

**CITY OF NORWALK
PLANNING COMMISSION
December 8, 2020**

PRESENT: Steve Ferguson, acting as Chair; Brian Baxendale; Tamara Shockley; Mike Mushak; Mary Peniston; Tammy Langalis

STAFF: Steve Kleppin; Bryan Baker

OTHERS: Atty Al Vasko; Davis Mangold; Tina Mangold; Vanessa Valadares; Atty Darin Callahan; Alan Lo; Michael Losasso; Brian Philips; Jessica Casey

I. CALL TO ORDER

Mr. Ferguson called the meeting to order at 6:33 p.m.

II. ROLL CALL

Mr. Kleppin called the roll. It should be noted that this meeting was held on Zoom.com with all participants calling in, separately.

III. PUBLIC HEARING

A. Subdivision #3653 – Davis and Tina Mangold – 33 Yarmouth Road – Proposed two lot subdivision

Mr. Ferguson opened the public hearing.

Atty Vasko began the presentation with a description of the property and the proposed subdivision. He noted that this was a continuation of the public hearing since several sign-offs were missing at the last public hearing. They had also been asked to provide photos of the existing house which had been built in 1908 and the applicants owned.

Davis Mangold, one of the owners of the property, provided the landscaping plan for the meeting. There would be some fruit trees and a vegetable garden. Some of the trees on the property would be preserved as well. Mrs. Mangold also discussed the lot lines and showed more pictures of the current house. There was a discussion about fixing the sidewalk and trying to save the oak tree in front of their house. They were waiting to hear from the Department of Public Works (DPW) on what to do.

There were no members of the public that spoke for or against the application.

Ms. Langalis thanked the applicants for preserving the house as well as saving the tree which helps to keep the history of the area. Mr. Baxendale agreed with Ms. Langalis

Vanessa Valadares, from DPW, noted that the applicants need to fix the footpath. It was noted that it would be smaller than a sidewalk. She noted that this was a footpath since it was smaller than a sidewalk.

Mr. Ferguson closed the public hearing.

IV. DISCUSSION AND/OR DECISION ON PENDING APPLICATIONS

A. Action on items III. A

It was noted that the applicant had received comments from the DPW on their approval which was then made a part of the resolution. There was a further discussion about an asphalt sidewalk rather than a concrete sidewalk. Asphalt sidewalk would not kill the roots of the tree. Ms. Valadares did not think asphalt or concrete would make a difference, but that they would try to save the tree. Atty Callahan, assistant corporate counsel for the city, noted that DPW would have to take a closer look at the tree and the footpath since it could be a source of liability for the city. Ms. Valadares said they would look at the plans closer and the tree may need to be removed. Mr. Mushak made suggestions on how to save the tree.

**** MR. FERGUSON MOVED: BE IT RESOLVED** by the Norwalk Planning Commission that subdivision application #3653 submitted by Davis & Tina Mangold c/o Albert G. Vasko Esq., at 5 Westmere Ave and as shown on a survey entitled "Preliminary Subdivision Utility Map of property prepared for Tina Mangold, #33 Yarmouth Road, Rowayton, Connecticut" Scale 1" = 10', dated 9/7/2020 and revised to 10/15/2020 certified "Substantially Correct" by Arcamone Land Surveyors LLC, Norwalk, CT, Wayne J. Arcamone L.S. - Connecticut Registration No. 15773 be **APPROVED** subject to the following conditions:

1. That all required soil and sedimentation controls be in place prior to any site work; and
2. That any additional soil erosion and sedimentation controls deemed necessary by the Staff be installed at the direction of the Staff; and
3. That a financial guarantee, in an amount determined by Staff, be submitted to guarantee the installation of all erosion and sedimentation controls; and
4. That a financial guarantee, in an amount determined by Staff, be submitted to guarantee the installation of the required public improvements prior to the certificate of occupancy being issued on the construction of any new dwelling; and
5. That the proposed drainage system, when installed, be maintained to work at full capacity; and
6. That the maintenance of the proposed drainage system be noted on the final subdivision map; and
7. That the maintenance the proposed drainage system be noted on all zoning permits; and
8. That all conditions listed under the memorandum from Norwalk WPCA, dated November 10, 2020 are applicable to this approval; and
9. That any and all conditions from Norwalk DPW are applicable to this approval; and
10. That a Connecticut licensed engineer submit an engineering certificate that all required drainage and utility improvements were properly installed prior to issuance of a certificate of zoning compliance; and

BE IT FURTHER RESOLVED that the sidewalk requirement not be waived; and

BE IT FURTHER RESOLVED that the conditions do not warrant the installation of new street curbs and the waiver is granted; and

BE IT FURTHER RESOLVED that the street tree requirement not be waived and that five (5) street trees be installed; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be December 18, 2020.

Mr. Mushak seconded.

