

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
WILTON CENTER AREA MASTER PLAN SUBCOMMITTEE MINUTES*
JULY 5, 2023 SPECIAL MEETING
(CONDUCTED ELECTRONICALLY VIA ZOOM)**

PRESENT: Chair Rick Tomasetti, Melissa-Jean Rotini, Barbara Geddis, Sam Gardner, Chris Pagliaro

Also present was Town Planner Michael Wrinn. Absent was Rick Stow.

REGULAR MEETING

- A. CALL TO ORDER at 7:05 PM.** By Chair Tomasetti
- B. SEATING OF MEMBERS** – All 5 members present were seated by Chair Tomasetti.
- C. WORK SESSION:** Review of Wilton Center Area Form Base Code

Mr. Wrinn would like to make sure that everyone is on the same page relating to issues such as acreage (large lots going from 6 acres to 1.5 acres), building heights, density bonuses, civic spaces (how much and how distributed throughout the development), and large lots versus other lots being dealt with. He's looking for agreement from commissioners on these items before bringing to consultant. He mentions how things have changed base on the definition of large lots has changed from 6 acres down to 1.5 acres.

Mr. Tomasetti then asked Mr. Wrinn about communication with Kimco relating to these issues. Their definition of large lots is larger than 1.5 acres. They want four stories and 54' max building height, but also have a bonus of 5 stories from setback. Mr. Wrinn then asks if looking at this holistically throughout the entire downtown area will the numbers being looked at for 1.5 acre lots are going to be the same bulk as being looked at as if there are six-acre parcels.

Mr. Tomasetti thinks that these large would give a bonus so that if they were combined they would offer a bonus above and beyond what would result from smaller lots based on being able

to accommodate greater density. He also questions a past note from Ms. Geddis referencing both 1.5 and 3 acre lots. Ms. Geddis suggests that 1.5 should be agreed upon. Eleven of thirty-six exceed 1.5 acres.

Mr. Wrinn asks if across the street properties could be considered contiguous and how bonuses would be handled. Geddis/Tomasetti state that this was agreed to during the last meeting. It would be beneficial, and an incentive, for developers; they can submit a single application for a development that consists of two lots versus submitting two applications for one development consisting of two lots. Mr. Tomasetti stated that the intent would not be to put all the bonuses on one lot but to allow the two parcels to be a part of one development plan. One location, comprised of two different lots.

Ms. Rotini asks what if a developer with two lots wants to put all of the density onto one of the lots and then potentially sell the other lot. Have the owner of the properties make it into one property, then the plan can be submitted. The purchaser of this property then could buy another property and things could snowball. If an owner with two properties loads up one, would restrictions go with the other property that is being sold.

Mr. Pagliaro thinks the sale of one of the consolidated properties is an important issue. He then asks what is the definition of “across the street”? He’s also concerned about bonuses being consolidated on one of the parcels.

Mr. Gardner said that he has experience with a planned development district (PDD) which sold a parcel. There then needed to be a revision to the PDD and had to go back to P&Z for approval. So, he stated that even if you developed an overall concept involving two lots, one can nonetheless be sold. Therefore, it needs to be looked at by an attorney.

Mr. Wrinn suggests that if both lots don’t conform to zoning regulations then they can’t be sold independently of each other. They are automatically combined. But for across the street properties this could be difficult.

Mr. Tomasetti asks what is to be gained from doing this. For the applicant, it can afford the ability to take advantage of large lot benefits by combining less than 1.5 acre lots. The town benefits by getting a bigger application where you’re looking at a section of the village that is a little more comprehensive than what would ordinarily be seen from separate applications. The streetscape could also benefit by having a similar look on both sides of the street. A downside would be owning two combined properties and only developing one, but he views this as unlikely.

Ms. Geddis said that a major asset is that it allows smaller property owners to make an agreement to join together for a better purpose.

Mr. Pagliaro expressed concern about the potential that if a syndicate-like group of property owners form an agreement to join together, and the owners differ on their reinvestment into the property, it could become an issue. He also equates being an owner of a property within a syndicate to a condominium owner.

Mr. Tomasetti said that the current language says nothing about ownership, likely assuming that there is only one owner, and that language should be added to cover multiple owners. This would need to be handled by legal counsel.

Conversation moved to how many properties on Center Street could take advantage of consolidating, particularly across the street.

Mr. Wrinn asked what are we trying to incentivize by going across the street, Mr. Pagliaro continued to question the need for across the street parcels being combined, and Ms. Geddis said that there seemed to be agreement on contiguous properties, but that across the street parcels are a different subject.

Mr. Tomasetti said he can be on board with ditching across the street combination, he likes the idea of contiguous lots, but wants a better definition of what happens: do they have to merge, or be condominium-ized? What is the legal answer. He also believes it could be a lender issue; if three different parcel owners want to create a development, the lender would likely want one owner.

Mr. Pagliaro stated that in the end, as a commission, the goal is for these small parcels to be combined to create a different streetscape, and that this should be incentivized. Regarding the question of ownership, Mr. Pagliaro doesn't care if there's one owner or many; it's about the development and bonuses.

There was agreement that the lots should be merged, should offer significant civic space, and multiple buildings, versus one jumbo building.

