

September 21, 2021

VIA E-MAIL & HAND DELIVERY

Michael Wrinn
Planning and Zoning Department
Town of Wilton
Town Annex
238 Danbury Road
Wilton, CT 06897
Michael.Wrinn@WILTONCT.ORG

**Re: Planning & Zoning Commission Application Nos. REG #21390, CHZ
#21389 & SP #481
FDSPIN 141 DR LLC (the “Applicant”)**

Dear Mr. Wrinn:

We represent FDSPIN 141 DR LLC (the “Applicant”) in the above referenced Land Use Applications currently pending before the Wilton Planning & Zoning Commission (the “**Commission**”). We are in receipt of staff comments concerning the Land Use Applications dated September 2, 2021. Responses to these comments are noted in *italics* below.

1. The proposed pavement next to the proposed multifamily building does not appear to meet the required 6’ setback in Section 29-8.B.9.c.

*The Applicant believes the proposal is in substantial compliance with the standards of Section 29-8.B.9.c of the Zoning Regulations of the Town of Wilton, Connecticut (the “**Zoning Regulations**”). The southern trash room wall will be moved northerly, approximately 3’, to bring this portion of the building into compliance with this standard. The remainder of the building walls, other than walls adjacent to garage entrances or loading area aprons, are setback 6’ or more from parking areas. The Applicant requests that the Commission confirm this change to the trash room wall will satisfy the above referenced requirement.*

2. Currently the Zoning Regulations do not discount porous pavement for site coverage. Was it included in the calculations for proposed site coverage?

The Applicant included porous pavement in its proposed site coverage calculation.

3. Would the proposed on-site sewage disposal system for the proposed multifamily building potentially discharge more than 350 gallons of sanitary wastewater per

acre, per day? If so, this would require a special permit application under section 29-9.D.4.a. as it is located in an aquifer protection zone.

The Applicant has confirmed with staff that no Special Permit is required pursuant to Section 29-9.D.4 of the Zoning Regulations. The proposed multifamily residential redevelopment is a permitted use in the underlying DE-5R district, as proposed, and will not be utilizing an onsite sewage disposal system (i.e. septic system). Rather, the project will be connecting to the Town sewer system. Thus, this section is not applicable to the proposal. The Applicant does note; however, that the proposal is subject to the Special Permit process.

4. It appears that the applicant's engineer has proposed grading to allow for compensatory storage due to loss of floodplain storage under Section 29-9.F.7.I., but the grading appears to be located in the AE floodway. Is there another location for the compensatory storage that would not be located in the AE floodway?

The compensatory storage provided was largely accommodated east of the floodway, primarily in the parking area, by slightly lowering grade uniformly across a large area. The Applicant did not need to account for a very significant volume for additional storage. Modest grading within the floodway is necessary primarily to provide a pipe discharge and level spreader at the river, which currently do not exist on site. Additional grading was done to smooth contours for the park, but the Applicant was careful not to add fill. While the Applicant's calculations take credit for this small amount of volume, it was not done out of need for the storage volume, but rather, a need for a discharge at the river. There will be no negative impact on the floodway.

5. The proposed retaining wall in the front of the property, near Danbury Road, does not appear to meet the required 10' minimum. In addition, the retaining walls to the north of the property that are proposed to have a height of 6' will need a fence on top, as per Section 29-9.I.5.e., but this is not noted or represented on the detail plans.

The Applicant understands this comment relates to the maximum 2:1 steep slope requirement. While the noted walls function as a retaining wall for approximately 6.5', the second wall was added as an aesthetic feature and the separation between walls was primarily proposed to accommodate layered landscaping and screening rather than for retaining purposes. In addition, the walls are spaced 10' apart from face-to-face, which the Applicant understands satisfies the regulation. However, should the Commission deem it necessary, the Applicant can modify the plan to accommodate the minimum 10' shelf. The Applicant will also add a fence to the top of the northern wall in accordance with Section 29-9.I.5.c of the Zoning Regulations.

6. What is the height of the proposed stone walls shown on the engineer's plan at the westerly part of the proposed building?

There are no walls proposed in this location. Staff may be confusing a gravel strip for a wall.

7. The architectural plans need to include the extra height of the proposed lofts on the rooftop accounting for a total height of 64'-2-1/2", even if they meet the criteria of a half-story making the need to modify Section 29-4.C.2.a. unnecessary (see attachments which show the measurement of the ASML parking garage that includes the parapet, and a copy of the elevation of 141 Danbury Road and the measurement showing the lofts to have a height of 64'-2-1/2").

The base building height in the DE-5R zone is 55', measured from average grade; however, the proposed regulation change permits an additional 10' of height to accommodate a one-half story. The height of the building is dimensioned in several ways on Sheet A.09. Measured from average grade, the total height of the building is ±64'-2 1/2". This includes the loft height of ±9'-2 1/2". The drawing also includes a building height dimension of 55', which depicts the height of the building before the lofts which are stepped back.

