

PLANNING & ZONING  
COMMISSION  
Telephone (203) 563-0185  
Fax (203) 563-0284



TOWN HALL ANNEX  
238 Danbury Road  
Wilton, Connecticut 06897

**WILTON PLANNING AND ZONING COMMISSION MINUTES\***  
**FEBRUARY 26, 2024 REGULAR MEETING**  
**(CONDUCTED ELECTRONICALLY VIA ZOOM)**

**PRESENT:** Chairman Rick Tomasetti, Vice-Chairperson Melissa-Jean Rotini, Secretary Eric Fanwick, Commissioners Jill Warren, Mark Ahasic, Anthony Cenatiempo, Christopher Pagliaro, Christopher Wilson, Kenneth Hoffman

Also present was Town Planner Michael Wrinn

**REGULAR MEETING**

- A. CALL TO ORDER at 7:00 PM** by Chairman Tomasetti
- B. SEATING OF MEMBERS** – Members present were seated by Chairman Tomasetti
- C. PUBLIC HEARINGS**
  - 1. SP#518 – ASML US, LLC**, for property located at 20 Westport Road, Assessor's Map #56, Lot #43; in DE-10 Zoning District; consisting of 24.673 +/- acres; owned by ASML US, LLC; conversion of an existing loading dock area to a lab and cleanroom.

Mr. Joe Canas (Tighe & Bond) discussed the Site Plan, which is comprised of the proposed air handling unit. He detailed 1) the location of the unit, its orientation and dimensions; 2) the platform that it will be placed on due to a three-foot grade change; 3) extending the utility access driveway; 4) maintenance surface; 5) change of the path of the sidewalk; and 6) landscaping plan to provide screening.

Mr. Scott Yates (H&R Design) presented the ground floor plan and roof plan, illustrating the locations of the clean and heavy labs (~9800 SF), the two loading dock bays (~3000 SF), the renovated shipping & receiving area, new mechanical room, and additional mechanicals (screened) on the roof. An acoustic study was done to confirm that the air handler unit would be in compliance with Wilton and Connecticut requirements.

There were no comments from the public. A condition of approval will be sign off from the Fire Marshall.

A motion was made to close the public hearing which was approved unanimously.

## **2. REG#24-409 – Family Daycare Home and Group Daycare Home**

Mr. Wrinn detailed the proposed regulation change. The State of Connecticut Public Act 23-142 requires that no zoning regulation shall treat any family child care home or group child care home located in a residence and licensed by the Office of Early Childhood in a manner different from a single or multifamily dwelling.

The hearing was opened to the public. Ms. Sara McReynolds, 205 Deer Run Road, asked for clarification of the regulation. She commented that the presence of multiple children, outside, could impact nature of the area. Mr. Wrinn commented that this a public act does not have an opt-out and that The Town of Wilton must comply with the state mandate.

A motion was made to close the public hearing which was approved unanimously.

## **3. REG#24-410 – Outdoor Dining**

Mr. Wrinn commented that the existing regulation does not have an end date, allowing new applicants to adhere to this regulation. It also allows existing businesses, having already been approved, may continue under the current regulation until a new regulation is put into place. At that point, the establishment would be required to address the Commission. The new regulation would give greater definition to what is acceptable.

Commissioner comments were made regarding parking requirements, square footage (outside versus indoor) relating to other towns, aesthetics of barriers/bollards, permanence of structures, safety standards, bar service, what may or may not need to reviewed by the Commission, and are dates necessary to differentiate seasonal versus non-seasonal.

The hearing was opened to the public. Ms. Barbara Geddis expressed her support of a parking space plan, that she would be in favor of design guidelines, and like to see harmonization with the building design.

Mr. Wrinn would like to have one more working session then have another public hearing with a very specific outdoor dining regulation. The public hearing will remain open.

- 4. SDP#9-23 – Lupinski**, for property located at 53 Sugar Loaf Drive, Assessor's Map#35, Lot #3; in R-2A Zoning District; consisting of 1.0+/- acres; owned by Robert Lupinski; construct/rebuild existing retaining wall and associated site grading.

Mr. Cenatiempo recused himself.

Mr. Tomasetti wanted the discussion to only address concerns that the Commission brought up during the prior meeting. Mr. Murphy said that to be addressed would be 1) ensure no ongoing or future harm to neighbors; 2) make the wall safe; 3) improve the stormwater management; and 4) bring the wall into zoning compliance. Consent has been received from three of the four neighbors (Cappel not consenting). Mr. Murphy then stated that the work on the north, east, and west sides of the property could be done without impacting the Cappel property to the south.

Kate Throckmorton highlighted the items to the plan that had been enhanced, including infiltration trench along the top of the slope, the addition of a cross section to provide a swale along the edge of the Viziers property, the addition of gravel trench detail at the top of the slope and chain link fence detail.

