

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

WILTON PLANNING & ZONING COMMISSION MINUTES FEBRUARY 11, 2013 REGULAR MEETING

PRESENT: Chairman John Wilson, Vice Chairman L. Michael Rudolph, Commissioners Lori Bufano, Marilyn Gould, Bill McCalpin, Bas Nabulsi, and Peter Shiue

ABSENT: Chris Hulse, John Gardiner (notified intended absences)

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#381, ASML US, Inc., 77 Danbury Road, Proposed addition to existing manufacturing facility

Mr. Wilson called the Public Hearing to order at 7:15 P.M., seated members Bufano, Gould, McCalpin, Nabulsi, Rudolph, Shiue, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Rudolph, acting as Secretary in the absence of Mr. Gardiner, read the legal notice dated January 15, 2013. He also referenced for the record a 4-page Planning and Zoning Staff Report dated December 19, 2012; and a response letter from Kathy Castagnetta dated January 15, 2013, with attachments and plans.

Present was Paul Szymanski, Arthur H. Howland & Associates, engineer; on behalf of the applicant.

Mr. Szymanski referenced posted plans and reviewed existing conditions on the site. He explained that the applicant is proposing a 4500+/- square-foot addition to provide extra space for extreme ultra-violet testing in association with the creation of micro chips. He stated that 1) the existing driveway on the southeast corner of the building would be

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widened from 22 feet to 26 feet; 2) site circulation would be improved; 3) a retaining wall about 28 feet long would address grading issues; 4) some impervious surface would be removed; and 5) two mature trees would be removed and replaced with three new trees of minimum 3-inch caliper.

Mr. Szymanski briefly reviewed parking on the site, noting that 767 parking spaces will be provided where only 751 are required. He also noted that existing site coverage of 41.3% (legally nonconforming) will be reduced via proposed site improvements to 41.2%; and there will not be any increase in traffic or number of employees on the site.

Regarding lighting and mechanicals, Mr. Szymanski stated that two wall packs will be located on the southern and eastern ends, and two proposed sets of mechanicals will be screened by metal louvers.

Mr. Szymanski referenced the applicant's January 15, 2013 responses to staff comments that were raised in the Planning and Zoning Staff Report of December 19, 2012. Town Planner Nerney noted for the record that staff met with the engineering company on two separate occasions to discuss in great detail all issues raised in the Staff Report, and he stated that all issues have been addressed/resolved.

In response to questions raised by Commissioners, Mr. Szymanski stated that 1) there would be no noise impacts from the proposed site modifications, noting that the site would conform to noise regulations permitting a maximum of 80 decibels during the day and 55 decibels during evening hours; 2) there would be no radioactive danger from the ultra-violet testing done on site, and 3) no toxic materials would be released or created on site.

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

Jim Burke, 42 Chessor Lane, stated that his residence was located westward at the back of the facility. He questioned anticipated hours of construction and whether any increased commercial activity is anticipated, particularly with respect to trash pick-up and/or deliveries to the site. He noted that noise seems to emanate from the far northern end of the parking lot (he thought perhaps from commercial fans or exhaust), and he stated that it seems particularly loud in the summer months and on Sundays, citing in particular a period of about 15-30 minutes' duration when the noise seems to increase dramatically. He also asked about any time restrictions that may be imposed with respect to trash pick-up on the site, noting that in winter months neighbors are awakened between 4-5 A.M. by the sounds of dumpsters being picked up and dropped.

Mr. Nerney explained that the Commission, via its Special Permit process, has the ability to limit hours of construction, with typical limitations as follows: weekdays 7AM – 5PM, Saturdays 8AM – 5PM, and Sundays/holidays - no construction permitted.

Mr. Szymanski responded to Mr. Burke's questions, noting that no increase in traffic is anticipated, nor will there be any increase in trash pick-up or commercial deliveries, noting that the proposed addition will just provide a larger floor area to conduct testing. He stated that he was not aware of any of the noise issues raised by Mr. Burke, but indicated that he would bring these matters to the attention of the facilities director of ASML, noting that the company wishes to be a good neighbor to the surrounding community.