Steve Ferguson; Brian Baxendale; Tamara Shockley; Mike Mushak; Mary Peniston;

Tammy Langalis approved.

No one opposed.

No one abstained.

V. DISCUSSION AND/OR DECISION ON NEW APPLICATIONS

A. 8-24 Referral #12-20 – Building Management – Naramake School kitchen/cafeteria/media center improvement project – Report & recommended action

Alan Lo began the presentation and introduced the project team. He gave a brief history of the Naramake improvement project which had been approved earlier this year.

Michael Losasso, the architect on the project, continued the presentation with an aerial photo of the existing school. It also showed the proposed changes to the school. He then described the cafeteria/auditorium space. He showed them the existing conditions of the school as well as the draft site plan.

Brian Philips continued the presentation with a discussion of the construction plan. He also discussed re-grading the site and demolition of the building. No blasting was anticipated. The commissioners did not have any questions or comments. Mr. Losasso showed them a few drawings and the various new rooms, as well as a new HVAC system. He also showed them the roof plan. There was a discussion about how many children could be seated in the new cafeteria. There was also a discussion about the library which Mr. Lo explained was not as large as it was in the past.

**** MR. FERGUSON MOVED: BE IT RESOLVED** by the Norwalk Planning Commission that 8-24 Referral #12-20 - Building Management/Board of Education - Naramake School kitchen/cafeteria/media center improvement project be **APPROVED** subject to the following reasons:

1. To implement the Plan of Conservation and Development goal to “provide new and renovated schools to alleviate overcrowding and better serve students” through the policy to “Support the facilities improvement plan for the school system” (Chapter 5: A Community Committed to Life-Long Education, pg. 84); and

2. To implement the Plan of Conservation and Development action to “Support sustained maintenance and renovation of all school” (Chapter 5: A Community Committed to Life-Long Education, pg. 92); and

3. To implement the Plan of Conservation and Development action to “Continue implementation of the NPS Strategic Plan” (Chapter 5: A Community Committed to Life-Long Education, pg. 91)

BE IT FURTHER RESOLVED that notice of this action be forwarded to the Common Council.

Mr. Mushak seconded.

Steve Ferguson; Brian Baxendale; Tamara Shockley; Mike Mushak; Mary Peniston;

Tammy Langalis approved.

No one opposed.

No one abstained.

B. 8-24 Referral #13-20 – Building Management – Disposal of City property at the intersection of West Cedar and Scribner – Report & recommended action

Alan Lo began the presentation with a description of the property which the city is now interested in selling to an abutting neighbor. The city would reserve an easement for the sewer lines. The commissioners saw a site plan of the property. There was a discussion about a walkway from West Cedar Street. Mr. Lo was not sure of DPW's future plans. It was noted that the area is congested. Mr. Lo described what he understood the property would be used for by the abutting neighbor. There was a discussion about crosswalks in the area. Jessica Casey said they could take a closer look at the crosswalks.

Mr. Kleppin reminded the Planning Commission's as to their role in this application. He also reminded the commissioners that the owner had not submitted an application yet. There was a discussion as to why the property was only sold to this owner. It was noted that the property would not be big enough for anyone else to develop and had no other value. There was a discussion about losing more green space. Mr. Mushak mentioned that he has gone to the property and cleaned it up because it is an eyesore. He thought it would be better for it to become a tax revenue generator. There was a further discussion about keeping the property as green space. Atty Callahan reminded them that there was a sewer line on the property. There was a discussion about the uses on the property especially since there had been prior violations on it.

There was then a discussion about the proposed resolution. Mr. Lo then noted the process if the Planning Commission were to put conditions on it. At this point, Mr. Ferguson recommended denying this application. Atty Callahan further explained the reasons for the easement on this property and that the city would hire an appraiser, at the applicant's cost, to determine the value of the property. Mr. Kleppin noted that the Planning Commission did not have to send a resolution if this application was going to be referred back to the Common Council committee. Mr. Lo also noted that they should vote on the resolution since it would not come back to the Planning Commission. Mr. Kleppin advised the commissioners as to their options for this application. There was a further discussion about the process on how the property would be used by the applicant. Atty Callahan made a clarification on something he had stated earlier about the procedure for the Planning Commission and the application.

**** MR. FERGUSON MOVED: BE IT RESOLVED** by the Norwalk Planning Commission that 8-24 Referral #13-20 - Building Management - Disposal of City property at the intersection of West Cedar and Scribner be **APPROVED** subject to the following reasons:

1. To implement the Plan of Conservation and Development goal “Norwalk has a diversified economy with a larger business tax base and more high-quality, good jobs for residents” (Chapter 3: Prosperity & Opportunity, pg. 54); and

2. To implement the Plan of Conservation and Development policy to “Seek to retain, grow and attract a wide range of businesses to increase Norwalk’s competitiveness and the Grand List” (Chapter 3: Prosperity & Opportunity, pg. 40);

BE IT FURTHER RESOLVED that greenspace be included on any future site development to the greatest extent practicable and that the land sold by the City is left undeveloped as open space; and

BE IT FURTHER RESOLVED that notice of this action be forwarded to the Common Council.

