CITY OF NORWALK
PLANNING COMMISSION
September 15, 2020

PRESENT: Fran DiMeglio, Chair; Brian Baxendale; Mike Mushak; Mary Peniston; Tamara Shockley; Steve Ferguson (on the Zoom call at 6:40 p.m.)

STAFF: Steve Kleppin; Bryan Baker

OTHERS: Vanessa Valadares; Darin Callahan; Anthony Schwartz; Craig Flaherty; Paxton Kinol;

I. CALL TO ORDER

Ms. DiMeglio called the meeting to order at 6:35 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. Ms. DiMeglio noted that she had added on the top of the agenda that she reserves the right to change the order of it.

III. DISCUSSION AND/OR DECISION

A. 8-24 Referral - Department of Public Works - Acquisition of easement from the State of Connecticut concerning the Rowayton Avenue reconstruction and power project - Report & recommended action

Vanessa Valadares, from the Department of Public Works, began the presentation. She explained that this project had been started in 2016. Now that the project had ended so they would like to release the easements. Darin Callahan said that the easements would quick claim to the city and not cost anything to the city. It had been included with the cost analysis at the beginning of the project. The Planning Department did not have further comments and there were no questions from the commissioners. It was the end of a contract close-out.

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** by the Norwalk Planning Commission that the 8-24 referral made by the Department of Public Works for the acquisition of easement from the State of Connecticut concerning the Rowayton Avenue reconstruction and power project be **APPROVED** for the following reasons:

1. To achieve the Plan of Conservation and Development goal for Norwalk to have a comprehensive and balanced transportation system, with safety and multimodal accessibility the top priority of citywide transportation planning by implementing the action “Design road space for all users as feasible and appropriate for the context” (Chapter 10: Transportation & Mobility Networks, pg. 292); and

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

Mr. Mushak seconded.
Fran DiMeglio; Brian Baxendale; Mike Mushak; Mary Peniston; Tamara Shockley; Steve Ferguson approved.
No one opposed.
No one abstained.

B. 8-24 Referral - Department of Public Works - Walkbridge easement agreement at 185 Liberty Square - Report & recommended action and C. 8-24 Referral - Department of Public Works - Walkbridge easement agreement at 30 Monroe Street - Report & recommended action and D. 8-24 Referral - Department of Public Works - Walkbridge easement agreement at 15 & 60 South Smith Street - Report & recommended action

Mr. Callahan said that he would be speaking on the Walkbridge easements, items IIIB and D. He said that two of them were mitigation easements that the State needed for the Walkbridge project. It would allow them to gain access to the area. Item C is for the railroad, near Monroe Street to access where the parking starts. They were not public roads and these are temporary easements. The easements requested in Item IIIB. are temporary easements for the life of the construction projects through the completion of it. It is unclear how long the project will be. Ms. Valadares said that they need access to the railroad tracks on the New Haven side. The state thought the construction could be 6 years but it could be as long as 8-9 years. There was concern that this could go on very long and how would it be controlled so that it would not go on for too long.

Mr. Callahan said that the CT Department of Transportation (”DOT”) requested a permanent easement. However, he also said that the Public Works committee for these easements had requested they be temporary easements for the life of the project plus 10 years. Ms. Valadares said that the permanent easements were on the wetlands which the state would have to maintain. There was a discussion as to whether the easements should be temporary or permanent. The commissioners thought that it should be a temporary easement, as did the Public Works committee.

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** by the Norwalk Planning Commission that the 8-24 referral made by the Department of Public Works for the Walkbridge easement agreement at 185 Liberty Square be **APPROVED** for the following reasons:

1. To achieve the Plan of Conservation and Development goal for Norwalk to have public access to the harbor and coast by implementing the action “Plan for Liberty Square to have a publicly-accessible use and a water dependent use when it is no longer used for staging for the Walk Bridge project” (Chapter 9: Coastal Resources & Resilience, pg. 177); and

2. To achieve the Plan of Conservation and Development goal for Norwalk to have a comprehensive and balanced transportation system, with safety and multimodal accessibility the top priority of citywide transportation planning by implementing the action “Exploring innovative ways to improve transit service within Norwalk” (Chapter 10: Transportation & Mobility Networks, pg. 292); and

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

Mr. Baxendale seconded.
Fran DiMeglio; Brian Baxendale; Mike Mushak; Mary Peniston; Tamara Shockley; Steve Ferguson approved.
No one opposed.
No one abstained.