There being no further comments from the Commission or the public, at 7:35 P.M. the Public Hearing was closed.

**2. SP#382, Breitling USA, Inc., 206 Danbury Rd and 20 Sharp Hill Rd,
Proposed second floor addition and additional parking**

Mr. Wilson called the Public Hearing to order at 7:35 P.M., seated members Bufano, Gould, McCalpin, Nabulsi, Rudolph, Shiue, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest. Mr. Rudolph read the legal notice dated January 15, 2013. He also referenced for the record a 4-page Planning and Zoning Staff Report dated January 4, 2013; an email from Stephen Bartek to Daphne White dated January 14, 2013; an email string between Paul Young and Daphne White sent January 16, 2013; a 7-page response letter, with attachments, from J. Casey Healy to Planning and Zoning Commission dated January 24, 2013; a letter, with attachment, from J. Casey Healy to Planning and Zoning Commission dated January 27, 2013; and an email from Stephen Brennan to Daphne White sent February 4, 2013.

Present were J. Casey Healy, attorney; Sebastian Amstutz, Breitling; Richard Kent, landscape architect; Christopher Granatini, transportation engineer; and Mickey Mallardi, architect.

Mr. Healy reviewed posted renderings and a survey of the two subject properties, noting that a 6800+ square-foot addition above existing parking in the rear and ten additional parking spaces are proposed for the site. He explained that Breitling has contracted to purchase the Aulenbach property at 20 Sharp Hill Road to lessen the setback variances required, and to provide an alternative to hotel lodging for visitors to the facility. He noted that Breitling recently obtained approvals from the Zoning Board of Appeals for several variances on the property.

To address the need for parking during ongoing construction, Mr. Healy stated that Breitling has arranged for shuttle service to/from 195 Danbury Road. He explained that a significant amount of excess parking is available at 195 Danbury Road, even during peak capacity hours on weekday afternoons. He noted further that the Police Department

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reviewed the shuttle proposal and prefers it over pedestrians crossing Route 7 to/from 195 Danbury Road on a regular basis.

In response to other concerns raised in the Planning and Zoning Staff Report of January 4, 2013, Mr. Healy referenced his 7-page response letter to the Commission dated January 24, 2013.

In response to a question from Mr. Nabulsi, Mr. Healy explained that the properties will be merged if the application is approved, whereby the property line between the two parcels will disappear but the zone line (separating the GB and R-1A residential zones) will remain. He assured the Commission that the residentially-zoned portion will be used in accordance with residential zoning regulations (i.e. no commercial uses of any kind will be permitted), and he further reminded the Commission that use variances are not permitted per Wilton zoning regulations.

In response to a question from Mr. Rudolph, Mr. Healy explained that, per residential zoning regulations, up to four unrelated persons are permitted to reside in a residence on such properties.

Mr. Nerney reminded Commissioners of a similar situation that occurred some years ago with the Davis Marcus property on Route 7, whereby an adjoining residential property on Lennon Lane was purchased by the company to permit additional coverage on the larger, combined site.

Mr. Nabulsi referenced Section 29-5.A.4.g of residential zoning regulations which permits the accommodation of “not more than three roomers or boarders by the owner-occupant of the premises”, and also cautions that the same Section “shall not be construed to permit tourist homes, hotels, inns or similar types of transient facilities.” He questioned the legality of the proposed use of the existing residence at 20 Sharp Hill Road as a substitute for hotel lodging for corporate guests.

Also referencing the aforementioned Section of zoning regulations, Mr. Shiue cited the “transient” aspect of the proposed use of the residence.

Mr. Nerney stated that essentially a single family house may be used for lodging of a family or of up to four unrelated persons.

In response to questions about the proposed shuttle service, Mr. Amstutz explained that there will be a dedicated shuttle driver on site and on call as needed.

Mr. Granatini, from Tighe & Bond, briefly reviewed the parking situation at 195 Danbury Road, referencing a December 2012 parking survey as well as a yearly ongoing parking study that was conducted for 5 consecutive years after the site was first approved. Based

upon the foregoing studies, he affirmed that there was a pattern of under-utilization of available parking at 195 Danbury Road, thus confirming that sufficient excess parking would be available for Breitling's use as proposed.

