

## Town of Wilton Planning Boards

### Approved Minutes

**Date:** 12.18.19  
**Time:** 7:00 PM  
**Location:** Town Hall, Courtroom  
**Board Members:** Bart Hunter, Alec MacMartin, Karon Walker, Neil Faiman, Matt Fish  
**Staff:** Michele Decoteau, Land Use Administrator and John Goeman, NRPC Circuit Rider

**Attendees:** Assistant Fire Chief Ron Casswell, Gerry Letendre, Carl Foley (Fieldstone Land Services), Anthony Graham, Glynn Graham, Hennie Isene, Susan Brown, Patricia Quaglia, Shannon Blackburn, Richard Kuhn, Milan Daler, Michael Davidson, Daniel Muller, Mark McGettigan, Mike McGettigan, Jim McGettigan, John Zavgren, Robin Maloney, Mike McGonegal, Deb Abrahams-Demette, Shannon Linn, Robert Silva, Ralph Buschman, Tom Quinn, Andrew Finlayson, Dodie Finlayson, William Finlayson, Marilyn Jonas, Chris Balch, Lincoln Geiger, Timothy Dresser, Ashely Saari

#### 1. Preliminaries

A. MacMartin opened the meeting at 7:07 PM.

A. MacMartin opened the Public Hearing on the proposed Zoning Ordinance changes. He reviewed the rules and introduced the Board. The rules included limiting speakers to 5 minutes each and the Board would terminate public testimony after all meaningful testimony was complete, with the gentle reminder that repetition was unnecessary. A. MacMartin read the Public Notice.

#### Wetlands

J. Goeman reviewed the proposed changes to the Ordinance, including the definitions of wetlands and water bodies. The “wetlands” definition aligns the Ordinance with the State requirements and will always be current by reference. In addition, he added the definition of a water body (lake, river, stream, etc.) and a definition of mean high water level. These changes are primarily in Section 3. Section 4. 6 starts to identify protections adjacent to water bodies and wetlands. In the Wetlands Conservation District, changes will add “... or a water body” to the setbacks. Some changes were made in the 4.6.8 Wetlands Conservation District Buffer, with restrictions on fertilizer.

A. MacMartin asked about mean high water level. DES may have a list of elevations of water bodies.

J. Goeman said DES is intended to be the final arbiter on water body perimeters.

Discussion/Public Comment

None.

Continued to the next meeting, January 8, 2020, at 7:00 PM.

N. Faiman left the Board at 7:18 PM.

The Board discussed adding to the next notice specific reference to all the sections that will change.

### Industrial District, etc.

K. Walker said that conceptual changes in the Performance Standards were requested by the public over the summer to give guidance as to what types of activities in general are permitted and not permitted in town, in keeping with the Master Plan. She researched other towns' performance standards and some are specific lists and others are general. She said that since there are technology and industry changes over time, Wilton's Section 4.6 will need to be updated, with the help of some of the residents who brought that concern to the Planning Board and anyone else who is interested, which will take considerable time. She said rather than undertake a total revision to Section 4.6 at this time, the Board offered to address the requests initially by revising certain other sections of the ordinance.

The focus of the proposed changes is therefore on the definition of Heavy Manufacturing. The definition is in Section 9A, Research and Office Park district, which does not permit heavy manufacturing. K. Walker read the proposed new definition, which states the town's goals and also gives examples. Section 8.1 is updated to permit Light Manufacturing. Section 8.5 prohibits Heavy Manufacturing in the Industrial District. She read the definition of Light Manufacturing.

K. Walker continued. The Board, in order to be consistent, also updated the definitions of Light Industry in 7A.3.3 and 7.1.r.

M. Fish noted on Section 7.1 r to strike the final "and."

### Comments

R. Buschman asked, referring to Section 7.1.r and objectionable noise, etc., if there will be numerical standards to determine objectionable noise. A. MacMartin said that the Board is going to look at performance standards next year. R. Buschman said it is a subjective opinion. M. Fish said yes it is, until it crosses the property line. The Town currently has a noise ordinance.