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** by the Norwalk Planning Commission that the 8-24 referral made by the Department of Public Works for the Walkbridge easement agreement at 30 Monroe Street be **APPROVED** for the following reasons:

1. To achieve the Plan of Conservation and Development goal for Norwalk to advocate for improvement of regional transportation connections, including regional trails, traffic flow on regional routes, and commuter rail, to reduce traffic congestion, pollution, and greenhouse gas emissions (Chapter 10: Transportation & Mobility Networks, pg. 296); and

2. To achieve the Plan of Conservation and Development goal for Norwalk to have a comprehensive and balanced transportation system, with safety and multimodal accessibility the top priority of citywide transportation planning by implementing the action "Exploring innovative ways to improve transit service within Norwalk" (Chapter 10: Transportation & Mobility Networks, pg. 292); and

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

Mr. Baxendale seconded.
Fran DiMeglio; Brian Baxendale; Mike Mushak; Mary Peniston; Tamara Shockley; Steve Ferguson approved.
No one opposed.
No one abstained.

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** by the Norwalk Planning Commission that the 8-24 referral made by the Department of Public Works for the Walkbridge easement agreement at 15 and 60 South Smith Street be **APPROVED** for the following reasons:

1. To achieve the Plan of Conservation and Development goal for Norwalk to advocate for improvement of regional transportation connections, including regional trails, traffic flow on regional routes, and commuter rail, to reduce traffic congestion, pollution, and greenhouse gas emissions (Chapter 10: Transportation & Mobility Networks, pg. 296); and

2. To achieve the Plan of Conservation and Development goal for Norwalk to have a comprehensive and balanced transportation system, with safety and multimodal accessibility the top priority of citywide transportation planning by implementing the action "Exploring innovative ways to improve transit service within Norwalk" (Chapter 10: Transportation & Mobility Networks, pg. 292); and

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

Mr. Baxendale seconded.
Fran DiMeglio; Brian Baxendale; Mike Mushak; Mary Peniston; Tamara Shockley; Steve Ferguson approved.
No one opposed.

No one abstained.

G. Subdivision #3651 - Maria Mora and Bernal Mora-Acuna - 18 and 20 Katy Lane - Proposed two lot subdivision - Preliminary review

Anthony Schwartz began the presentation with a description of the project which was a subdivision. It meets all of the city's requirements. It had previously been a 2 lot division which had been joined. Now they were requesting a subdivision. Mr. Baker showed the commissioners the site plan and explained the subdivision further. There will not be any sidewalks or street trees but will install curbs. They are waiting for an approval from DPW and the application will have to go to a public hearing. It is a private road. There was a discussion about whether they should waive the sidewalks. On the public side of Katy Lane there are sidewalks. There was also a discussion about street trees and who owns the private road. There was then a discussion about the date of the public hearing which would be on the Planning Commission's October agenda. The commissioners did not have further questions.

E. Zoning Commission Referral - #2-20M - Route 7 and Maple LLC - 24 Berkeley Street - Proposed change to the zoning map from AAA Residence to Central Business District and D Residential - Report & recommended action and F. Zoning Commission Referral - #3-20R - Route 7 and Maple LLC - 24 Berkeley Street - Proposed amendments to revise the Central Business District schedule for maximum height on Maple Street - Report & recommended action

There was a concern about the zone change. Craig Flaherty began the presentation. He noted that his client had made the staff aware that they were interested in the property. He then began showing the commissioners some slides which included 5 townhomes on the empty lot. He then oriented the commissioners as to the location of the property on an aerial map. He gave a history of the property which was owned by the DOT. He also showed them pictures of the area from 1965 and 1970 as well as the current condition. He then explained the zone change and how they were adding it to the current zone. There would be a height limitation. It is adjacent to the Norwalk River Valley Trail.