Mr. Tom Quinn addressed drainage. He stated that the requested drainage study requested by Mr. Tomasetti has been performed to contemporary and accepted practice and that the proposed drainage system and the grading will result in a decrease in the design flow rate for the twenty-five year storm and the design flow volume for the twenty-five year storm from the property when compared to the current condition. There will be no water discharge to the Cappel property to the south. Mr. Quinn believes that work on the north, east, and west sides of the property can be performed without impacting the Cappel property.

Mr. Wilson asked about the safety and design of the fencing. Ms. Throckmorton stated that the fence was not constructed to an engineered specification, but would be sufficient to perform its function. According to Mr. Murphy, the work timeline has not changed from prior estimates.

Mr. Pagliaro asked why isn't the wall being constructed backed away from the property line, and believes that this is an application that is being forced upon the Commission to correct a problem that was self-created. Mr. Murphy insisted that based on the plans being presented, they are in regulatory compliance. Mr. Murphy agreed that a condition of approval would be a report from a structural engineer at the end of the project. Ms. Throckmorton confirmed that the wall on the southwest corner of the property is partly on the Cappel property, but work can be performed without encroaching onto the Cappel property. Mr. Tomasetti asked about the maintenance of the wall, which would require work on the neighbor's side of the wall, and Mr. Hoffman questioned the quality of the consent letter sent to the neighbors.

Mr. Pagliaro made a motion to have a structural peer review for the design of the retaining walls be performed. Motion passed 8-1-0 with Ms. Rotini being opposed. A motion was made to continue the public hearing to the next meeting which was approved unanimously.

**D. DISCUSSION AND POSSIBLE ACTION ON PUBLIC MEETING ITEMS**

**1. SP#518 – ASML US, LLC**

Item #13 will be added to the resolution requiring written sign off from the Fire Chief and Fire Marshall be submitted. The existing #13 will be pushed to #14.

A motion was made to accept the resolution as amended which was accepted unanimously.

**2. REG#24-409 – Family Daycare Home and Group Daycare Home**

A motion was made to accept the resolution as written which was accepted with a vote of 8-1-0, with Mr. Pagliaro being opposed.

**3. REG#24-410 – Outdoor Dining**

This will remain open as design guidelines are developed.

**4. SDP#9-23 - Lupinski**

Mr. Cenatiempo recused himself.

**E. COMMUNICATIONS**

**1. SP#449 – Wilton Heights, LLC, 300 Danbury Road**

Mr. Wrinn said that there exists a narrow state statute granting an extension and that Commission approval is not necessary based on certain criteria being met.

**F. EXECUTIVE SESSION**

Commission voted to go into Executive Session.

**G. COMMUNICATIONS/WORK SESSION AND/OR ACTIONS**

**1. Possible appointments to the VDDAC and recommendations to the Board of Selectmen for the ARB**

A motion was made to appoint Ms. Kathleen Poirier to the VDDAC and nominate for appointment to

the ARB. The motion passed 7-0-2, with Mr. Fanwick and Mr. Ahasik abstaining. A motion was made to appoint Mr. Sam Gardner to the VDDAC and nominate for appointment to the ARB. The motion passed 7-0-2, with Mr. Fanwick and Mr. Ahasik abstaining. A motion was made to appoint Mr. John Doyle to the VDDAC and nominate for appointment to the ARB. The motion passed 7-0-2, with Mr. Fanwick and Mr. Ahasik abstaining. A motion was made to appoint Mr. Kevin Quinlan to the VDDAC and nominate for appointment to the ARB. The motion passed 7-0-2, with Mr. Fanwick and Mr. Ahasik abstaining. A motion was made to appoint Mr. Rob Sanders to the VDDAC and nominate for appointment to the ARB. The motion did not pass 2-5-2, with Ms. Warren, Mr. Wilson, Mr. Hoffman, Ms. Rotini, and Mr. Tomasetti opposed, and Mr. Fanwick and Mr. Ahasik abstaining.

**2. Discussion** of possible changes to the ARB/VDDAC, including alternating terms, design guidelines, and future outsourcing of reviews.

The ARB should be focused on architectural materiality and micro aspects of the projects and be given tools, such as design guidelines, to fulfill this role. The PZC would then continue to focus on the big picture issues of zoning and use. Regarding work product, although there is not a regulation relating to report format, a comment was made that it would be valuable to the PZC to incorporate greater detail and comments into the report in addition to ticking off items on the check list.

It was requested that Mr. Wrinn investigate what Wilton's peer communities are doing relating to outsourcing VDDAC work, what it requires, and how the costs are captured by applicants.

**H. APPROVAL OF MINUTES – February 12, 2024 Regular Meeting**

Ms. Rotini requested an amendment to the February 12, 2024 minutes to add “and concerns regarding the distinction between people exiting after meeting versus people exiting to get to work were raised.” to the end of the last paragraph of the second page. Minutes were approved as amended.

**I. ADJOURNMENT**

**UPCOMING MEETING**

March 11, 2024 – Planning & Zoning Commission Regular (Electronic) Meeting – 7:00 PM

**Respectfully submitted by Rich Callahan – Recording Secretary**

**\*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-agenda>**