T. Quinn asked what is the difference between the Commercial and Industrial districts after these changes? M. Fish said there are restrictions on Residential Uses in the Industrial District, and Residential Uses are permitted in the Commercial Districts. T. Quinn said that the way the ordinance is written now, banning heavy manufacturing in Research and Office Parks and Commercial Districts doesn't make sense because you wouldn't expect heavy manufacturing to be in those districts. T. Quinn then asked what other towns have banned heavy manufacturing? K. Walker said there are several but she didn't have a list at the meeting. She said that in many cases these uses are prohibited if they do not meet Performance Standards.

S. Lynn (Gage Road) said she is concerned about a cultural shift in Town. She said the culture is the feel of a place and the air quality. She was going to put in an offer on a house on Stagecoach Road in October but chose not to because of the possibility of an asphalt plant. It will affect real estate. The town has so much potential.

M. Jonas shared an email from Sarah Garcia to her family. She appreciates the hard work to align the Ordinance with the Master Plan. She read part of the letter.

S. Brown thanked the Board. She loves it here and has lived in the area a long time. She has two properties close to the Industrial District and is in support of what the Planning Board is doing.

M. Fish commented on the Industrial and Commercial Districts. Industrial Districts prohibit Residential Uses. Commercial Uses are usually on much smaller lots.

Continued to the next meeting, January 8, 2020, at 7:00 PM.

N. Faiman returned at 7:42PM.

#### Elderly Housing District

J. Goeman said this update accomplishes two things. First, the proposed change updates the terminology to “Age-restricted” and second, it changes the threshold for age-restricted housing from 60 to 62. Lowering this to 55 would have necessitated many more changes in the ordinance. A. MacMartin said the 62 threshold does not prevent someone from developing a cluster subdivision and then meeting the state and Federal standards for a 55-plus subdivision.

Discussion

None.

Continued to the next meeting, January 8, 2020, at 7:00 PM.

#### Impact Fees

J. Goeman said the current ordinance doesn’t specify a time frame for updating the fees. This was reworded to be a three-year review interval. The age for waiving fees was also increased to 62 to be consistent with the Age-restricted Housing changes.

Discussion

R. Kahn said the “as required” language seemed vague. M. Fish said if there is an external factor like a change in the economy, it would prompt review. R. Kahn asked what would prompt a review normally. A. MacMartin said this would happen every three years without external factors.

B. Silva asked if it is the Planning Board that determines the amount of the Impact Fees. M. Fish explained that the Planning Board hires a consultant and works out a fee structure. If, for example, the Planning Board notices a need for more parks and recreation facilities, it would be able to add an impact fee for a new swimming pool or new ball fields. B. Hunter said there are about 100 buildable lots left in town, but developers are just not building quickly.

The Board discussed the waivers described in Section 25.9.

#### Solar

K. Walker said this proposed Ordinance supports the development of alternative energy systems. This proposed Ordinance is based loosely on a form of solar Ordinance that the state put together and has been adopted by a number of communities. This Ordinance is organized around a couple of different axes: use, size, and how the system is mounted. These will determine if and how a site plan is

required. As you get involved with larger generation of power or for industrial use, the site plan review is more specific and detailed. The proposed ordinance is very specific about requiring bonding for eventual decommissioning or abandonment, so that material and equipment are removed quickly and without harming the environment. The amount is in the purview of the Planning Board. A. MacMartin said this is similar to cell towers. Section 15 B 15. 2 also addresses portable solar collection systems. K. Walker said the ordinance includes a chart indicating where among the districts different system are permitted. Ground mounted solar has to comply with stormwater regulations to address the runoff especially from large systems. P. Howd asked what was the final maximum height? K. Walker said the max height of a ground mounted solar collection system is 30 feet, but lower as you get closer to the property line. M. Fish asked about the rationale for the differences between the size of small commercial and residential and some of the other categories. K. Walker said the small commercial is really applicable only to downtown.

Discussion

None.

K. Walker MOVED to continue the Public Hearing to Jan 8, 2020, at 7:00PM. N. Faiman SECONDED. All in favor.

M. Fish MOVED to close the public hearing. K. Walker SECONDED. All in favor.

## **2. Continued Case SD07-0818**

A. MacMartin opened the Public Hearing by reading the Public Notice. The applicant had just received the engineer's report.

B. Hunter MOVED to continue to Jan 15, 2020 at 7:00 PM. N. Faiman SECONDED. All in favor.

## **3. Continued Case SD08-0919 Clemens**

C. Foley, Fieldstone Land Service, said this meeting was to resolve some of the notes and comments.

Note 16: He added the driveway information.

