

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

WILTON PLANNING & ZONING COMMISSION MINUTES NOVEMBER 24, 2014 REGULAR MEETING

PRESENT: Chairman Christopher Hulse, Vice-Chair Sally Poundstone, Secretary Doris Knapp, Commissioners Lori Bufano, John Comiskey, Joe Fiteni, Peter Shiue, and Franklin Wong

ABSENT: Bas Nabulsi (notified intended absence)

ALSO

PRESENT: Robert Nerney, Town Planner; Daphne White, Assistant Town Planner; Lorraine Russo, Recording Secretary; members of the press; and interested residents.

PUBLIC HEARINGS

1. SP#393, Walter Cromwell, 462 Danbury Road, Request to Modify Site Previously Approved for Adaptive Use

Mr. Hulse called the Public Hearing to order at 7:15 P.M., seated members Bufano, Comiskey, Fiteni, Hulse, Knapp, Poundstone, Shiue, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Ms. Knapp referenced a memorandum dated November 24, 2014 requesting a continuance of the subject hearing until December 8, 2014.

There being no further comments from the Commission or the public, at 7:16 P.M. the Public Hearing was continued until December 8, 2014.

2. SP#395, Wilton GSE, LLC, 372 Danbury Road, To reduce the number of parking spaces required on the site per Section 29-8.B.2.c of zoning regulations

Mr. Hulse called the Public Hearing to order at 7:16 P.M., seated members Bufano, Comiskey, Fiteni, Hulse, Knapp, Poundstone, Shiue, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Ms. Knapp read the legal notice dated November 11, 2014. She also referenced a 2-page Planning and Zoning Staff Report dated November 19, 2014; and a 3-page response letter dated November 21, 2014 from J. Casey Healy to Planning and Zoning Commission.

Ms. Bufano stated that she was noticed as one of the neighbors within 500 feet of the property, but she was confident that she had no conflict of interest with respect to the matter.

Present were J. Casey Healy, attorney; and Craig D. Yannes, engineer, Tighe & Bond, Inc; on behalf of the applicant.

Mr. Healy referenced a posted aerial photograph and an as-built survey of the site. He explained that there are currently 274 parking spaces on the site where 271 were the minimum approved/required spaces for the 83,200+/- square feet of gross floor area. He noted that 267 spaces were originally required/approved in 1979 and then an additional 4 spaces were required/approved in 2008 due to a minor addition on the property. He reviewed parking requirements for general office space in 1979, noting that they were 1 space per 250 square feet for the first 10,000 square feet plus 1 space per 300 square feet for the next 20,000 square feet plus 1 space per 350 square feet for the next 30,000 and over square feet.

Mr. Healy explained that the owners purchased the property early in the year and there is currently vacant space on the property. He explained that the medical space market (which requires 1 parking space/150 square feet) is very strong right now, whereas the general office space market (requiring only 1 space per 300 square feet) is weak. He noted that Tighe & Bond conducted two parking studies on the site last July and September and also performed parking counts for medical centers in other locations including Kings Highway Medical Center in Westport, Yale-New Haven Hospital Shoreline Clinic in Guilford and CASLE Corporation medical offices across Connecticut, supporting Tighe & Bond's contention (in letter dated October 22, 2014) that there is sufficient parking on the site to support a conversion of 19,200 square feet from general office space to medical space.

Mr. Yannes reviewed details of the parking studies completed for the site in July and September, noting that counts were taken/recorded every ½ hour from 8 AM until 6 PM on said dates. He noted that the September study yielded 155 parked vehicles (i.e. a parking occupancy rate of 57%) during peak demand during a period when the site was

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approximately 80% leased, which extrapolates to approximately 194 parked vehicles if the site were 100% occupied; which rounds to an approximate rate of 1 parking space per 400 square feet.

Mr. Yannes briefly reviewed details of the studies completed for 162 Kings Highway North in Westport (an entirely medical facility) as well as the aforementioned other sites in Connecticut, noting that they resulted in parking rates conservatively rounded to 1 space per approximately 200 square feet. Utilizing the medical space rates calculated for the aforementioned medical facility sites and combining with parking demands for general office space, the converted 372 Danbury Road building would require 196 spaces (based on the New Haven medical space study) or 257 parking spaces (based on the Westport and CASLE studies); both of which are less than the 274 spaces currently available on the site.