There was a discussion about the renderings which did not show the surrounding area. Mr. Flaherty referred to several sections of the Plan of Conservation and development (POCD) which support this application. There was a discussion as to whether this was a Transit Oriented Development (TOD) and whether this was near an employment center, including Norwalk Hospital. There was a discussion as to whether it would be subject to affordable housing units but it would not since there are only 5 units. It was also noted that during the pandemic many more people were seeking single family living. There was also a discussion about whether these were condos or rentals.

Paxton Kinol continued the presentation with an explanation of his company as well as how they had arrived at developing these townhouses. He noted that 3 bedroom rentals in some of his developments have become very expensive because there are not enough of them. He said that he believes in affordable housing and helped to write the regulations in Stamford. He would include 3 bedroom affordable units in the future, in areas that they would be allowed. There was a discussion as to the rental from $2600- $3600 in his Waypointe project. There was a further discussion as to whether they could be condominiums. Mr. Kinol said that it was not possible to get financing for condominiums at this time. He also discussed the condominium laws in CT. They could become condos later. He also noted that they were trying to build a higher quality development.

The commissioners then added their comments about the application. There was a discussion about having more green space at this development. Mr. Kinol noted that there was more demand for 2-3 bedrooms in Norwalk. Several commissioners said they supported the project. There was a discussion about having one of the units for middle income residents. Mr. Kinol said he has built many units of below market rate housing for Norwalk. He said that they would have another application which would include below market rate housing. There was a discussion about developers lobbying the laws to allow more condominiums. There was also a discussion about more creativity in building affordable housing. There was a discussion about whether one of the 3 bedroom units could be rented by employees of Norwalk Hospital. There was a discussion about the obligations of the Planning Commission on this application.

Mr. Kinol noted that they had done a survey of the Waypointe development and many were at Norwalk Hospital. He also said that his company would have another application before the Commission before the end of the year. They had discussed these townhomes with the staff and needed their support so they could bring more like them to Norwalk.

Before the voting, it was again noted that the renderings should be more realistic looking.

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** that #2-20M – Zoning Commission – Route 7 and Maple LLC - 24 Berkeley Street - Proposed change to the zoning map from AAA Residence to Central Business District and D Residential - Report & recommended action, be **APPROVED.**

BE IT FURTHER RESOLVED that the reasons for this action are to implement the Plan of Conservation and Development:

1. To achieve the Plan of Conservation and Development goal for Norwalk to "Support housing policies that promote higher-density housing near existing and future employment centers and availability of public transportation," (Chapter 4: Housing Choice & Healthy Lifestyles); and

2. To achieve the Plan of Conservation and Development goal for Norwalk to "Promote diverse housing types, such as townhouses, condos, live-work units, and rental apartments in Norwalk's urban core, at transit-oriented locations and in mixed-use clusters on major corridors, in village districts when appropriate, and through redevelopment," (Chapter 4: Housing Choice & Healthy Lifestyles); and

BE IT FURTHER RESOLVED that notice of this action be forwarded to the Norwalk Zoning Commission.

Mr. Ferguson seconded.
Fran DiMeglio; Brian Baxendale; Mike Mushak; Mary Peniston; Steve Ferguson approved.
No one opposed.
Tamara Shockley abstained.