Mr. Mushak seconded.

Steve Ferguson; Brian Baxendale; Tamara Shockley; Mike Mushak; Mary Peniston; approved.

Tammy Langalis opposed.

No one abstained.

C. 8-24 Referral #14-20 – City of Norwalk – Conveyance and easements from the City of Norwalk to Sono TOD, LLC at 1-5 and 11 Chestnut St – Report & recommended action

Jessica Casey began the presentation by discussing an overview of the project on Chestnut Street and Monroe Street. She then showed them a site plan of the driveway easement. There was a discussion about potential traffic problems. She then showed them a rendering of where the easement would be. She then discussed the ramp easement and showed it to them on a rendering. The third easement was for sidewalk #1 and also showed it to them on a rendering. She did the same for a second sidewalk and a conveyance.

There was a discussion about the snow removal and who would be responsible for that. Atty Callahan explained that the developer would be. There was a discussion about the overlay. Ms. Valadares further explained how the easement would not be needed if it was a public road.

**** MR. FERGUSON MOVED: BE IT RESOLVED** by the Norwalk Planning Commission that 8-24 Referral #14-20 - Department of Public Works - Conveyance of Easements Sono TOD, LLC over portions of 30 Monroe Street and Acquisition of Easement and Land from Sono TOD, LLC over portion of 1 Chestnut Street per the Joint Memorandum of Jessica Casey, Steve Kleppin, Anthony Carr and Vanessa Valadares, dated November 24, 2020 be **APPROVED** subject to the following reasons:

1. To implement the Plan of Conservation and Development goal to “Improve and maintain Norwalk’s attractiveness as a business location and as a place to live for employees” (Chapter 3: Prosperity & Opportunity, pg. 54); and

2. To implement the Plan of Conservation and Development action to “Continue implementation of transit-oriented development (TOD) and a range of mixed-use opportunities for sustainable live/work/play communities in the city” (Chapter 3: Prosperity & Opportunity, pg. 57); and

3. To implement the Plan of Conservation and Development goal to “Continue to encourage the development of vibrant transit-oriented districts within walking distance of the South Norwalk, East

Norwalk, and Merritt 7 train stations. Housing near transit is important for Norwalk's economic development and revitalization goals" (Chapter 4: Housing Choice & Healthy Lifestyles, pg. 76); and

BE IT FURTHER RESOLVED that notice of this action be forwarded to the Common Council.

Mr. Baxendale seconded.

Steve Ferguson; Brian Baxendale; Tamara Shockley; Mike Mushak; Mary Peniston;

Tammy Langalis approved.

No one opposed.

No one abstained.

VI. DISCUSSION OF OTHER ITEMS

A. Industrial Zones Study Update

Mr. Kleppin said he had sent a link to the survey which has been launched and would remain up through the end of the year for residents to take. He had also approached neighborhood groups to send to their members. He would also contact churches to ask their congregations to take it. The committee will reconvene in early January. There was a discussion about the number of responses they had received.

B. South Norwalk TOD Update

Mr. Kleppin noted that this group is working on a communication plan but they are further behind the Industrial Zones committee.

VII. APPROVAL OF MINUTES: November 17, 2020

***** MR. FERGUSON MOVED** to accept the **November 17, 2020** Planning Commission minutes.

Ms. Langalis seconded.

Steve Ferguson; Brian Baxendale; Tamara Shockley; Mike Mushak; Mary

Peniston; Tammy Langalis approved.

No one opposed.

No one abstained.

VIII. 2021 MEETING SCHEDULE

The commissioners all agreed that the schedule looked fine. It was noted that an extra day had been added for the Capital Budget hearings so that the sessions would not be as long. Mr. Ferguson asked that Ms. DiMeglio receive the updated schedule.

IX. COMMENTS OF DIRECTOR

Mr. Kleppin addressed the concerns on the Bouton Street application from last month's Planning Commission meeting. He noted that DPW had already started a study on the Bouton Street area to address problems. He would update the commissioners on some of the issues in an email. Mr. Kleppin had no further comments.

X. COMMENTS OF COMMISSIONERS

Mr. Mushak thanked Mr. Ferguson for running the meeting. Mr. Ferguson thanked everyone for their patience.

XI. ADJOURNMENT

Ms. Langalis made a Motion to Adjourn.

Mr. Mushak seconded.

Steve Ferguson; Brian Baxendale; Tamara Shockley; Mike Mushak; Mary Peniston;

Tammy Langalis approved.

No one opposed.

No one abstained.

The meeting was adjourned at 9:04 p.m.

Respectfully submitted,

Diana Palmentiero