In addition, Mr. Yannes noted that the Institute of Transportation Engineers' (ITE) national rates (2010 edition) show approximate average peak parking demand of 1 space per 352 square feet of general office space and 1 space per 312 square feet of medical office space. He stated that utilizing these rates would result in a parking requirement for the converted 372 Danbury Road building of 245 spaces; which is again less than what is currently available on the site.

Referencing Table 3 in the Tighe & Bond package of October 22, 2014, Mr. Yannes noted that applying Wilton zoning regulations to the subject site would require a total of 342 parking spaces (214 for general office space + 128 for medical space); resulting in a shortage of 68 parking spaces on the site.

In summary, he felt that the foregoing analysis supported an application from Wilton GSE for a waiver of up to 68 parking spaces from the requirements as set forth in Wilton zoning regulations.

In response to questions/requests from the Commission, Mr. Healy stated that he would:

- 1) provide a tenant list with respective square footage numbers and uses;
- 2) ask the landlord if current tenants are fully utilizing their respective leased spaces;
- 3) check with the landlord regarding space that may be needed for medical waste/disposal and where that would occur;
- 4) advise as to how much space is currently being used for common type areas (e.g. gym space, etc.).

In connection with the common area space, Mr. Healy explained that the additional 4 parking spaces required/approved in 2008 were in connection with a bump-out addition for gym and lobby space.

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Addressing a question regarding handicapped parking spaces, Mr. Yannes stated that there are currently 5 such spaces on the site, as required by Statutes, and there is no present plan to increase that number, noting that the applicant would have to come back before the Commission to do so.

In response to questions regarding traffic flow on the site, Mr. Yannes confirmed that existing traffic flow patterns would support vehicles dropping off medical patients at the site. He also noted that there is a dumpster and an island area on the north end of the site which should be sufficient for any potential medical waste/disposal.

Mr. Healy distributed signed copies of the October 22, 2014 Tighe & Bond Parking Statement.

Mr. Hulse asked if anyone in the audience wished to speak for or against the application.

There being no further comments from the Commission or the public, at 7:38 P.M. the Public Hearing was continued until December 8, 2014.

REGULAR MEETING

- A. Mr. Hulse called the Regular Meeting to order at 7:38 P.M., seated members Bufano, Comiskey, Fiteni, Hulse, Knapp, Poundstone, Shiue, and Wong, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. November 10, 2014 – Regular Meeting

MOTION was made by Ms. Knapp, seconded by Ms. Poundstone, and carried (7-0-1) to approve the minutes of November 10, 2014 as drafted. Mr. Hulse abstained.

C. SITE DEVELOPMENT PLAN REVIEW

1. SDP, Friends of the Norwalk River Valley Trail/CT DOT, Autumn Ridge Lane and Sharp Hill Road, Proposed Gravel Parking Area

Withdrawn at the request of the applicant.

D. ACCEPTANCE OF NEW APPLICATIONS

- 1. SDP, Kimco Realty, Wilton River Park Shopping Center, 5 River Road, Alternative Signage Program**
- 2. SDP, Kimco Realty, Wilton Executive Campus, 15 & 21 River Road, Alternative Signage Program**
- 3. SDP, Kimco Realty, Bright Horizons property, 7 Godfrey Place, Alternative Signage Program**

It was the consensus of the Commission to discuss the foregoing SDP applications on January 12, 2015.

E. PENDING APPLICATIONS

- 1. SP#393, Walter Cromwell, 462 Danbury Road, Request to Modify Site Previously Approved for Adaptive Use**

Tabled until December 8, 2014.

- 2. SP#395, Wilton GSE, LLC, 372 Danbury Road, To reduce the number of parking spaces required on the site per Section 29-8.B.2.c of zoning regulations**

Tabled until December 8, 2014.

F. COMMUNICATIONS

- 1. 241 Danbury Road Associates, LLC, 241 and 249 Danbury Road, Interpretation of Retail Design District requirements as set forth in Section 29-6.A.5 of zoning regulations**

Present was J. Casey Healy, on behalf of the applicant.

Mr. Healy referenced an aerial photo of the site, noting that the parcel is approximately six acres in total, comprising four different lots, although it is effectively treated as one property. He provided a brief title and zoning history of the property and the buildings constructed thereon.

