

GREGORY AND ADAMS, P.C.

ATTORNEYS AT LAW
190 OLD RIDGEFIELD ROAD
WILTON, CT 06897

ESTABLISHED 1964

NEW YORK OFFICE:
156 WEST 56TH STREET, NEW YORK, NY 10012
(212) 757-0434

(203) 762-9000 FAX: (203) 834-1628
WWW.GREGORYANDADAMS.COM

JULIAN A. GREGORY
(1912 - 2002)

THOMAS T. ADAMS
(1929 - 2015)

PLEASE REPLY TO SENDER:
J. CASEY HEALY
DIRECT DIAL: 203-571-6304
jhealy@gregoryandadams.com

PAUL H. BURNHAM
SUSAN L. GOLDMAN
J. VANCE HANCOCK
J. CASEY HEALY
DERREL M. MASON*
MATTHEW C. MASON*
JAMES D'ALTON MURPHY*
RALPH E. SLATER
ROGER R. VALKENBURGH *

* ALSO ADMITTED IN NEW YORK
* ALSO ADMITTED IN VERMONT

May 6, 2020

To be delivered by hand

Planning and Zoning Commission
Town Hall Annex
238 Danbury Road
Wilton, CT 06897

Attn: Mr. Michael E. Wrinn – Director of Planning and Land Use Management

Re: 200 Danbury Road, LLC – Application for Special Permit (SP#461)
Premises: 198 and 200 Danbury Road, Wilton, CT

Dear Members of the Commission:

As attorney for 200 Danbury Road, LLC (“**200 Danbury**”), I offer the following comments in response to the Architectural Review Board’s Findings/Recommendation Report dated April 13, 2020 and to the comments issued by the Historic District Commission with respect to the above-referenced application..

Architectural Review Board:

With respect to Historic Considerations, and more specifically the reference to adhering to Secretary of the Interior Standards for Rehabilitation of historic buildings, this would present overly burdensome and costly restrictions on the developer while creating practical limitations that would interfere in securing potential tenants. 200 Danbury agrees, as outlined in the text amendment 29-6.E.12(g) to preserve and rehabilitate an historic structure for adaptive reuse within the DRB and to use materials in their traditional applications and to avoid the use of artificial (e.g. vinyl and aluminum siding) materials. Further, the amendment holds that the maintenance and preservation of the historic structure shall be a condition to any special permit approved. As there are no plans to change or modify the exterior of the Raymond Moore house, other than those depicted in the submitted plans, it will continue in its current state.

As to the other Historic considerations:

- The Raymond-Morehouse House (the “**RMH**”) as currently situated on the site plan aligns mainly parallel with Sharp hill and because of other site conditions will have to remain so situated.

- 200 Danbury will commit to further studying the Handicap ramp but are reluctant to reduce available sitting space on the porch that is additive to a sense of place

Site Planning Considerations:

- 200 Danbury will investigate a “nature” trail but the Inland Wetland Commission was concerned about animal droppings in the wetlands.
- 200 Danbury has noted several outdoor seating areas on the plans.
- 200 Danbury is agreeable to NVRT signage
- 200 Danbury is agreeable to bike racks and will look to identify a possible area to the south east of the property for a community space. These types of communities do not typically draw a lot of children.
- During the construction document phase, we will give consideration to a community space on the first floor of the larger mixed-use building.
- 200 Danbury will endeavor to incorporate materials and architectural detailing on the East elevation that is present on the other building elevations.
- The retaining wall on the southern portion of site is engineered in block as to not destabilize the existing retaining wall on the abutting property owner’s lot. A stone wall will require a deep frost wall type footing and the removal of tree trucks that will disturb the abutting retaining wall. 200 Danbury will continue to study this. 200 Danbury will commit to selecting an aesthetic fence style.
- 200 Danbury is agreeable to reducing the lighting on the east façade from 5 to 3 .
- A similar comment was received on this application from the Conservation Commission at the beginning of this process. The proposed plant list was refined to increase the native plants on the site. All of the plants in the wetland regulated review area include species recognized for their wildlife value, and the perennials were specifically chosen for their high pollinator value.