Mr. Tomasetti summarized: 1) get rid of minimum area of three acres for dwelling units; 2) get rid of contiguous parcels, just a minimum of 1.5 acres to take advantage of this; 3) suspend rules on side yards, which must be used as civic space; 4) additional height is not located along the street, which incentivizes placing height and density further off the street in the back.

Ms. Rotini asked about the language "the height shall not exceed xxxx-xxx"; is this going to be the total height of the building including the additional building height or just the additional height? Mr. Tomasetti commented just the additional height, pertaining to the building in the rear. And the height in the rear would be considered a bonus on the big lots.

Mr. Pagliaro brought up roof pitch and that it should be prescribed. Ms. Geddis states that additional height will not exceed 13' with roof pitch to be at least 8'.

Civic Space. Mr. Pagliaro researched what other towns do. In some towns the civic spaces do not have to be a part of the primary use of the building. Examples include art shows, outdoor temporary markets, and other things that last less than three days. Is this something that the commission wants? Mr. Tomasetti stated that civic spaces can break up the streetscape. He thinks that the place people should congregate should be on the street. Also, civic spaces within large properties should be distributed amongst the entire property. There will be varying types of civic spaces that will be part of the site plan.

Ms. Rotini expressed an issue with whether or not civic spaces in large lots necessarily need to be

distributed. Mr. Tomasetti then stated that site planning will determine if civic space in a large lot should be distributed or not. The final determination would be in the hands of the commission.

Mr. Pagliaro read from another town's description of civic spaces. Some items mentioned were 1) civic spaces should be no less than 5% of the total area of the lot, 2) would be maintained by the owner, 3) open to the general, among others. It was mentioned that a discussion was had during a previous meeting regarding civic spaces description.

Mr. Wrinn asked if we are going to keep large lots the same as our definition of civic spaces on the other lots. Ms. Geddis thinks yes, the definition should be the same.

Mr. Tomasetti: minimum area of 4% on smaller lots and 6% for large lots, with input from the consultant. Minimum dimensions also to be reviewed with consultant.

Ms. Geddis said that the previous April document there was a section for the river walk in the overlay as another opportunity to be promoted. Does that need to be referenced in large lots? Mr. Tomasetti said no, because not all large lots are contiguous to the river. It's covered in the base of the overlay. Can someone on the eastern side of Center Street say that their civic space is all along the river, and choose to develop the river walk? It could be interesting, but the concern is about the river walk being a vibrant place versus something on Center Street.

Mr. Tomasetti referenced the earlier discussion of civic space distribution relating it to the river walk. Without distribution an owner wouldn't need to put any of the civic space on the eastern side.

Mr. Wrinn wants to put together the work that has been and forward to the consultant. Based on his discussions with the consultant, it is possible to have things finalized by the end of August.

Mr. Wrinn is eager to square away large lots. He said that he has had conversations with Kimco; they made suggestions with other standards such as parking, hiding a parking structure, etc. Are we going to start adding that into this, which he thinks we should. There's a lot more if we just go with the outline we have; there's a lot left up to the imagination, example being rules on yards being suspended. The consultant is not being given a lot of clear guidance, unless the commission goes back and have specific requirements.

Kimco proposed that if a structure is over five stories (what they consider a large lot) then the parking garage must be hidden from view from the road. Mr. Tomasetti agree, and states that parking garages are not allowed in the base part of the overlay.

Mr. Tomasetti stated that the base part of the overlay still exists; it needs to be abided by. The difference is that when you have the 1.5 acres or more and you provide three buildings and enhanced civic space, you are now able to have more density and with that density comes certain other requirements. But it's not relieving the applicant from any of the other ones.

Mr. Wrinn stated that Kimco was advocating for a large lot regulation with a definition with regulations for setbacks and parking, etc. Is this what this is? Ms. Geddis says no. Ms. Rotini said that this is still in line with the overlay, it's just a different type of overlay if you have a large lot; Kimco was talking about something different.

Mr. Tomasetti said that regulation and standards need to be clear to the applicant, and that lots of

things should be added in, such as parking and side yards.

Mr. Tomasetti emphasized that the commission can't do everything for the consultant; there are things that the commission didn't think of which is why they are being paid. They'll have to deal with parking and with setbacks, uses, what the secondary streetscape is...they need to fill in the blanks. They have seen all of the Kimco information so they have more than enough to put something together.

Mr. Tomasetti would like to get the commission's work to the consultant during the week of 7/10, then have a meeting with them the week of 7/17. The next steps would be for the subcommittee to recommend it to the P&Z Commission, then they can motion to go to a public hearing in the beginning of September.

Ms. Rotini said that primary roads are defined; we are saying along the primary street frontage. So, are we saying that additional height can be along the street frontage as long as the street is not deemed primary street? Mr. Wrinn talked about a 50' stretch on one road and a 300' stretch around a corner street; the primary frontage is going to be the larger stretch. Ms. Rotini asked what if the short area is along Center Street? Mr. Tomasetti commented that additional height shall not be located along the public street frontage. Ms. Rotini questioned what is a public street frontage?

Mr. Tomasetti said that he will define the issue of public street frontage and where additional height can be located.

Agreement that next meeting will be July 20.

Mr. Pagliaro made motion to adjourn, seconded by Mr. Gardner.