

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

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

PRESENT: Chairman Rick Tomasetti, Secretary Eric Fanwick, Commissioners Matthew Murphy, Christopher Pagliaro, Christopher Wilson, Ken Hoffman, Mark Ahasak. Notified Intended Absence: Melissa-Jean Rotini and Jill Warren

Also present was Town Planner Michael Wrinn.

REGULAR MEETING

- A. CALL TO ORDER at 7:00 PM** by Chair Tomasetti
- B. SEATING OF MEMBERS** – Members present were seated by Chair Tomasetti.
- C. PUBLIC HEARINGS**
 - 1. SDP#6-23 – Lupinski, 53 Sugar Loaf Drive**, to rebuild existing retaining wall and associated site grading

Mr. Wrinn reviewed the project, and the complications stemming from the wall infringing on neighboring properties and the need to come to an agreement as to the timing of the work. He stated that DPW has reviewed revised plans and has one just one issue pertaining to drainage.

Attorney Jim Murphy was introduced and noted that if he is retained he will represent the applicant. Kate Throckmorton then showed the revised site plan (LP-1), with the requested changes, including: additional spot elevations along the back of the wall which were incorporated into the plan; the proposed slope was adjusted to include a three-foot leveling bench; a five-foot channeling fence was added, and the location of a silt fence on side properties was changed. LP-2 provides additional construction sequence, including access points, direction of work, and two additional

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cross sections.

Ms. Throckmorton then detailed the updates on the structural engineer's plans.

Mr. Tom Quinn from Peak Engineers then spoke. He joined the project to address concerns about site drainage from DPW. He first showed a slope analysis topographical chart from 2011, prior to any regrading work being done. He then showed another topographical chart illustrating the slopes of the proposed plan. He stated that despite the house having no gutters, the regraded, flatter area around the house would allow the infiltration of the runoff. His analysis was forwarded to DPW and they had no comment. He then discussed the proposed erosion controls, that included the silt fencing starting from the northern edge of the property, along the entire western portion of the property and at the end of each work day placing hay bales and/or sand bags on the south side of the property where the work road is to prevent water from entering the work zone. Regarding DPW's foundation drain comment, Mr. Quinn stated that he can design a system that will work.

Regarding a time limit, Ms. Throckmorton said that, ideally, they would like until the end of May to complete the work, as growing season provides greater stability. She said the work would take 6-8 weeks to complete.

Mr. Tomasetti then asked why the retaining wall needs to be on the property line and also why there isn't terracing. Ms. Throckmorton stated that terracing had been considered but that it would reduce the level area of the back yard. Mr. Pagliaro questioned a grade of over 20% not having storm water discharging on to the neighbor's property.

The hearing was then opened to the public. Mr. Jim Carlon, a lawyer representing Mr. and Ms. Vizer, stated how long this project has dragged on (over 10 years), and that the Vizers were not interested in delaying the work to be done. They do not want any equipment on their property until the plan has been approved. Mr. David Crowell, 61 Sugarloaf Drive, spoke with a view to the Lipinski property shown behind him. He spoke very critically about the view into his backyard of an excavator and unfinished house, and he reiterated what was said by Mr. Carlon and that he wants the work done quickly and correctly. The Vizers expressed concern about the work not starting until March and finishing in May.

It was confirmed by Mr. Wrinn that the Commission cannot give an approval for the project if there is not already an existing agreement with the neighbors, and that if the Commission denies the application that the cease and desist order will continue will proceed. Mr. Tomasetti suggested that this application be continue at the next meeting. Mr. Pagliaro then stated that he did not believe that drainage into the neighboring has been addressed adequately.

2. SP#514 – ASML US, LLC, 167,000 sq. ft. addition on the south side of the property.

Mr. Wrinn stated that the hearing cannot be closed at this meeting as an approval has yet to be provided by the Inland Wetland Commission. Mr. Murphy began by stating that the project is being driven by the need for more clean materials intake and more clean rooms, and referenced the ASML long range plan for the growth of the property. Ms. Throckmorton then briefly addressed environmental issues, focusing on the Norwalk River. Mr. Murphy then said that the

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color rendering of the two-story, phase one building, the new water recharge and water quality feature in the northwest lot, and an examination of noise.