Historic District Commission:

1. Developer should show alternate schematic plan with antique building remaining in original location (similar to Inland Wetlands requirement to show alternative plans for site development).

Response: The applicant, has beginning in November of 2018 and at great expense, worked collaboratively with the Planning and Zoning Commission, including multiple iterations of alternative plan designs, to secure the necessary text amendments in support of the development. The HDC’s comments and recommendations are an attempt at “another bite of the apple”. The development meets all regulatory requirements of the underlying DRB zone and does not lie within Wilton’s historic districts.

2. Renderings are shown in an idealized fashion, not in relation to reality. Applicant should supply views of the proposed project imposed on a photographic image of the adjacent sites to clearly

show size and compatibility with the character of the neighborhood. In the case of 200 Danbury Road: Show how the size of the project relates to the buildings at 196 Danbury Road; the Morehouse House of 198 Danbury Road; Sharp Hill Cemetery; The view as you drive up Sharp Hill to the intersection with Rt. 7 and relationship of entry off Sharp Hill Road to Litch Gate at Sharp Hill Cemetery.

Response: The attached Height Context Plan demonstrates that the proposed development is in context with the surrounding properties. Directly to the West at 195 Danbury Road is the Baywater development containing two three-story buildings with massings far greater than the subject development. Directly to the southwest at 187 Danbury Road is another three-story commercial structure, representing what can best be described as brutalist architecture, of far greater massing. Directly to the northwest at 211 Danbury Road is the Sunrise building, three stories in height. As to the building at 196 Danbury Road, there is no guarantee that it will survive any future developments at that location.

3. The antique building should be renovated and maintained at “Secretary of the Interior Rehabilitation Standards”. Suggest approval by independent architect.

Response: There are no plans to alter or change the exterior of the building with the exception of those noted in item #4 below.

4. Detailed drawings of the intended renovation of the antique structure must be shown, indicating how exterior features/elements are being maintained and preserved. Suggest approval by the ARB.

Response: There are no exterior renovations planned for the RMH other than removing the rear stairs and the “bump out” that was added on the southeast elevation. See architectural revision A101, revised 3/12/20. Siding and trim will be evaluated, prepped and painted or replaced with like materials, as needed.

5. Stone walls must be actual stone, not landscape block, and must have a distinctly local New England character. To be approved by the ARB.

Response: Stone walls can not be erected in this circumstance due to the site conditions. The trees along the property line when removed will leave trunks that cannot be excavated. Excavation will risk disturbance on the abutting property’s retaining wall.

6. Walls adjacent to 196 Danbury Road are too high, and of inappropriate design and material as shown in current set.

Response: We are agreeable to lowering the height and selecting a more aesthetic fence style.

7. Plant material size – as mature trees are part of the character of the current site, larger size trees, not saplings, must be planted.

Response: All of the tree species and sizes comply with the guideline provided in the Town of Wilton Planning and Zoning Regulations (Section 29-8.C on Landscaping, Screening and Buffer Areas). There are no “saplings” proposed on the Landscaping Plan.

8. In the case of moving the building, have the developer fund a professional archaeologist on-site during excavation and grading (likely one day), in order to observe if any historic artifacts can be salvaged and removed. Any such artifacts to be given to the Wilton Historical Society.

Response: The applicant will not fund a professional archaeologist for the following reason. Having obliged the Ridgefield Historical Society on a similar project a few years ago to engage an archaeologist they recommended, the archaeologist uncovered several artifacts and abruptly left town with no further contact with the applicant or the town. I will work with the HDC on the possibility of its own archaeologist being present. Decision regarding the ownership of the artifacts, if any, will be made once observable.

Respectfully submitted,
Gregory and Adams, P.C.

/s/ J. Casey Healy
By: _____
J. Casey Healy

JCH/ko

cc: Mr. Patrick Downend – 200 Danbury Road, LLC
Mr. Steven Sullivan – CCA, LLC
Ms. Kate Throckmorton – Environmental Land Solutions, LLC
Mr. Kevin Bennett – Bennett Sullivan Associates
Mr. Michael Galante – Frederick P. Clark Associates