Note 7: Leeching system concerns raised by an abutter are addressed in Note 7. C. Foley added information in Note 7 to include a more complete reference. This would be a grandfathered non-conforming use.

Note 17: He addressed one of the concerns of the abutter about replacing their leach field.

Note 18: C. Foley provided the chain of title for the road and read the language from 1863. Note 18 refers to the "old abandoned road" on the 1961 easement. This describes the process but also notes the lack of formal abandonment.

J. Goeman said he thought that the Board had approved the waivers at its last meeting, but it wasn't in the minutes.

N. Faiman MOVED to acknowledge that the acceptance of the plan at the previous meeting included the waiver requests. K. Walker SECONDED. All in Favor.

K. Walker MOVED to approve the application. N. Faiman SECONDED. All in Favor.

M. Fish MOVED to revise the last motion to add: Revision B dated 12/4/19 of Lot Line Adjustment Plan. K. Walker SECONDED. All in Favor.

#### **4. SP04-1019 – Center for Anthroposophy**

J. Goeman provided the staff report. M. Daler presented on behalf of the applicant. A. MacMartin said the request needed to address parking requirements. He said the applicant might have access that he was unaware of and he could hire someone to do a title search for access. M. Fish said that there had been back access but that was before the park was put in. A. MacMartin suggested the applicant talk to an attorney.

There was some discussion of a non-recitation of an easement and how to do the research.

M. Fish said that M. Daler had come to the Select Board earlier but it had declined to provide public parking. M. Daler said that he had not been successful finding parking. He has two spots on his own land but doesn't have access. If he had to drive across his neighbor's property, that would create a lot of conflict. M. Daler said he was discouraged and now thinking about keeping this as a commercial property. K. Walker said that he could go to the ZBA for a variance if he was unsuccessful finding parking.

J. Goeman requested some feedback from the Board on the Site Plan. The Board wanted dimensions and in particular, outside dimensions. The Board was more concerned with how inside and outside interact. The applicant should list the outside improvements. In addition, this property has at least one shoreland protection setback that should be shown. The Board also asked for lighting, trash removal as a note, and a compass and scale.

The Board asked M. Daler to provide a letter of authorization since he was representing an organization.

M. Fish MOVED to continue to Jan 15, 2020 at 7:00PM. K. Walker SECONDED. All in favor.

#### **5. Master Plan Chapter - Transportation**

A. MacMartin opened the Public Hearing and read the public notice. He introduced the Board members.

J. Goeman asked if there were any comments. K. Walker said it was a good draft.

K. Walker MOVED to adopt the updated Master Plan Transportation chapter revision 11. B. Hunter SECONDED. All in Favor.

K. Walker MOVED to close the Public Hearing. N. Faiman SECONDED. All in Favor.

#### **6. Minutes**

K. Walker reminded everyone that we have not approved 11.06.19 minutes. The Board decided to take this up in January.

#### 11.20.19

K. Walker MOVED to approve the minutes as amended. M. Fish SECONDED. All in favor.

#### 12.04.19

N. Faiman MOVED to accept the minutes as corrected. K. Walker SECONDED. M. Fish abstained. All in Favor.

### **7. Other Business**

#### *Hillside Subdivision*

M. Decoteau spoke with Town Counsel and will determine if there are any updates.

#### *Regulation changes*

J. Goeman provided updates on Active development and Substantial completion definitions.. The Board offered a few suggestions about the expiration of the initial 24-month period. Additional extensions may be made on the same terms and conditions prior to expiration of that term. All of these changes will be included in the review checklist for applicants.

#### *Cisterns*

J. Goeman provided some updates. There were no changes to the definitions. The Board made some suggestions for the wording of Section 5.6. R. Caswell weighed in on the discussion. The preliminary plat requirements reflect these changes. If the Board wants to reference an appendix, it can do so in Section 5.6, but that may be part of a future discussion.

The Board discussed approving the regulations and the requirements.

#### *Select Board*

M. Fish reviewed a few cases before the Select Board.

### **8. Adjourn**

K. Walker MOVED to adjourn at 10:28 PM. B. Hunter SECONDED. All in favor

Respectfully Submitted by Michele Decoteau, Land Use Administrator

Approved on 01.15.20