He explained that the site was ground leased in 1995 for a 20-year term (set to expire next year) to EJG Realty, the real estate arm of Stop and Shop Supermarkets, at a time when a competitor supermarket chain (Edwards) was interested in the site.

Also around that timeframe, he explained that so-called “big box stores” were becoming quite popular (e.g. Home Depot, Walgreens, Costco, etc.) and the Planning and Zoning Commission, in an effort to discourage such development in Town, adopted what are now known as Design Retail Business (DRB) requirements. He noted that said requirements are fairly stringent, requiring extensive networks of sidewalks, pedestrian studies, retail space limitations, minimum percentage of windows, enhanced landscaping, parking limitations, and a retail business maximum gross floor area (GFA) limitation of 30,000 square feet; all of which was aimed specifically at discouraging the typical big box store.

He referenced the preamble of the Design Retail Business requirements (Section 29-6.A.2 of zoning regulations) which states that the aforementioned requirements shall apply to all retail businesses over 20,000 square feet of GFA. He stated that the question at issue this evening is whether these requirements apply to one retail tenant occupying more than 20,000 square feet of GFA in a building located in the DRB Zone, or to multiple retail tenants occupying an aggregate of more than 20,000 square feet.

Mr. Healy stated his belief that the regulations are geared to the former, i.e. an individual tenant occupying more than 20,000 s.f. of GFA, and not to multiple retail tenants occupying an aggregate of more than 20,000 square feet of GFA. He referenced a March 29, 2011 letter from Town Planner Robert Nerney to Planning and Zoning Commission addressing a similar issue that arose in connection with a proposed addition to Caraluzzi’s Market that would have brought the total building area (which included several other unrelated business tenants) to over 30,000 square feet. He cited Mr. Nerney’s opinion at that time that the provisions of the regulations seem to be geared toward discouraging large single tenant stores as opposed to multi-tenanted buildings of the same square footage.

Mr. Healy stated that he was asking the Commission to advise as to the applicability (or not) of the DRB regulations with respect to the subject site.

Addressing Mr. Healy’s request, Ms. Poundstone felt that the Commission had set somewhat of a precedent in its handling of the Caraluzzi’s Market expansion in 2011; thus appearing to affirm Mr. Healy’s interpretation with respect to the subject site.

Mr. Nerney noted further that Section 29-6.A.5.a references all retail “businesses” as opposed to all retail “buildings” which he felt seemed to further support Mr. Healy’s interpretation.

Mr. Healy noted that the applicant is trying to avoid chopping up the site into pieces just to avoid some of the stringent requirements as set forth for certain retail businesses of specified square footages in the DRB zone.

2. ASML US, Inc., 77 Danbury Road, Request for Determination regarding Permeable Pavements

Present was Jeremy Oskandy, Arthur H. Howland & Associates, P.C.

Mr. Nerney referenced a letter/submission package dated November 17, 2014 from Jeremy Oskandy (Arthur H. Howland & Associates, P.C.) to Planning & Zoning Commission requesting that the Commission address an issue/question of coverage. Mr. Nerney explained that a gravel parking area in the back southwest corner of the site, comprising approximately 59,000 square feet, has become problematic with respect to the tracking of dirt/debris and minute particles inside the facility, potentially compromising the company's sensitive finished product.

He noted that the applicant would like to formalize the aforementioned parking area by surfacing it with either permeable pavers or pervious asphalt, and that it be discounted from impervious coverage calculations. Mr. Nerney acknowledged that concrete pavers have been allowed as permeable coverage for residential homes in place of asphalt paving which is counted 100% towards site coverage. He thought that perhaps the Commission should take a look long-term at coverage regulations pertaining to such uses in commercial/industrial zones, citing the Town's desire to attract and retain industry.

Mr. Fiteni expressed concern with discounting such coverages a full 100%, pointing out that while such materials are better than asphalt pavement, they are not as permeable as gravel, depending on the system used.

Mr. Oskandy referenced a posted site plan, noting that the subject gravel parking lot is located between 30 – 100 feet from the river at any given point. He stated that while ASML meets zoning requirements, the needs of the facility as it is expanding are not being met. He explained that the applicant would like to increase the efficiency of this parking area by paving it, which would allow it to be striped and would thus also provide more parking capacity and more efficient traffic flow.

