

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

**WILTON PLANNING AND ZONING COMMISSION MINUTES\***  
**JUNE 26, 2023 REGULAR MEETING**  
**(CONDUCTED ELECTRONICALLY VIA ZOOM)**

**PRESENT:** Chairman Rick Tomasetti, Vice-chairwoman Melissa-Jean Rotini, Secretary Eric Fanwick, Commissioners Jill Warren, Christopher Wilson, Christopher Pagliaro, and Ken Hoffman

Also present was Town Planner Michael Wrinn.

**REGULAR MEETING**

- A. CALL TO ORDER at 7:04 PM** by Chair Tomasetti
- B. SEATING OF MEMBERS** – All 7 members present were seated by Chair Tomasetti.
- C. PUBLIC HEARINGS**
  - 1. SP#509 - i-Park Norwalk II, Inc. - 1 Cannondale Way – 120 room hotel**  
**(Public Hearing Continued from June 12, 2023)**

Mr. Tomasetti calls in first applicant: i-Park, SP#509, continued from June 12 meeting. Mr. Wrinn confirms that all information received has been uploaded to the website.

Lauren Calabria is speaking for Lynne Ward, who is unavailable. She gives an update of open issues.

- 1. Based on updated parking info submitted, she believes that all parking issues have been resolved;
- 2. i-Park went in front of WPCA at their June 14<sup>th</sup> meeting and received approval;
- 3. Mr. Wrinn asked for a Wetland update; Ms. Calabria states that Wetlands approval had been obtained.

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Mr. Tomasetti calls for comments from commissioners: none. Calls for public comments: none. Closes public comment period.

Ms. Calabria makes closing comments stating that she hopes the resolution will be passed and that she appreciates i-Park's relationship with the commission.

Mr. Tomasetti calls for a motion to close the public meeting. Mr. Fanwick motions to close hearing for SP#509. Motion seconded by Mr. Hoffman. All are in favor.

### **2. SDP#5-23 – ASML US, LLC – 77 Danbury Road – Application for alternative signage program for large developments using the parking guidance system signage**

Mr. Wrinn confirms that all information relating to this application has been uploaded to the website.

Kathleen Royle will be handling the presentation. She states that the SDP application went before the ARB. Two changes were suggested, and submitted to P&Z on 6/23. 1) Shortening of the vertical supports of the matrix sign; and 2) change the configuration and coloring of the monument signage.

Joe Canas, PE, then discussed the three signs which are part of the signage package proposal.

1. At entry. Static display which shows the number of spaces available on the specific floor. Display is 50" wide, with ground to top of sign being 56"; ARB requested the same mounting style as the matrix sign, and that change has been made;
2. The matrix sign. Like two television monitors mounted together indicating the number of parking spaces on each level. The display area is fully customizable. Display can be dimmed. 96" height.
3. Inside garage. Ceiling mounted sign giving directions to the number of parking spaces straight ahead or to the right going up to levels four and five.

Mr. Hoffman questions how drivers know what floor they are on. Mr. Canas states that floor number is printed on columns. Ms. Rotini asked if floors are color coded. Mr. Canas was not sure. Ms. Rotini wanted to confirm what the sign change was suggested the ARB. Mr. Canas stated that the bottom of the sign to the ground was 56" and would be changed to 36".

Mr. Canas then showed short video of the view from a driver's perspective approaching the garage, with all signs visible.

Ms. Royle noted that relating to the sensors indicating space availability there had been no design change since the prior meeting.

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Ms. Rotini asked if there was a speed limit. Ms. Royle replied that this would be something to be determined by ASML.

Ms. Royle said that there are screening plantings on the northern side to shield and screen the new development from neighbors to the north.

Mr. Wrinn asked if the sensors can be dimmed. Mr. Canas answered yes, that brightness could be adjusted.

### **3. REG #23400 – ASML US, LLC – 77 Danbury Road – Regulation Text Amendment; parking guidance system for garage parking**

Ms. Royle opened saying that the request for the text amendment is to stipulate that parking guidance signs are only for parking structures, not open parking lots. Also, since signs are internally illuminated it will change the sections that are in the proposed amendment.