Mr. Joseph Cannis started the discussion of the buildout of the site by identifying the easements on the property. He highlighted the placement of the 167,000 sq. ft. addition on the south side of the property. The northwest parking area, originally proposed as permeable pavement, will now be proposed as a comparable volume of infiltration. He also highlighted the new driveway alignment south and west of the new building, storm water management basin area, retaining walls. He said that rain water gardens will be introduced. A hydraulic analysis has been performed to ensure that they would not increase the base flood elevation. He then described sediment erosion controls, storm water management, and landscaping plan. Ms. Throckmorton discussed wetland impacts and detailed three specific areas: direct impacts, of which there will be none; indirect impacts, and short-term impacts, with these potentials being well contained with the extensive control plan as well as the phasing plan.

Mr. Mohamed Ayoub described the building and noted that the ground floor would have delivery bays and clean rooms, with the above floor being laboratories and offices. The overhang covering the truck delivery area would be a green roof. He then showed an illustration of the building after the first phase, being two-stories. All mechanicals would be inside the building, allowing for later expansion. The final phase would be three additional floors. Phase one stops at 32' in height and the final phase at 75' in height.

3. REG #23403 – ASML US, LLC, regulation change to allow ASML US to provide parking at its 20 Westport Road facility for employees at its 77 Danbury Road facility.

Mr. Craig Yannes discussed traffic relating to the potential regulation change. He discussed roadway safety statistics over the past 5.5 years at the ASML Danbury entrance and traffic volumes and site-generated traffic during peak hours, and emphasized that 600 employees will be moved out of the location by the end of 2023. He then moved on to discuss parking. ASML purchased 20 Westport and will transition ~600 employees to that location by the end of 2023 and has added shuttle service to address parking needs. The proposed regulation change to allow off-site parking of more than 500' from the ASML location will be subject to a traffic management plan, which he detailed. ASML will be implementing a parking and travel demand management program, aiming to reduce the need for parking. A comment was made about the possibility of having the shuttle include Wilton Center along its route, offering access to the train station and downtown activities. As part of the driveway project, an app has been proposed so drivers can know that the 77 Danbury Road parking lot is full and can divert to the 20 Westport Road parking lot.

Mr. Murphy then discussed the language of the regulation that he would like adopted. Three contingencies that he included were: an acceptable Parking Management Plan (with supporting metrics); an acceptable Traffic and Parking Analysis, indicating that there would be no negative impact on traffic flow or pedestrian safety; and periodic update requirements of the above contingencies as stated by the Commission. The public hearing will remain open until the Inland Wetland Commission finishes their report, which will push the continuation of the meeting out

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until the October 23 meeting. Mr. Wrinn doesn't believe that the Traffic and Parking analyses warrant peer review.

D. DISCUSSION OF POSSIBLE ACTION ON PUBLIC MEETING ITEMS

SDP#6-23 – Robert Lupinski, 53 Sugar Loaf Drive

Tabled to October 10, 2023

SP#514 – ASML US, LLC

Tabled to October 23, 2023

REG #23403 – ASML US, LLC

Tabled to October 23, 2023

E. COMMUNICATIONS / REPORTS

1. Cannabis

There is currently a prohibition of cannabis establishments which ends at the end of October. The possibility of permanently prohibiting cannabis establishments, continuing the prohibition for another year, or allow them, will go to a public hearing, which would need to be scheduled.

2. Nissan Dealership – 978 Danbury Road

This addresses noise complaints caused by the sounds from key fobs. Current regulations state that there will be no outdoor speakers, intercoms, chirping of key fobs, car alarms, or the like. Mr. Murphy then spoke representing the Nissan Dealership. Mr. Murphy reviewed the letter that he submitted to the Commission on September 6th outlining the steps that the dealership has taken to minimize the noise. He stated that he would like to amend the regulation to include an allowance for noise that is out of their control. Mr. Wrinn mentioned the possibility of this going to a public hearing.

3. Outdoor Dining

Mr. Wrinn stated that the goal is to make outdoor dining permanent. A discussion paper was

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written of what the Commission would like to see, with the eventual guidelines be used to create a regulation. Mr. Pagliaro offered to take the lead on creating verbiage that could be crafted into a regulation, based on work he has done looking at the regulation of other towns.

F. FUTURE AGENDA ITEMS

Thursday, September 28, 2023 – 7:00 PM - Planning & Zoning Commission Special Meeting to review the work done by the Wilton Center Area Master Planning Committee

G. APPROVAL OF MINUTES

September 11, 2023 meeting minutes were approved unanimously, with one abstention

H. ADJOURNMENT

UPCOMING MEETINGS

1. Thursday, September 28, 2023 – 7:00 PM – Planning & Zoning Commission Special Meeting to review the work done by the Wilton Center area Master Planning committee
2. Tuesday, October 10, 2023 – Planning & Zoning Commission Regular (Electronic) Meeting

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-agendas>**