

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

RESOLUTION # 1121– 481SP
APPROVED November 29, 2021

WHEREAS, the Wilton Planning and Zoning Commission (“the Commission”) has received Special Permit application **SP #481** from FDSPIN 141 DR, LLC, to allow the construction of a 173 unit multifamily residential building and related site improvements, including parking areas, stormwater runoff treatment systems, landscaping and lighting on property located at 141 Danbury Road, in the **DE-5 R** zone, Assessor’s Map #70, Lot 2, consisting of 4.28+/- acres and shown on the application submitted and plans entitled:

Property Survey, entitled “Topographic Survey depicting 141 Danbury Road in Wilton, Connecticut, prepared for FD Spin 141 DR LLC” by D’Andrea Surveying & Engineering, PC, dated April 22, 2021.

Site Development Plan, by Tighe & Bond, Shelton CT, entitled : “Site Layout Plan, 141 Danbury Road, Wilton, CT, FD Spin 141 DR, LLC” dated June 7, 2021, as revised, Scale 1”=30’

Landscaping and lighting plan, by Environmental Land Solutions, LLC, 8 Knight Street, Norwalk, CT entitled: Landscape and Lighting Plan, 141 Danbury Road, Wilton, CT, FDSPIN 141 DR, LLC, Wilton, Connecticut, dated June 7, 2021, revised to October 19, 2021, scale 1” = 30’ prepared by Katherine E. Throckmorton, RLA

Architectural Plans entitled “141 Danbury Road, Wilton CT, FDSPIN DR, LLC, dated July 19, 2021, Revised to October 15, 2021, P & Z Resubmission, Sheets A-01 – A-26 Prepared by Lessard Design, Vienna, VA”

WHEREAS, the Commission conducted public hearings electronically on September 22, 2021, October 25, 2021 and November 8, 2021 to receive comment from the applicant and the public, and the Commission fully discussed and considered all submitted evidence at a meeting of November 22, 2021 and November 29, 2021.

WHEREAS, Inland Wetlands Application (WET # 2714) was reviewed and approved by the Wilton Inland Wetlands Commissions at their meeting of October 28, 2021 and the report has been considered by the Commission.

WHEREAS, the special permit was reviewed by the Architectural Review Board for comments concerning architectural design, landscaping and site improvements and the Commission has fully considered the findings of the Committee's Report dated June 3, 2021, revised to October 7, 2021.

WHEREAS, the Commission hired its own independent peer traffic review consultant to review the submitted traffic report, with a final report dated November 1, 2021; said report has been considered by the Commission.

WHEREAS the Commission has received expert testimony from the applicant's traffic engineer, civil engineer, landscape and building architect and has considered their input.

WHEREAS, the Commission has diligently reviewed the application and accompanying plans and finds it to be in substantial compliance with the Wilton Zoning Regulations and, in particular, those requirements governing Special Permits multifamily developments in the DE-5 R zone.

NOW THEREFORE BE IT RESOLVED that the Wilton Planning and Zoning Commission **APPROVES** Special Permit #481, effective **December 7, 2021** to allow the construction of a 173 unit multifamily residential building and related site improvements including parking areas, stormwater runoff treatment systems, landscaping and lighting, on property located at 141 Danbury Road, subject to the following modifications:

General Modifications:

1. This Resolution does not replace requirements for the owner 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 owner. All required Town agency signoffs shall be provided as required, along with meeting all of the requirements of the State of Connecticut Department of Transportation.
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 plan shall be completed within five years of the effective date of this resolution. This five-year period shall expire on December 17, 2026.
3. A bond estimate shall be provided by the applicants to the Commission's staff, to ensure proper installation and maintenance of soil and erosion control measures; specifically silt sacks, erosion control fencing and temporary sedimentation basins, along with a 10% contingency. Such amount shall be approved by the Commission's staff. The bond shall be in

a form and amount with proper surety satisfactory to the Commission staff and Town Counsel and shall be submitted prior to the issuance of a zoning permit.

4. The applicant shall file the final stormwater maintenance and inspection plan which was submitted as part of the applicant's engineering report. Such declaration shall be subject to review and approval of the Town Planner and Town Counsel and, following review and approval, filed in the Wilton Land Records. A copy of the recorded declaration shall be submitted to the staff prior to the issuance of a zoning permit.
5. The erosion and sedimentation plan shall be installed and such installation approved by the P&Z staff, prior to any work beginning on the site.
6. The applicant's plans shall be submitted and reviewed by the Wilton Water Pollution Control Authority and shall be subject to their policies and the required approval shall be obtained prior to the issuance of a zoning permit.
7. That the final construction drawing shall implement the expansion and realignment of the building to create a orthogonal relationship between the parking and building as depicted on the exhibit prepared by Lessard Design and dated November 3, 2021.
8. That the final Affordable Housing Compliance Plan, showing 10% of the units as affordable units, shall be executed and filed in the land records of the Town of Wilton. The Affordable Housing Compliance Plan shall be drafted to the satisfaction of the Town Counsel prior to execution and recoding; filing shall be done prior to the issuance of a zoning permit.
9. That the affordable units be equally distributed throughout the complex and be of the same proportional mix as the rest of the units.
10. That the intensity of the lighting at ground level shall be an average of 0.5 foot-candles.
11. All outdoor lighting shall be properly shielded so as to direct illumination towards the ground.
12. Any additional site work and changes beyond the approved plans shall be submitted for review and approval prior to any changes.
13. That the signage submitted conforms to section 29-8.A.8 as amended and may be installed only following the issuance of a sign permit from staff.
14. Hours of construction shall be limited to Monday through Friday between the hours of 7:30 AM and 6:00 PM and Saturday between the hours of 8:00 AM and 5:30 PM. No construction shall be permitted on Sunday or legal holidays; said conditions shall not apply to any construction activity occurring within any fully-enclosed interior of the building.
15. The existing building shall not be razed until such time as demolition permits have been issued by the Town of Wilton.

16. The owner shall be required to maintain all landscaping (trees, shrubs, etc.) planted in connection with the application ("Trees") for the duration of the Special Permit. Should any Trees planted in connection with this application not survive for any reason, the same shall be replaced by the owner in kind. P & Z staff shall be permitted to enter the property, upon appropriate notice to the owner, to inspect and confirm the survival of the Trees.
17. That a proper flood certification be submitted prior to the start of construction and final certification be submitted at the completion of the project.
18. The owner shall file a Land Record Information Form with the Town Clerk (form to be provided by the P&Z staff) and a copy of the filed Land Record Information Form shall be submitted to the P&Z staff prior to the issuance of a zoning permit.
19. 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 December 7, 2026."
 - b. "For conditions of approval for Special Permit #481, see **Resolution #1121 – 481SP.**"

PRIOR TO THE ISSUANCE OF A CERTIFICATE OF ZONING COMPLIANCE:

1. Following completion of the development, the applicant shall provide an "as-built" photometric plan for the property. The plan shall account for all lighting and confirm compliance with the approved plans.
2. The applicant shall furnish the staff with an as-built survey of the property. Said survey shall depict the subsurface drainage system, location of all buildings/structures and parking spaces and shall include building height calculations, building and site coverage calculations, regulatory setbacks and average grade calculations.
3. This as-built shall be accompanied by a engineering certification from a Connecticut-licensed engineer verifying that the installation is in conformance with the engineers site plan approved by the Commission and in accordance with Town of Wilton standards.
4. The operations of the building and associated mechanical shall at all times comply with the noise standards set forth in Section 29.9.H.7 of the zoning regulations.

END RESOLUTION