Ms. Rotini asked if this could be approved without a regulation change. Mr. Wrinn commented that it could, but that ASML preferred a regulation change for clarity.

Mr. Tomasetti opens to public comment. Michelle from 39 Arrowhead Road comments that she likes the in-garage lighting to direct cars. She also says that from her property she can see lights from the 4<sup>th</sup> and 5<sup>th</sup> levels of the garage. She would like assurance that she won't be seeing the parking garage lights in addition to the red and green sensors above all the parking spaces. John Macken wanted to thank the commission for their work and says it is beneficial to have ASML in Wilton. Mr. Tomasetti closes public comments.

In closing, Ms. Royle agrees to dimming sensors and other signs. Also, without screening being installed and lighting being implemented it will be hard to decide if there is a problem and how best to resolve. Would request that if something needs to be in "conditions" maybe it would be staff approved so they can determine parameters that need to be addressed. Mr. Tomasetti thinks it is not a commission issue but a staff issue.

Ms. Rotini asks if there is a current plan for dimming. Ms. Royle answers saying that lighting will be dimmed as much as practical to serve their purpose. Lighting intensity is programmable.

Mr. Fanwick comments how the new parking garage at the Stamford RR station has screening to block light. Has this been considered. Ms. Royle replies that the garage has been approved the way it is designed.

Mr. Tomasetti asks for a motion to close. Mr. Fanwick makes a motion to close REG #23400 hearing, seconded by Mr. Pagliaro. All in favor. Mr. Fanwick then makes a motion to close SDP#5-23. Seconded by Mr. Pagliaro. All in favor.

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### **4. REG #23401 – Wilton Investors, LLC – 88 Danbury Road – Regulation Text Amendment; change of use to revise parking requirements for medical office**

Mr. Wrinn confirms that all related materials have been posted to the town website.

Attorney Suchy gives review. 88 Danbury Road is 44,000 sf of conventional office space with 156 parking spaces, which includes 66 under building spaces. Wilton Investors, LLC would be repurposing the building to medical use, and make it the flagship headquarters for Ortho Connecticut – Coastal Orthopedics. The amendment to Section 29-8.B.5.b(6) would define three distinct uses: Medical office; Diagnostic testing; and Physical therapy, each with their own per use parking calculation. This would be in lieu of existing Gross Floor calculation.

Ms. Suchy also mentioned that 40% of office space in Wilton is currently empty, and that a repurposing to medical use would be a positive for Wilton. She also stated that a move to medical use would align with the idea of creating a “medical corridor” along Danbury road. She also believes that the parking ratios per use are appropriate.

Peter Romano, PE, discusses “A Day In The Life”, describing building occupancy by time broken out by category of occupants. Growth projections were included. He stated that based on estimates, only 130 spaces would be necessary. Ms. Suchy commented that if the space was converted to medical use with no regulation change, 220 spaces would be required.

Commission comments opened with Mr. Fanwick inquiring about the diagnostic space ratio being centered around large equipment, although not all diagnostic uses require large equipment. Is the definition sufficient? Ms. Suchy confirmed that the diagnostic use definition is based on large equipment use, and that diagnostic uses with no large equipment could be moved into the medical space text.

Ms. Rotini suggested that in the diagnostic use definition text the word “including” be removed, and to define diagnostic testing space where large equipment is stationed.

Tomasetti commented that this amendment fosters appropriate development in Wilton and that separating the uses was a good idea.

Dr. Paul Protomastro (Principal at Ortho Connecticut) then gave comments. He stated that without this amendment they would need to build a garage to accommodate parking requirements. This could a \$4.0MM expense. Based on competition within the medical field this would make this Wilton site economically infeasible. He said that if Wilton wants to expand their growth in the medical industry, this change should be made.

The only public comment was from Barbara Geddis. Her initial question was if this regulation change would be “across the board”. She also mentioned the difference between medical office and urgent care, stating that urgent care parking in Wilton is insufficient. She also thinks that one space per 200 sf is heavy, and that one space per 250 sf would be appropriate.

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Suchy comments that the text change would be town wide for medical space “across the board”, and that there could be further definition of what medical space is (does it include urgent care?) or create a new use.

Mr. Fanwick moves to close the public meeting for REG #23401, which was seconded by Mr. Hoffman. All in favor.

