

**CITY OF NORWALK
PLANNING COMMISSION
July 14, 2021**

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

STAFF: Steve Kleppin (arrived at 6:10 pm); Michelle Andrzejewski

OTHERS: Atty Liz Suchy; Steve Santacroce; Atty Adam Blank; Kevney Moses; Tod Bryant

I. CALL TO ORDER

Ms. DiMeglio called the meeting to order at 6:08 p.m.

II. ROLL CALL

Ms. Andrzejewski 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 would make a few changes to the agenda.

III. PUBLIC HEARINGS

**A. Subdivision #3655 – A 1Z7 LLC & Bouton Development LLC – 174, 176 and 176 ½
Bouton Street – Five (5) lot subdivision – Report & recommended action**

Ms. DiMeglio opened the public hearing. Atty Suchy thanked the returning Planning Commissioners who had been reappointed earlier that day. She also consoled Commissioner Shockley who had recently had an oil tank issue in her home. She introduced the project team and noted that the return receipt cards, evidencing notice of the public hearing to the neighbors, had been turned into the staff. She then oriented the commissioners as to the location of the property on the site plan. She showed them the existing conditions. She explained the dimensions of the new lots and that sidewalks and street trees would be installed. She discussed the approvals that they had received from different agencies. The applicant would also have to attend another public hearing before the Water Pollution Control Authority (WPCA) which was a new policy. A new stormwater management plan had been proposed.

Steve Santacroce, the engineer on the project, continued the presentation with a description of the new stormwater management program by showing it to them on the site plan. He noted that there would be 5 lots and showed the high points of the lots. He then showed them the flow of the water and how the system would work on the property. He also discussed the soil erosion plan and the proposed landscaping plan. He noted that there would be a retaining wall. He also explained the proposed sewer system.

There was a discussion about the process for the public hearing before the WPCA. Atty Suchy did not see a problem with obtaining an approval from them but would return before the Planning Commission if need be. Ms. DiMeglio asked that the erosion controls be maintained so as not to upset the neighbors as work was being completed. Atty Suchy said that she would make sure that the applicant

was aware of that. There was a further discussion about the retaining wall as well as issues about drainage on Bouton Avenue.

No one spoke in support or against the application. There was some discussion on language in the resolution. There was also a discussion about the development of the lots as to price of homes, etc. Mr. Mushak said that he supported the application. Ms. DiMeglio asked that the number of trees be changed in the resolution.

**** MS. DIMEGLIO MOVED: THEREFORE BE IT RESOLVED** by the Norwalk Planning Commission that Subdivision #3655 – A 1Z7 LLC & Bouton Development LLC – 174, 176 and 176 ½ Bouton Street – Five (5) lot subdivision be **APPROVED** subject to the following conditions:

1. That the site be developed in accordance with the following plans:
 - a. Per site plans (SP-0 – SP-7) entitled “Proposed Resubdivision 176-174 Bouton Street” prepared by Rose, Tiso & Co. LLC, dated 3/24/21 and revised to 6/23/21; and
2. That a mylar map of the approved subdivision be filed on the Norwalk Land Records prior to the issuance of a zoning permit; and
3. That all CEAC signoffs are submitted prior to the mylar map being filed on the Norwalk Land Records; and
4. That all required soil and sedimentation controls be in place prior to any site work; and
5. That any additional soil erosion and sedimentation controls deemed necessary by the Staff be installed at the direction of the Staff; and
6. That a financial guarantee, in an amount determined by Staff, be submitted to guarantee the installation of all erosion and sedimentation controls; and
7. 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
8. That the proposed drainage system, when installed, be maintained to work at full capacity; and
9. That the maintenance of the proposed drainage system be noted on the final subdivision map; and
10. That the maintenance the proposed drainage system be noted on all zoning permits; and
11. That all conditions required by the Norwalk WPCA in regard to the proposed sewer extension are applicable to this approval. Should the sewer extension be denied by WPCA, the applicant shall submit revised plans to the Planning Commission for their approval; and
12. That any and all conditions from Norwalk DPW are applicable to this approval; and
13. That any and all conditions from Norwalk TMP are applicable to this approval; and

14. 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 street curbs requirement not be waived; and

BE IT FURTHER RESOLVED that the street tree requirement not be waived and that ten (10) street trees be installed; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be July 23, 2021.

Mr. Mushak seconded.

Fran DiMeglio; Tamara Shockley; Tammy Langalis; Brian Baxendale; Steve Ferguson; Mike Mushak; Mary Peniston approved.

No one opposed.

No one abstained.

