

PLANNING & ZONING
COMMISSION
Telephone (203) 563-0185
Fax (203) 563-0284



TOWN HALL ANNEX
238 Danbury Road
Wilton, Connecticut 06897

WILTON PLANNING AND ZONING COMMISSION MINUTES*
NOVEMBER 13, 2023 REGULAR MEETING
(CONDUCTED ELECTRONICALLY VIA ZOOM)

PRESENT: Chairman Rick Tomasetti, Secretary Eric Fanwick, Commissioners Matthew Murphy, Christopher Wilson, Jill Warren, Ken Hoffman, Christopher Pagliaro, Mark Ahasic.
Absent: Melissa-Jean Rotini

Also present was Town Planner, Michael Wrinn.

REGULAR MEETING

- A. CALL TO ORDER at 7:00 PM** by Chairman Tomasetti
- B. SEATING OF MEMBERS** – Members present were seated by Chairman Tomasetti.
- C. PUBLIC HEARINGS**
 - 1. **REG#23403 – ASML US, LLC**, for property at 77 Danbury Road, Assessor's Map #69, Lot #18; in DE-10 Zoning district; consisting of 28.6425+/- acres; owned by ASML US, LLC; text amendment to Section 29-8.B.9 to allow ASML to provide remote parking at its 20 Westport Road facility for employees at its 77 Danbury Road facility.
 - 2. **SP#514 – ASML US, LLC**, for property at 77 Danbury Road, Assessor's Map #69, Lot #18; in DE-10 Zoning District; consisting of 28.6425+/- acres; owned by ASML US, LLC; for a 167,000 SF addition on the south side of the property.

REG#23403 and SP#514 were discussed concurrently

Mr. Wrinn opened by saying that his project had been signed off on by DPW and that the Inland Wetland Commission had approved Permit Application #2894.

Jim Murphy then began the discussion by outlining the project and stating that the ARB had voiced approval for the project. A pre-application was submitted on April 10, the application was filed on August 30th, the initial hearing was September 11, and a second hearing on October 23rd. He also stated that parking for this expansion site would be subject to remote parking REG#23403.

Patrick van den Bogaard, head of corporate real estate for ASML, introduced himself. Craig Yannes from Tighe & Bond then addressed the parking management plan. He said T&B had incorporated additional information from Mr. Wrinn into the plan, including shuttle scheduling and volume, that the plan meets the requirements of the zoning regulations text change, and that the plan includes safeguards for at least annual updates when parking reaches eighty percent of capacity, giving ASML and the Town of Wilton the time to determine the appropriate revisions to ensure that there is sufficient parking as the plan evolves.

Mr. Pagliaro then asked about the language of the text amendment, and how it would be applied beyond the ASML application. Mr. Tomasetti said that the burden would be on the applicant relating to how many spaces they have on-site, and how they would handle off-site parking should there be a need.

The meeting was opened to the public. Barbara Geddis, 296 Cannon Road, expressed her appreciation of ASML, her dislike of text amendments, and stated that the 12 Godfrey Road project had an off-site parking concern that didn't become an issue. Brianna Howell, 42 Chessor Lane, which is located adjacent to 77 Danbury. She has been working with Mr. Murphy and ASML to identify and address a droning noise. She would also like to be assured that there will be no additional noise created based on the presence of the new building.

3. **SP#512 – The Lake Club, Inc.,** 175 & 195 Thayer Pond Road. Assessor's Map #139, Lots #47 and #48; in R-2A Zoning District; consisting of 13.34+/- acres; owned by The Lake Club, Inc., for tennis court modification for tennis and pickle ball.

Consultant was not available for this hearing, so it was postponed until the November 27, 2023 meeting.

4. **SP#513 – Cactus Rose, 5 River Road.** Assessor's Map #73, Lot #25; in a WC (Wilton Center) Zoning District; consisting of 7.625+/- acres; owned by Kimco Realty, for patio and awning expansion and renovation for outdoor dining.

Mr. Wrinn explained that during an inspection the fire marshal found that there was a section of the outdoor patio area that had been roofed over, making it a three-season facility. This was done without any permits, and makes it a special permit use. As a result, it goes back to the Commission for resolution. He said that this application has been reviewed by the VDDAC, which asked for changes. The changes have been incorporated into this presentation.

David Woitowitz, architect, then began the presentation detailing the site. He spoke of the decision of choosing the color for the enclosure, Bisque Tweed, as it blended best with the rustic, wood pillars and the low stone walls. It was also decided, for consistency, to change the color of the front awning to Terra Cotta, to match the awning that extends over the patio. He also described the lower window panels as clear plexiglass, not plastic.