### **D – DISCUSSION AND POSSIBLE ACTION ON PUBLIC HEARINGS**

Ms. Rotini makes motion to change the order of the discussion of the public meetings, reversing the order as per the agenda. Mr. Fanwick seconded. All in favor.

#### **REG #23401 – Wilton Investors, LLC**

Mr. Tomasetti likes the application, stating that it takes a good, market-based approach. The Wilton Investors team presented great documentation/information supporting their application. There were no further comments from the commission.

Mr. Wrinn states that no draft resolution has been prepared. Mr. Tomasetti takes a “straw poll” with all favoring to pass. Mr. Wrinn will prepare the draft resolution

#### **SDP#5-23 – ASML US, LLC**

Ms. Rotini does not think a regulation change is necessary, with Ms. Warren in agreement. Mr. Wrinn says that ASML would like a clear definition of what they are allowed to do, which would be stated in the text change. He would like to have a vote on it.

Mr. Fanwick asks if the resolution should address the neighbor’s concerns about lighting and landscaping. Mr. Wrinn suggests that the resolution could include wording stating that landscaping could be reviewed after installation to determine if additional work is required.

Ms. Rotini makes a motion to approve SDP#5-23 which is seconded by Mr. Fanwick. All in favor.

#### **REG #23399 – ASML US, LLC**

Mr. Pagliaro states that he has no issue, questions, or concerns with the proposed regulation change. The remaining commissioners agree.

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Mr. Wrinn comments that the change is restricted to the western side of Danbury Road and that it's a DE-10 property.

Mr. Fanwick make a motion to approve, seconded by Mr. Pagliaro. All in favor.

### **REG #23400 – ASML US, LLC**

All, with the exception of Ms. Rotini, are fine with the argument as proposed. Mr. Tomasetti adds that based on safety and convenience it's a good change. Ms. Rotini finds the change unnecessary.

Mr. Fanwick moves to accept the text change as written. Seconded by Hoffman. Vote carries 6-1, with Ms. Rotini being against.

### **SP#509 – i-Park Norwalk II, Inc.**

Mr. Wrinn said that additional parking numbers were received from the applicant. He said they were “tight”, and that they were asking for a 20% waiver, which Mr. Wrinn said would be acceptable.

All commissioners commented favorably and had no issues with the application, with Mr. Tomasetti commenting that it is a good use of the back lot of the complex, and that it will have limited impact on the town.

Mr. Fanwick moved to approve the draft resolution for the i-Park application. This was seconded by Mr. Wilson, followed by a unanimous vote to approve.

### **SDP#4-23 – Wilton Lofts, LLC – 12 Godfrey Place – 8-30g Application**

Mr. Tomasetti suggests a time for deliberation, having each commissioner comment and then move to a vote.

Mr. Hoffman says that based on the timing of the downtown development and new regulations he will not be in favor of approval. Mr. Wrinn says that there needs to be reasons for denial in the resolution of denial rising to the level of public safety. Mr. Hoffman believes that based on parking, loading zone, and side walk issues, safety concerns rise to that level. Mr. Fanwick agrees with the points made by Mr. Hoffman, and questions if the potential legal bills from a denial is worth the denial.

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Ms. Warren has yet to make up her mind. Looking at case law she thinks that it would be difficult to deny the application. She is leaning toward abstaining so as not to endorse being bullied by a state statute. She also views a vote to approve would show support of applicant blackmail.

Mr. Wilson concurs with Mr. Hoffman's points, and thinks the project will be a nuisance to the town. An approval shows the commission being forced to do something that isn't in the best interest of the town. Mr. Wrinn reiterates how safety issues must "rise to the level", and Mr. Wilson believes they do. Mr. Wrinn thinks that based on traffic assessments it would not be a legitimate safety issue.

Mr. Pagliaro believes that the application is legalized blackmail...but is reluctantly in favor nonetheless based on it being an 8-30g application. He thinks more work could have been done to address the concerns of the commission, such as utilizing consultants. He also stated that he doesn't believe that the commission has the "basic tools" to deny the application. He wants to go on record that 1) he doesn't believe that this is a transitory oriented development; 2) he's frustrated at the lack of onsite parking based on 8-30g requirements and that the need to use adjacent lots is an issue; 3) the commission asked for the applicant's patience allowing for the completion of a master plan of Wilton center. The initial non-8-30g application could only be approved if the applicant's text amendment to current zoning regulations which would have affects on the entire town. He doesn't believe that the application is consistent with the goals of the Master Plan Commission.