IV. DISCUSSION AND/OR ACTION ON APPLICATIONS

A. Zoning Commission Referral - #2021-16 R – Workforce Partners, LLC – 132 Flax Hill Road – Proposed text amendment to eliminate required area for historic preservation eligibility in the D Residence Zone – Report & recommended action

Atty Adam Blank began the presentation with an introduction of the project team. He then explained the current D zone regulations as they applied to historical structures. The applicant was requesting the elimination of the minimum lot size in the D Zone. It would encourage all historic preservation in the D Zone. He showed them the current regulations. He showed them pictures of homes in the zone that would be affected by this change. The Historic Commission voted in support of it.

There was a discussion about how the regulation would affect a home on the historic preservation list. Atty Blank explained how it currently worked. There was a discussion about why some structures were on the historic preservation list. Tod Bryant explained how they made the list. He explained that there were 3 different lists, one on a national level, state level and local level. There was a discussion about the business of the applicant, Workforce Partners. Kevney Moses explained which other buildings they owned on the same street and the types of units on the property. There was a concern about adding more units in an already dense zone. Ms. Langalis wanted them to be preserved but not add density. There was a discussion about the number of parking spaces on sites. Mr. Moses noted that developers would like to improve the buildings and make them more livable. There was also a discussion about what would happen as of right on some of the lots. Atty Blank noted that the buildings could be demolished and not preserved. Mr. Mushak said that he would support this application. There was a discussion about changing an historic building. Mr. Moses noted which portions of a structure would remain. There was then a discussion of the current structure on the property, which had 3 units.

There was a discussion about 138 Flax Hill and the number of electric meters. Mr. Moses noted that one unit had been decommissioned so there were now 7 units, not 8 units. It was noted that there is no street parking currently. There was then a discussion about the repairs to be done to some buildings. Atty Blank reminded them that the only application before the Planning Commission was not before them at this meeting. Ms. DiMeglio noted that she would not be supporting this proposed text amendment.

There was a discussion about whether a more dense building could be built on some of these lots. Mr. Kleppin said it would be much easier to demolish and that it was possible. Mr. Mushak explained why the commission should support it since it already applies for larger properties. It also supported the Plan of Conservation and Development (POCD). There was a discussion about whether there would be more density if they denied this application. There was also a discussion about their application before the Historical Commission. Atty Blank said that the special permit application had been approved by them.

Mr. Bryant explained the changes to restore it to what it originally looked like. He also explained how the Historical Commission came to their decisions. There was also a discussion about the reduction of parking spaces and amenity space. Atty Blank noted that they could not do this project without the text change because of the size of the lot. He also noted that there were waivers and that there was a recreation area required. Atty Blank explained what it was. There was a discussion about the occupants in the building. Mr. Moses said there was no one living in the building currently. Atty Blank reminded them that there were other developments in the surrounding area that had no recreation areas. Mr. Moses showed them a picture of 138 Flax Hill and its landscape areas that would be shared with 132 Flax Hill.

Ms. DiMeglio said she was not comfortable with the application and then asked the commissioners for their vote. Mr. Mushak said that he had supported it and had not meant to say Ms. DiMeglio's decision was "irrational" when the Historical Commission had unanimously approved it. He thought it would be a good way to preserve the neighborhood. Ms. Peniston said she would support the change in the language. Ms. Shockley said she would support the change as well and that it is the type of housing the city needs. Mr. Baxendale said that he would support it and it was in line with the POCD. Mr. Ferguson asked if the building was on the historic preservation list. Mr. Bryant said that it was. He also asked if there was anyone living in the building which Atty Blank said there was not. There was a further discussion about the different types of units. Mr. Moses said there would be a shared recreation area with the adjacent building. There was a discussion about the number of parking spaces. Mr. Ferguson said he would vote for it, with a clarification of the parking. Ms. DiMeglio asked Mr. Kleppin for a summary of the text amendment.

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** by the Norwalk Planning Commission that Zoning Commission Referral - #2021-16 R/SP – Workforce Partner, LLC – 132 Flax Hill Road – Proposed text amendment to eliminate required lot area for historic preservation eligibility in the D residential zone 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 "Preserve the integrity and character of historic structures, historic landscapes, and cultural resources sites within the City of Norwalk." (Chapter 6: Preserving & Promoting Our Historic Heritage, Arts & Culture); and
2. To achieve the Plan of Conservation and Development goal that "Develop a historic Preservation Plan to establish policies, practice, and criteria for preservation of buildings and sites important to the history of Norwalk." (Chapter 6: Preserving & Promoting Our Historic Heritage, Arts & Culture); and
3. To achieve the Plan of Conservation and Development for Norwalk to "Revise zoning and development regulations to promote preservation and adaptive reuse of historic structures." (Chapter 6: Preserving & Promoting Our Historic Heritage, Arts & Culture); and

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

BE IT FURTHER RESOLVED that the effective date of this approval shall be July 23, 2021.