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** that #3-20R – Zoning Commission – Route 7 and Maple LLC - 24 Berkeley Street - Proposed amendments to revise the Central Business District schedule for maximum height on Maple Street, be **APPROVED.**

BE IT FURTHER RESOLVED that the reasons for this action are to implement the Plan of Conservation and Development:

1. To achieve the Plan of Conservation and Development goal for Norwalk to “Support housing policies that promote higher-density housing near existing and future employment centers and availability of public transportation,” (Chapter 4: Housing Choice & Healthy Lifestyles); and

2. To achieve the Plan of Conservation and Development goal for Norwalk to “Promote diverse housing types, such as townhouses, condos, live-work units, and rental apartments in Norwalk’s urban core, at transit-oriented locations and in mixed-use clusters on major corridors, in village districts when appropriate, and through redevelopment,” (Chapter 4: Housing Choice & Healthy Lifestyles); and

BE IT FURTHER RESOLVED that notice of this action be forwarded to the Norwalk Zoning Commission.

Mr. Ferguson seconded.
Fran DiMeglio; Brian Baxendale; Mike Mushak; Mary Peniston; Steve Ferguson approved.
No one opposed.
Tamara Shockley abstained.

The commissioners thanked Mr. Kinol for his consideration of the commissioner's comments about building additional affordable housing in Norwalk. Mr. Mushak thanked Ms. Shockley for her advocacy in wanting more affordable housing in Norwalk.

IV. DISCUSSION OF OTHER ITEMS

A. Industrial Zones Study update

Mr. Kleppin said that there had been a meeting in August. There would be work on an outreach plan. It was still early in the process. It should be done by June, 2021.

V. APPROVAL OF MINUTES: August 24, 2020; September 1, 2020

*** **MS. DIMEGLIO MOVED** to accept the **August 24, 2020** Planning Commission minutes.
Ms. Shockley seconded.
Fran DiMeglio; Brian Baxendale; Mike Mushak; Mary Peniston; Steve Ferguson; Tamara Shockley approved.
No one opposed.
No one abstained.

*** **MS. DIMEGLIO MOVED** to accept the **September 1, 2020** Planning Commission minutes, as revised.
Mr. Baxendale seconded.
Fran DiMeglio; Brian Baxendale; Mike Mushak; Mary Peniston; Steve Ferguson; Tamara Shockley approved.
No one opposed.
No one abstained.

VI. COMMENTS OF DIRECTOR

Mr. Kleppin discussed them having a separate meeting to adopt the East Avenue TOD Plan meeting. He suggested the week of September 28. He noted that the Planning Committee of the Common Council would hold a public hearing. There was a discussion about Mr. Baxendale speaking at this meeting. Mr. Mushak would also speak at this meeting but not represent the Planning Commission. However, he would like to explain the comments of the Planning Commission.

Ms. DiMeglio had asked Mr. Kleppin to get a legal opinion from the city’s corporation counsel about this. Mr. Kleppin explained the opinion and said that since the Planning Commission had already opined and voted on it, Mr. Mushak could do so. He would be able to speak as a private citizen. Mr. Mushak believed that there was a lot of misinformation and would like to explain publicly what they had reviewed in reaching their decision. He would explain why the Plan would be good for Norwalk and would speak as a private citizen. There was a discussion about Mr. Kleppin to communicate to John Kydes that Mr. Mushak and Mr. Baxendale would speak as private citizens. There was a discussion about whether there was a conflict of interest. Ms. DiMeglio asked Mr. Kleppin to go back to the Law Department. She thought that the commissioners should not be speaking but wanted further clarification. Mr. Kleppin noted that the commissioners could have voted on the East Avenue TOD Plan at the last meeting. Ms. DiMeglio said they would vote at the next special meeting and again asked for an opinion from ATty Brian McCann.

VII. COMMENTS OF COMMISSIONERS

There were no comments from the commissioners.

VIII. ADJOURNMENT

Mr. Mushak made a Motion to Adjourn.
Mr. Baxendale seconded.
Fran DiMeglio; Brian Baxendale; Mike Mushak; Mary Peniston; Steve Ferguson; Tamara Shockley approved.
No one abstained.

The meeting was adjourned at 8:38 p.m.

Respectfully submitted,

Diana Palmentiero