Ms. Rotini concurred with Mr. Pagliaro's comments relating to the text amendment having town-wide ramifications. Regarding the resolution, she would like the "4<sup>th</sup> Whereas" clause to mention e-mobility storage and charging, and for Condition #5 to be rewritten to state "the owner must obtain the review and approval of the Wilton Fire Department and Wilton Fire Marshal for e-mobility storage and charging stations; further subject to the owner making any changes to the designs, layout, fire protection, or other item deemed necessary by the Wilton Fire Department and Fire Marshal for the safety of the public and first responders. Such review and approval shall be provided to the Town Planner's office. She thinks there are substantial health and safety issues, especially e-mobility. The use of litigation as a tool for 8-30g application approvals is unhelpful in making housing more affordable, or safe. Based on 8-30g "the choice isn't free choice".

Mr. Tomasetti confirms with Mr. Wrinn that action on this application must be taken at this meeting, otherwise it is a de facto approval. He states that, philosophically, he is utterly opposed to this application on a variety of levels. He says that the application was bad from the start. The applicant bought the property understanding the underlying zoning regulations, but wanted to make wholesale changes nonetheless. They are not being good neighbors. Upset with issues, such as height, which can't be discussed under 8-30g. "The only thing that matters in the 8-30g legislation is affordability". More work could have been done relating to this being a TOD project; where is the evidence. Ms. Rotini then asked if parking could be included in Condition #6 of the resolution, to which Mr. Wrinn said it would fit better in Condition #14. Mr.

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Tomasetti states that affordability hasn't been studied relating to 8-30g; more market rate units would be required to compensate for the affordable units.

Mr. Wrinn and Mr. Tomasetti discuss that the litigation could go quickly but be very expensive. How would things progress if the parties were asked to negotiate further? Mr. Wrinn again states that the reasons for denial must be strong. He says that the use of other parking lots doesn't pose a safety threat.

Mr. Tomasetti calls for roll call vote. Mr. Wilson motions to approve. Mr. Fanwick seconds. Mr. Hoffman abstains, Mr. Tomasetti votes no, with the other commissioners supporting the application.

### **E. COMMUNICATIONS**

1. **SP#510 – Wilton Land Conservation Trust**, 183 Ridgefield Road, request to phase development. Attorney Royle discussed the scope of the work to be done. Primary would be new driveway, parking for visitors, and septic system. Secondly, creating demonstration garden and amphitheater seating. Also, a commitment to work on the granite section of the wall that faces the road.

Concerns are when the work will take place. As the funding for the project will be based on donations, timing is difficult to gauge. Attorney Royle commits to providing the commission with a timeline from the applicant.

2. **Farewell to Commissioner Johnson.** This was to be her final meeting but was unable to attend. She sent letter of resignation to Mr. Wrinn and was also planning to send it to the town clerk and the First Selectwoman's office, which hasn't happened. Once it becomes effective, required notices will be posted, and there will be a press release soliciting replacement candidates.

### **F. ACCEPTANCE OF APPLICATIONS**

**No new applications**

### **G. FUTURE AGENDA ITEMS**

1. **REG#23401 – Wilton Investors, LLC**, 88 Danbury Road
2. **SDP#6-23 – Lupinski**, 53 Sugarloaf Drive



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### **H. APPROVAL OF MINUTES**

#### **1. June 26, 2023 – regular meeting**

Ms. Rotini moves to amend minutes to include her statement that both the Fire Marshal AND Fire Department approve of the placement of e-bike storage at Wilton Lofts. Amendment approved.

### **I. ADJOURNMENT**

Commissioner Fanwick made motion to adjourn, seconded by Commissioner Wilson. Motion passed unanimously

### **UPCOMING MEETINGS**

1. July 10, 2023 – Planning and Zoning Commission Regular (Electronic) Meeting  
7:00 PM

**\*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-agendas>**