Mr. Kent reviewed landscaping, parking and traffic circulation on the site. He stated that the applicant is asking the State for a temporary driveway entrance to the north during the construction period. He explained that there will be a 3.5-foot maximum height wall to the rear of the building in the southeast corner, and screening will be provided along the eastern property line. He also noted that site coverage will be compliant with zoning regulations.

Mr. Healy explained that existing site coverage of 57% will be increased to 65.3% where 80% is permitted, and he noted that there will not be a dumpster on the site in the future.

In response to a question from Mr. Wilson regarding the proposed building design, Mr. Amstutz explained that Breitling wishes to have the same image in the United States as it has overseas. He credited their signature style to an architect from Switzerland. Mr. Wilson felt that the proposed design seemed a bit out of character in a New England setting such as Wilton.

In response to a question regarding safe/adequate emergency egress from the proposed addition, Mr. Mallardi explained that only two exit stairs from the new building are required, and he noted that the two proposed bridges connecting to the new building provide adequate egress. He also noted that the premises are sprinklered as well.

In that regard, Mr. Healy stated that the applicant could follow up with the Fire Marshal again to confirm adequacy of egress. Mr. Kent advised the Commission that he had called the Fire Marshal several times and left messages but did not receive any response.

Ms. White noted the Tree Warden's suggestion that the two mature sycamore trees be fertilized and pruned to help them survive the construction process. Mr. Kent indicated that the applicant is willing to comply with the Tree Warden's suggestion.

Mr. Nabulsi again referenced Section 29-5.A.4.g of zoning regulations pertaining to the permitted "accommodation of not more than three roomers or boarders by the owner-occupant" on a residential property, with specific exclusion of "tourist homes, hotels, inns or similar types of transient facilities."

Mr. Healy stated that the applicant is anticipating longer-term stays at the residence, citing needs for temporary housing during training sessions, conferences, etc. He also cited one of the definitions of "family" in Section 29-2.B.49 as a "group of not more than four unrelated persons, living and cooking together as a single housekeeping unit"

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Mr. Nabulsi expressed concern that such a use, if permitted in a residential neighborhood, could change the residential character of the area. He felt that Section 29-5.A.4.g of zoning regulations was drafted to prevent this type of use from occurring.

Mr. Healy stated that he would like to look at this issue further to better address the questions raised.

Mr. Nabulsi acknowledged that a “Bed and Breakfast” is one of the uses permitted by regulations in the residential zone, leading him to question whether the proposed use could perhaps be viewed through that prism.

In that regard, Mr. Rudolph observed that “Bed and Breakfast Accommodations”, per definition #12 of zoning regulations, is an establishment “operated by a resident manager”.

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

Peter Gaboriault, Chairman of the Economic Development Commission in Wilton, stated that the Commission reviewed the application and unanimously supports it, noting that it seems to be a good use of the site. He noted further that purchasing the adjoining residential property was beneficial to the Aulenbachs since they would have been most impacted by the proposed site modifications. He concluded by noting that Breitling is the exact type of company that Wilton hopes to attract and retain in Town. He submitted into the record a letter of support from the Economic Development Commission dated February 11, 2013.

There being no further comments from the Commission or the public, at 8:24 P.M. the Public Hearing was continued until February 25, 2013.

REGULAR MEETING

A. Mr. Wilson called the Regular Meeting to order at 8:24 P.M., seated members Bufano, Gould, McCalpin, Nabulsi, Rudolph, Shiue, and Wilson, and referred to Connecticut General Statutes Section 8-11, Conflict of Interest.

B. APPROVAL OF MINUTES

1. January 14, 2013 – Regular Meeting

MOTION was made by Mr. Nabulsi, seconded by Ms. Gould, and carried (6-0-1) to approve the minutes of January 14, 2013 as drafted. Mr. McCalpin abstained.