Mr. Ahasic asked how the upper, clear panels, open. Mr. Woitowitz explained that they would be unzipped on the sides, and roll up under the awning. Mr. Wilson asked about fire safety and ventilation. Mr. Woitowitz explained the work he has done with the fire marshal to meet safety requirements and said that he could work with the Building Department about ventilation if necessary.

D. DISCUSSION OF POSSIBLE ACTION

- 1. REG#23403 – ASML US, LLC – Remote Parking**
- 2. SP#514 – ASML US, LLC – Building Expansion**

Mr. Pagliaro restated his question regarding language used in this regulation. As an example, he hypothetically asked if ASML were to sell the 20 Westport property, what would be the process of continuing their use of a different company's parking? If the next owner were to make the parking unavailable based on another use of the property, what would happen? Mr. Tomasetti disagreed, saying that this does not need special language in the regulation, as this would be a consensual agreement between two willing participants (in this case, ASML and the owner of 20 Westport Road.) He further said, regarding the verbiage of the text change, versus the spirit of the regulation change, that the Commission will approve the change at its discretion and can say that it could be permanent, for twenty years, etc. Mr. Hoffman added that should the Commission establish permanence, it could be stipulated that the Commission, at their discretion, could revoke the permanence. Overall, Mr. Pagliaro said that there should be better management of shared parking. Mr. Wrinn then said that he would refer to the town counsel to define "long-term". Mr. Pagliaro then expressed his support for this application, as well as for SP#514.

Mr. Wrinn said that he would refer to town counsel and write draft resolutions to be reviewed at the next meeting.

- 3. SP#512 – The Lake Club, Inc. – Tennis Court Modification for Pickleball**

Postponed until November 27, 2023 meeting

4. SP#513 – Cactus Rose – Patio and Awning renovation for Outdoor Dining

The Commission issued their unanimous support of the application, and a draft resolution will be written for the next meeting.

E. COMMUNICATIONS/DISCUSSION

1. Norwalk Planning & Zoning Referral – Rewrite of zoning regulations

Mr. Wrinn talked about Norwalk announcing a public hearing relating to zoning regulation changes. This was an FYI with no discussion to be had.

2. EV Charging – Regulation change

Mr. Wrinn said that Wilton is required, by state law public act, to provide EV charging stations for any large commercial or residential development. This directive must be codified in the town regulations. The requirement would be 10% of parking spaces have charging stations and at schools it would be 20% of available parking. Mr. Wrinn said that he would speak with town counsel and share the results with the Commission at the next meeting and schedule a public hearing.

3. Group/Child care – Regulation change

Mr. Wrinn said that Wilton zoning states that anything above six children requires a special permit. Under a new CT Public Act, it cannot be a special permit. Family daycare, which is up to six children, is currently considered an accessory use to a single-family home. This would now have to include larger home care facilities, and consider it an accessory use in a residential zone. The state needs to be notified of compliance, or working on compliance, by December 1st. It will need to go to a public hearing.

4. Danbury Road Overlays – Send to PH

Mr. Wrinn stated that the public hearing will be November 27.

5. Commissioner Training – Public Act 23.173

Mr. Wrinn detailed options for how the Commissioners can complete their training. It is offered by both CT DEEP and WestCOG. Training must be completed by December 31.

6. Regulation Change – Brewery

This application would require multiple things. The zoning regulation would need to be amended for a definition of what the use is and a location of where it would be allowed. As a part of this, because it involves liquor, it would have to go through the ordinance and the Board of Selectmen would have to deal with it first. Current liquor ordinances include package stores, country clubs, restaurants, and breweries as part of a restaurant. This applicant would like to manufacture, and they have not yet determined a location. The potential applicants were introduced to speak. Demetris Papanikolaou is the owner of Orem's Diner and a managing partner of the Seven Gods Brewery. Athanasios Panolis is also a managing partner of Twelve Gods Brewery. The Board of Selectmen must change the ordinances to allow the sale of alcohol from a brewery in Wilton, and if approved, ask for a zoning change to brew where they currently are, in the basement of Orem's. Demetris said that their goal is to have their production be legalized where they are currently producing. They would like to add a special use permit to 29.6.B.3 which would allow them to do that. Demetris said that he has met with the Board of Selectman, and that they will be on the agenda for the January town meeting.

F. APPROVAL OF MINUTES

1. October 23, 2023 – Regular Meeting
2. October 30, 2023 – Special Meeting

Both were unanimously approved.

G. ADJOURNMENT

UPCOMING MEETINGS

1. Monday, November 27, 2023 – Planning and Zoning Commission Regular (Electronic) Meeting – 7:00 PM

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-agenda>**