Mr. Mushak seconded.

Fran DiMeglio; Tamara Shockley; Tammy Langalis; Brian Baxendale; Steve Ferguson; Mike Mushak; Mary Peniston approved.

No one opposed.

No one abstained.

B. Zoning Commission Referral - #2021-28 – Zoning Commission – Moratorium on self-storage and wholesale distribution uses in the Industrial #1 Zone and Restricted Industrial Zone – Report & recommended action

Ms. DiMeglio noted that Mr. Baxendale had sent a memo to all the commissioners about what he would like to speak about at this meeting. Ms. DiMeglio noted that they had also received an email from East Norwalk Neighborhood Association (ENNA) the previous evening. She noted that they had wanted to exclude storage facilities on this moratorium. Mr. Kleppin explained what the moratorium would entail. There was a discussion about the process of the industrial zones study. The regulations would be in place in early 2022. There was a discussion about the moratoriums in the city. If they were to add uses then the public hearing would have to be re-noticed. There was a concern about regulating an industry in the city. There was then a discussion about the industries in certain areas and what was necessary.

Mr. Kleppin then showed the commissioners the language for the moratorium. There was a discussion about what would be accomplished with the moratorium. There was a discussion about broadening the moratorium.

Ms. Langalis believed that the proposed industrial zones study was almost done but wondered why they were contemplating a moratorium. Mr. Mushak did not understand why only 2 industries were picked but understood that the self storage industry was not a great use of land. He thought that the market was saturated at this time. He said he would support the moratorium. Ms. Shockley thought that they had the authority to put a moratorium on 2 industries. Ms. DiMeglio reminded her that this was a referral from the Zoning Commission. Mr. Ferguson asked questions about the locations for the moratorium and whether there would be any better uses in those areas. Mr. Kleppin said that the study would find that.

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** that #2021-28 R- Zoning Commission – Proposed amendments to §118-700 and §118-711 of the Building Zone Regulations to place a temporary moratorium on self-storage facilities and distribution facilities in the I1 Zone as well as distribution facilities in the RI Zone, be **APPROVED**.

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

1) Chapter 3, Goal 2Aiii. Study industrial zoning and update zoning and land use regulations to allow and encourage a wider set of uses in targeted industrial zones, focused on market opportunities in warehouse/logistics, brewing/distilling, artist/artisan uses and other light industrial uses that do not have detrimental externalities on nearby areas; and

2) Chapter 12, Goal 3Aii. Prepare a study to evaluate the industrial zoning districts against modern industrial requirements, market demand, future trends, and economic development goals. Create refined performance standards and update the use table (e.g. allow by-right warehouse and wholesale distribution facilities, boutique manufacturing, clean industry, etc.); and

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

Mr. Ferguson seconded.

Fran DiMeglio; Tammy Langalis; Brian Baxendale; Steve Ferguson; Mike Mushak approved.

Tamara Shockley opposed.

Mary Peniston abstained.

V. APPROVAL OF MINUTES: May 12, 2021; June 9, 2021

Since the commissioners had not received copies of the minutes, these would be held over to the next Planning Commission meeting.

VI. COMMENTS OF DIRECTOR

Mr. Kleppin had no further comments.

VII. COMMENTS OF COMMISSIONERS

Ms. DiMeglio congratulated Mr. Baxendale, Mr. Ferguson and Ms. Langalis for being re-appointed to the Planning Commission that day. She then announced that there would be a public hearing on July 20, 2021 about the merger of the Planning and Zoning Commissions.

Ms. Shockley said she had comments about the May 2021 memo from Mr. Kleppin on condominiums. She said that she felt it was biased to the side of the developers. She said she expected information from renters and condo owners. Mr. Kleppin said that it was not possible to survey them. Ms. Shockley said that she did not understand why there were not more condominiums being built in Norwalk. Mr. Kleppin explained that the city cannot regulate condominiums vs. rentals. She explained that she did not want to read only the perspective of the developers, but rather, potential owners/renters. Mr. Ferguson noted that there may be a special formula to help first time home buyers and would be happy to work with Ms. Shockley on that. Mr. Kleppin said that the city could not tell developers to build rentals or condominiums.

VIII. ADJOURNMENT

Ms. DiMeglio made a Motion to Adjourn.

Ms. Langalis seconded.

Fran DiMeglio; Tamara Shockley; Tammy Langalis; Brian Baxendale; Steve Ferguson; Mike Mushak; Mary Peniston approved.

No one opposed.

No one abstained.

The meeting was adjourned at 9 p.m.

Respectfully submitted,
Diana Palmentiero