C. SITE DEVELOPMENT PLAN REVIEW

D. ACCEPTANCE OF NEW APPLICATIONS

E. PENDING APPLICATIONS

1. SP#381, ASML US, Inc., 77 Danbury Road, Proposed addition to existing manufacturing facility

The Commission reviewed Draft Resolution #0213-1P.

The Commission expressed concerns about hours of construction and noise levels on the site, as noted by the neighbor (Mr. Burke) during the public hearing. Mr. Nerney suggested incorporating language that is typically included in resolutions of approval to address the issue of hours of construction. With respect to the noise issue, Mr. Nabulsi suggested that any approval be subject to demonstrated compliance with noise regulations that currently exist, noting concern that the total property be in compliance with such regulations.

After further discussion, it was the consensus of the Commission to continue the resolution approval until the next meeting so that the Commission will have the opportunity to review the proposed amended text prior to approval.

2. SP#382, Breitling USA, Inc., 206 Danbury Rd and 20 Sharp Hill Rd, Proposed second floor addition and additional parking

Tabled.

F. COMMUNICATIONS

1. MR#137, Grant of Easement to Yankee Gas and Conduit Installation, Danbury Road/Wolfpit Road to School Road via Wilton Center

Mr. Nerney reviewed details of the mandatory referral, noting that the Town has made significant progress with Yankee Gas on the project. He explained that the Town has been working on an agreement with private property owners regarding an easement issue over privately-owned portions of River Road that would essentially raise that portion of the roadway to the level of a public road. He noted that this issue is nearly resolved and engineering design is under way and, as a result, the Town will soon be able to assign the necessary easement rights to Yankee Gas, who has now agreed to extend the work up to School Road.

He also noted that the Town is working with Yankee Gas to widen the trenching in order to accommodate fiber optic cable for future communications enhancements between the library, municipal offices and the school complex.

The Commission was generally in favor of the project as described, but expressed reservations regarding overall safety during the proposed work. After further discussion, it was the general consensus of the Commission (5-0-2, with Ms. Gould and Mr. Wilson abstaining) to find that the proposal is not in conflict with the goals/objectives contained in the Town's Plan of Conservation and Development or any regulatory provisions, but with the aforementioned concerns for safety to be noted.

G. REPORT FROM CHAIRMAN

1. Reports from Committee Chairmen

H. REPORT FROM PLANNER

Mr. Nerney briefly updated the Commission on the John Black Lee property located in New Canaan and Wilton. Referencing his letter of January 22, 2013 to Attorney Robert Fuller, he stated that the Town has taken the position that the property is not entitled to a first cut on the Wilton side. He noted that Attorney Fuller has since withdrawn his active application from the Town of New Canaan.

Mr. Nabulsi referenced Mr. Nerney's letter of January 15, 2013 to Nancy Hadley (Mutual Housing Association of Southwestern Connecticut, Inc.) regarding Mutual Housing's hope of implementing Phase II of Wilton Commons at 21 Station Road, which will consist of an additional 23 units of congregate housing. He felt strongly that the 77-unit plan originally approved in 2007 was fundamentally different from the 51-unit plan currently being built, and therefore the developer should be required to come back before the Commission if it decides to build the incremental units onto the old plan.

Ms. Gould agreed, noting that the Town should not change its customary approval process because a particular project has community merit.

After some brief additional discussion, Mr. Wilson stated that it would be good for the applicant to come back in and review the plans with the Commission if they do decide to move forward on the additional units.

Mr. Nerney stated that he would keep the Commission advised on the matter.

I. FUTURE AGENDA ITEMS

- 1. SP#383, Redding Railroad Frozen Yogurt, LLC, 142 Old Ridgefield Road, fast food establishment without drive-in facility [P.H. March 11, 2013]**
- 2. SDP, Stop & Shop Supermarket Company, 5 River Road, proposed alternative signage program [Discussion – March 11, 2013]**

J. ADJOURNMENT

MOTION was made by Mr. McCalpin, seconded by Ms. Bufano, and carried unanimously (7-0) to adjourn at 9:17 P.M.

Respectfully submitted,

Lorraine Russo
Recording Secretary