8. The proposed landscape plan does not propose screening on the northerly part of the parking area.

After assessing existing site conditions, the Applicant did not believe additional screening in this location was warranted. The proposed parking will abut an existing parking lot to the north and will be shielded by the existing stone wall. However, should the Commission desire additional screening, the Applicant is happy to install a solid screening fence along a portion of the northerly property line to further separate the Property from the neighboring commercial parking lot.

9. The proposed landscape plan appears to be missing some shade trees in some of the parking islands and in the end islands.

Parking islands without shade trees are located in the northeasterly and southerly portions of the Property and include evergreen trees for screening purposes. However, should the Commission desire, the Applicant is willing to replace the proposed evergreen trees with shade trees.

One parking island located within the southeasterly corner of the Property contains a utility pole, and therefore cannot accommodate a shade tree. Shrubbery is proposed on this parking island to further landscape the parking area notwithstanding the limitations posed by the utility pole. Similarly, a shade tree was removed from a parking island adjacent to the fire lane, as required by the Fire Department. The Applicant submits that the total number of trees proposed meets or exceeds the requirements for tree quantities contained in the Zoning Regulations.

10. The proposed modification of the slope regulations in Section 29-9.I., appears to be a substantial change that does not seem relevant to the site or to the site plan application.

This change is proposed to accommodate other properties that could utilize the new DE-5R zone. The Applicant understands that the “Protection of Slopes” section was added to ensure appropriate buffers are maintained between higher density uses and lower density housing. However, the existing regulation may have unintentionally impeded the Town’s goal of increasing housing. The Applicant submits that the Special Permit process provides the Commission with the discretion necessary to balance these two objectives on a site-specific basis in the DE-5R zone.

11. It appears that the proposed revised parking calculation needs to include a requirement for some visitor parking.

At the request of Town staff, the proposed revisions to the parking requirement for multi-family residential use were modified to meet the maximum multi-family parking standards contained in Public Act 21-29, recently enacted by the Connecticut General Assembly. Public Act 21-29 does not permit an additional requirement for visitor parking. Therefore, the Applicant does not propose a visitor parking requirement. As stated in the traffic analysis provided by the Applicant, the proposed onsite parking will adequately accommodate the proposed multi-family residential use.

12. The proposed change in the area and bulk dimensions for a DE-5R zone relating to building and parking setbacks from the Norwalk River seems to be in conflict with the Inland Wetland regulations that govern development within this watercourse and within in the Aquifer Protection Zone (Section 29-9.D. of the Zoning Regulations).

As noted in our response to Comment 3, although the project is subject to the Special Permit process, the specific standards contained in Section 29-9.D do not apply to this proposal. Nor do the proposed standards conflict with the Inland Wetland regulations. Today, there are no minimum setbacks which are specific to the Norwalk River in the underlying DE-5 zoning district. Rather, the underlying building and parking setbacks, 50’ and 25’, respectively, would apply. The proposed standards enhance this minimum to 80’ and 60’, respectively. Nonetheless, any regulated activity in the regulated area would be subject to approval by the Inland Wetlands Commission. The Wilton Inland Wetlands Commission is currently conducting a comprehensive review of the proposal to ensure its compliance with the IWW Regulation, and any future development sought under the DE-5R Zone would be equally scrutinized.

13. Some of the proposed permitted accessory uses are not appropriate for this multifamily use or site plan approval, such as family day care [h]omes and private garages.

The Applicant submits that permitting private garages as an accessory use preserves the possibility that other multi-family developments may provide private garages for individual residential units. A Family Day Care Home may also be an attractive amenity to other residential communities proposed under the DE-5R. Allowing these accessory uses will provide the Town and the Commission the flexibility to meet the needs of Wilton residents

in the future. Notably, both accessory uses are included in other multifamily districts in the Zoning Regulations.

14. The applicant's engineer's letter dated July 19, 2021, recommended that a detailed traffic analysis for a high traffic generator be submitted at the site of special permit approval, but it appears that has not been submitted at this time.

A Traffic Analysis, dated July 19, 2021, analyzing the traffic impact of the proposed development of the Property was filed with the SP#481. A separate Traffic Analysis, dated July 19, 2021, analyzing the potential traffic impact of the proposed DE-5R regulation was filed with REG# 21390.

An Administration Decision (AD) application has also been made to the Office of State Traffic Administration (OSTA), due to the size of the project and location on a state highway. The OSTA submission was made concurrent with the Town submissions on July 19th, the earliest an OSTA application can be filed per OSTA regulations. While OSTA does not typically conclude its formal review until after local zoning approval is obtained, the Applicant has been advised by OSTA that the CTDOT Bureau of Policy and Planning has approved the traffic volumes provided in the application and that, after a preliminary review of the application by OSTA and the CTDOT Division of Traffic, the proposed driveway layout appears to be sufficient.

Thank you for providing us with the opportunity to respond to these comments. We look forward to presenting this proposal to the Wilton Planning & Zoning Commission at its September 22 Public Hearing.

Sincerely,

Lisa L. Feinberg

Lisa L. Feinberg

cc: D. White Daphne.White@WILTONCT.ORG
L. Russo Lorraine.Russo@WILTONCT.ORG
Development Team