He briefly reviewed three pervious paving alternatives, including pervious concrete, pervious asphalt and pervious pavers, all of which he felt would be more pervious and provide a greater percolation rate than what is currently in that location. He stated that pervious pavers have greater structural stability and would require 18 inches of various pervious sub-layering materials; whereas pervious asphalt would require thicker sub-layering of approximately 18-24 inches in depth.

Mr. Oskandy responded to questions from Ms. Knapp regarding maintenance and snow plowing. He explained that standard pavers require maintenance 1-2 times per year, including vacuuming the top ¼-inch of material and then refilling it. As another pervious surface example, he distributed a hand-out for a proprietary material known as "Pave

Drain” which he noted does not require stone dust to maintain the spacing between the pavers. He explained further that snow plowing of such surfaces requires raising the blade a bit, although some thermal insulation is provided which allows the snow to melt faster, thus requiring no sanding during smaller storms.

Mr. Fiteni noted for the record that this product also requires vacuuming, even though it is not necessary to add more stone dust into the paver joints.

Mr. Hulse questioned whether the Commission would be better served hearing from Inland Wetlands on this matter and obtaining some feedback from them. Mr. Oskandy stated that they have not yet submitted their application to wetlands.

Referencing the question of how the Town treats/counts alternative paving materials towards its site coverage calculations, Mr. Comiskey observed that the question becomes how a Town adjusts to new technology.

Ms. Poundstone noted that ASML is a significant business in the community and if its current parking lot situation is becoming increasingly untenable because of the nature of its business operations, then this becomes an important consideration for the Town.

Mr. Nerney asked if the company is amenable to different types of pervious coverage. Mr. Oskandy stated that ASML would prefer pervious asphalt as opposed to “Pave Drain”, noting that it is less expensive and is also more flexible in dealing with landscaping requirements which can become extremely labor intensive/difficult with some of these pervious materials.

Ms. Knapp raised the possibility of perhaps granting a certain percent discount for these types of permeable surfaces in how they are counted towards site coverage calculations. Mr. Nerney explained that the applicant is already over the maximum site coverage allowed so that such a discount would not address/solve the issue at hand. He suggested the possibility of allowing an additional percentage of site coverage (over what is currently allowed) if that excess coverage is done in a certain type(s) of permeable material.

Mr. Oskandy referenced two executive summaries addressing the issue of porous asphalt pavement and distributed into the record an executive summary titled “Water Quality and Hydrologic Performance of a Porous Asphalt Pavement as a Storm-Water Treatment Strategy in a Cold Climate”.

Mr. Nerney felt that moving forward with the Inland Wetlands Commission review is the route to pursue, noting that a number of ecological issues will be flushed out as part of that process.

Mr. Fiteni stated that the Commission, as a group, would certainly consider the issue from a coverage standpoint. Ms. Knapp felt that a good point was made in that our regulations don't necessarily address all the new technology that is currently available, and she questioned the best way to address that issue. Mr. Nerney stated that the best approach would be to address it in writing, perhaps limiting it at first to the Design Enterprise Districts since retail districts already allow site 80% site coverage. He noted that there is a fine balance that needs to be maintained between economic development and the traditional bulk requirements that the Town considers/regulates.

A short discussion ensued about ongoing issues of signage throughout the Town, and the difficulties imposed by signage size restrictions, timeframe limitations for display of temporary signage, and various other restrictions currently imposed, particularly in cases where tenants are located a long distance off the roadway. The question was raised as to how the Town could possibly grant some relief to such property owners.

Mr. Hulse stated that he would welcome any property owner(s) who wished to come forward and present/propose some alternative signage regulations to the Commission.

G. REPORT FROM CHAIRMAN

H. REPORT FROM PLANNER

I. FUTURE AGENDA ITEMS

1. **SP#396, ASML US, Inc., 77 Danbury Road, Proposed improvements including 3 building additions, additional lighting and restriping of parking area [P.H. December 8, 2014]**
2. **SP#397, Yeager, 134 Ridgefield Road, Accessory Dwelling Unit [P.H. December 8, 2014]**

J. ADJOURNMENT

MOTION was made by Ms. Poundstone, seconded by Ms. Knapp, and carried unanimously (8-0) to adjourn at 8:55 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary