 and H-83-5. The proposed new lot, H-83-4, would have 2.095 acres and the proposed new lot, H-83-5, would have 3.504 acres. The property is located in the southeast corner of the intersection of where Stephens Road and Badger Farm Road meet at Mason Road.

Outstanding Issues from 10-7-15 Meeting

- Impact fees need to be calculated and added to the plan.
- The fire chief letter needs to be received.
- The parent lot name needs a currently unused number.
The driveway for Lot H-83-4 needs to be relocated to Stephens

Completed Issues from 10-7-15 Meeting

- The board agreed the road agent needs to update his approval based on the relocation of the driveway.

A MOTION was made by Mr. Williams and SECONDED by Ms. Spittel to continue the approved application PB-SD04-0915 by Walt Zuber for a subdivision of three lots. The first proposed lot is the existing lot of 10.282 acres (H-83-1). The two proposed new lots are H-83-4 and H-83-5. The proposed new lot, H-83-4, would have 2.095 acres and the proposed new lot, H-83-5, would have 3.504 acres. The property is located in the southeast corner of the intersection of where Stephens Road and Badger Farm Road meet at Mason Road with the following conditions:

- Impact Fees will be added to plan*
- Letter from Fire Chief*
- Revised Letter from Road Agent - COMPLETED*
- Rename of Parent Lot*
- Relocation of proposed driveway for H-83-4*

Voting: 6 ayes. Mr. MacMartin abstained. Ms. Ewing voting for Mr. Fish. Motion carried.

Abutters departed.

The case will stay on the Planning Board agenda until all conditions are met.

Zoning Ordinance Amendment

Ms. Pattison has updated the Zoning Ordinance to reflect the role of the Building Inspector in the Sign Application process.

Ms. Pattison and Ms. Ewing worked together to update the regulations to reflect the current Supreme Court Ruling on Sign Ordinances and the First Amendment – Signs must be content neutral. The 17 page IMLA Model Sign Code was referenced as well as NHMA Webonaire by Benjamin Frost, Esq and Stephen Buckley.

- Renumber 16.1.c.1
- Remove 16.1.c.3
- 16.1.h.1 – remove advertising. Need to define “off premises signs” and add to definitions page A5.
- 16.2.1.1 – define structure
- 16.3.1.1 – remove advertising
- 16.3.1.8 add 32 Sq. Feet. The Planning Board may recommend more signs in the site plan.

Public Notices will be issued for December 16, 2015 and January 6, 2016.

Ms. Ewing stated there should be a consideration of repealing the sign ordinance all together if the town is not able to enforce it. If we have an ordinance, then it should be enforced. Mr. Williams stated the lack of enforcement currently is due to staffing and budget limitations.

Ms. Spittel stated it is important that our sign ordinance is readable and easy to

understand. Ms. Spittel asked if Ms. Pattison share these updates with the Town Clerk office. This office fields planning questions on a day to day basis.

8:05 PM Mr. Fish arrived.

The typo on non confirming uses from 2015 was presented too and will be noticed for Public Hearing and Town Meeting 2016. Public Notices will be issued for December 16, 2015 and January 6, 2016.

Town Counsel will review the updates.

Cropoholics Sign Application – Fee Waiver

A MOTION was made by Mr. Williams and SECONDED by Ms. Ewing to waive the \$50 application fee for Cropoholics to move their sign.

Voting: 6 ayes. Motion carried.

If sign color or content is changed, does the business owner need to file an application? It was agreed the applicant did not need to file an application but this will be the role of the building inspector to determine in the future.

Babineau Update

Ms. Tuomala drafted a letter to Mr. Babineau and it was reviewed by Mr. MacMartin. It will be updated and submitted to Mr. Kandt for signing/mailing.

*RE: Appointing an inspector (per request of Thomas Babineau Letter)
Lots D-20, D-21, D-22, D-70, D-71 and B-83*

Dear Ms. Babineau,

Since there isn't an approved application and plan on the above referenced properties the Planning Board does not appoint an engineer to inspect any of the work being done on the site. Sections 10.0 and 11.0 of the Wilton Land Use Laws and Regulations; Section B – Subdivision Regulations explain part of the process. For example, when a future Town Road has been designed and approved by the Planning Board and construction is to begin, then there are pre-construction meetings set up. At that time, Bonding/securities are required to be in place for the construction of the entire road. At that time an engineer/representative is hired to review all aspects of the construction and compliance. The engineer is chosen by the Town but is paid for by the applicant.

At the June 10, 2014 Zoning Board of Adjustment (ZBA) meeting, under Section 17.4, the Decision was granted to extend your special exception under Section 11.4(a) of the ordinance that was originally granted under ZBA Case #6/08/10-3 to August 10, 2016. The special exception will permit the construction of an access drive off of Holt Road that would cross a wetland area in order to access the lots.

An access drive is not a Town Road and does not require pre-construction meetings, bonding or inspections. Please note until a plan has been approved and accepted by the

Town of Wilton any and all work done is at your own risk and that the Town of Wilton is not under any obligation to accept what has been constructed.

In addition on May 11, 2010 a decision was made by the ZBA to deny a variance from section 6.2.3 that would have permitted a reconfiguration of the lot lines between the above referenced lots which would result in six lots, none of which would have a class V road frontage required by the ordinance. The ZBA found that the dead-end road length from Burns Hill Road to the new lots D-20-2 and D-71 would be excessive. Secondly, given the condition of Holt Road, new development at the end of the road would be disadvantageous to the people already living on the road even though the proposal superficially replaces six existing grandfathered lots. Thus the variance could be expected to have the effect of increasing the amount of development at the end of Holt Road. Thirdly, they found that the "Hardship" for the property is, in essence, its terrible access, but this is not something that can be remedied through a variance.

Once again, without Planning Board approval, the Town of Wilton is not under any obligation to provide inspections for an "access drive". Any construction preformed in anticipation for a future Town or Private Road is at your own risk since the Town Planning Board has not approved the plans and details to ensure that they meet all of the applicable Town's standards and specifications.

Minutes from 11-04-15

Page 1: Donut Bay, applicant
Page 1, line 42: change silly to unnecessary
Page 2, line 4: will streamline
Page 2, line 6: an application
Page 2, line 19: December 2 and December 16
Page 2, line 30: "in this case"
Page 3, line 21: typo town

A MOTION was made by Ms. Spittel and SECONDED by Mr. Williams to approve the minutes from 10-21-15 as amended.

Voting: 5 ayes. Mr. Fish and Ms. Kearns abstained. Motion carried.

By-Laws

By-laws will be updated in early 2016

Other Business

No other business

Mr. Fish departed

A MOTION was made by Mr. Williams and SECONDED by Ms. Spittel to adjourn the meeting.

Voting: 6 ayes. Motion carried unanimously.

Approved 12-02-15

Chairman Kandt declared the meeting adjourned at 9:15 PM.

Respectfully Submitted,
Sorrell Downing
Secretary