

**CITY OF NORWALK
PLANNING COMMISSION
March 10, 2021**

PRESENT: Fran DiMeglio, Chair; Tamara Shockley; Mary Peniston; Tammy Langalis; Mike Mushak; John Lesko; Brian Baxendale; Steve Ferguson (arrived after roll call at approximately 6:25 pm)

STAFF: Steve Kleppin; Bryan Baker

OTHERS: Atty Liz Suchy; Harry Rocheville; Garrett Friedrichsen; Sarah Waters; Jenny Stanton; Robyn Kammerer; Lisa Chu; Vanessa Valadares; Ken Hughes; Craig Flaherty; Tod Bryant; Ken Boroson; Anthony Gaglio, Sr.;

I. CALL TO ORDER

Ms. DiMeglio called the meeting to order at 6:03 p.m.

II. ROLL CALL

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

III. PUBLIC HEARINGS

A. Subdivision #3654 – Estate of Dorothy Newman – 10 Range Road – Proposed two (2) lot subdivision

Before Ms. DiMeglio opened the public hearing, she asked that comments from the public, on the day of a public hearing, be received earlier so that the commissioners could review them. She suggested that there should be a deadline. Mr. Kleppin said that the emails that had been sent were requesting sidewalks on this application. There was a discussion about setting a deadline of 3 pm on the day of the public hearing. Mr. Kleppin reminded them that the comments could still come in since it is a public hearing. Ms. DiMeglio asked that the bulk of the comments be sent earlier. There would be a further discussion later as well.

Ms. DiMeglio asked the applicant's attorney, Atty Liz Suchy, about the public's comments requesting sidewalks. Atty Suchy noted that the waiver was requested for Range Road since there are no curbs and sidewalks on Range Road.

Atty Liz Suchy began the presentation by introducing the project team including the executors of the estate. She noted that the certified, return receipt cards had been delivered to the Planning Department staff that morning. She then oriented the commissioners as to the location of the property. She then gave a brief history of the application. She noted that a free cut was not possible for this lot, thus, the application was submitted. She showed them a site plan of the lot. The applicant did not require any variances and all approvals had been received.

Harry Rocheville, the engineer on the property, continued the presentation with a description of the proposed drainage system.

There was a discussion about the sidewalks on the proposed site plan. Mr. Rocheville showed them the current sidewalk on Witch Lane. There was also a discussion about who the developer would be and whether they would be clear cut. It was noted that there are a lot of large oak trees on the property and whether they could be saved. There was a discussion about the ingress on one of the lots Atty Suchy said it was the legal access to the property.

There was then a discussion about the waiver for the sidewalks and curbs. The sidewalks can be connected to others as lots are divided and redeveloped. It was noted that Norwalk residents wanted to see more walkability in the city. There was a discussion about the waiver and whether it was for both Witch Lane and/or Range Road. There was a discussion about whether the commissioners had discretion to deny the subdivision if it met all zoning regulations. There was then a discussion about the voting process for this application. Atty Suchy noted that the commissioners could exercise discretion over the waiver since it is separate from the subdivision application. They are not tied together.

Garrett Friedrichsen, 11 Crooked Trail, spoke about Schedule A of the application and noted that there are several mistakes on it. He asked that the commissioners ask the applicant to fix the mistakes in it, in writing. He also asked that the sidewalks be left in good condition.

There was a discussion as to why the application was stated for Range Road when the driveway was on Witch Lane.

Sarah Waters, 152 Witch Lane, noted her concerns about child safety in the area and asked that sidewalks be constructed. She also noted that old trees would be cut down. She explained why she thought that sidewalks were important. She said that she had written a letter as well.

Jenny Stanton, 73 Highland Avenue, spoke in support of sidewalks on Range Road.

Robyn Kammerer, 19 Gilbert Hill Road, noted that she had written a letter about the sidewalks. She also asked whether the developer was the same developer for other lots in the area. She explained why she thought sidewalks were important.

Lisa Chu, 76 Witch Lane, which was across from the lots, spoke in support of sidewalks including those on Range Road. She said it was a safety issue. She had also sent a letter.

Sarah Waters was allowed to speak again. She noted that the sidewalks on Witch Lane should be widened and that there should be sidewalks on Range Road.

Atty Suchy noted that the applicant would withdraw the waiver for the sidewalks. She also addressed the inconsistencies in the application. She noted which lots were part of the application. The application complied with the requirements in accordance with A lot.

Ms. DiMeglio closed the public hearing.

IV. DISCUSSION AND/OR ACTION ON APPLICATIONS

A. Decision on item III. A.

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** by the Norwalk Planning Commission that subdivision application #3654 submitted by Wendy Bardos and Barbara MacDonald c/o Elizabeth A.B. Suchy Esq., for a two (2) lot subdivision at 10 Range Road and as shown on plan entitled "Subdivision Lots A1 and A2 Prepared for Barbara B. MacDonald, Wendy Bardos, H. Michael Newman, and Dorci Trembly, Norwalk, Connecticut, Scale 1"= 20' dated December 17, 2014" and certified "Substantially Correct" by Ryan and Faulds, Redniss & Mead Company, Douglas R. Faulds- Connecticut Registration No. 13292 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 prior to issuance of a zoning permit; 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 the proposed drainage system be noted on all zoning permits; and
7. That all conditions listed under the memorandum from Norwalk WPCA be applied, dated January 27th, 2021; and
8. That all conditions from Norwalk DPW are applied to this approval, dated January 29th, 2021; and
9. 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
10. That the street trees be installed Per Sec. 3.38 of the Norwalk subdivision regulations; and
11. The final subdivision survey be filed on the Norwalk Land Records prior to the issuance of a zoning permit; and

BE IT FURTHER RESOLVED that the applicant withdrew their request to waive the sidewalks and curbing that the commission finds that the installation of the sidewalks and curbing on Range Road is necessary.

BE IT FURTHER RESOLVED that the effective date of this approval shall be March 24th, 2021.

Mr. Lesko seconded.

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

No one opposed.

No one abstained.

B. #02-2021 - 8-24 Referral – DPW – 288 Highland Avenue - Brien McMahon athletic field conversion – Report & recommended action

Ms. Valadares noted that she was speaking for the Department of Public Works (“DPW”). She explained the project by noting that the turf would be changed, the orientation of the layout would be changed and a variance had been obtained for the lighting. The field would be used for different sports including lacrosse and field hockey.

There was a discussion about concession stands and bathrooms. Ken Hughes noted that there were restrooms in the athletic complex. There was a discussion about the lighting which was facing the field and not residential homes. There was a further discussion about some lighting that was bleeding, but Ms. Valadares said it would not affect Highland Avenue. There was a discussion as to whether this was the girls’ softball field. There was then a discussion about the funding for this project. Mr. Baker noted that the Capital Budget process had not been completed. Ms. Valadares noted that they were in the process of permits since that took awhile, under the assumption that they would be receiving the funds. There was a discussion about the timing of this construction. Ms. Valadares said it would be about 9 months. During the winter, not much work could be done. There was a discussion about the city receiving competitive bidding. There was then a discussion about the flag pole not being hidden.

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** by the Norwalk Planning Commission that 8-24 Referral #02-21 - Department of Public Works - 288 Highland Avenue - Brien McMahon athletic field conversion be **APPROVED**.

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

1. To implement the Plan of Conservation and Development goal that “Norwalk aims to have the best city park and recreation system in Connecticut” (Chapter 7: Enhancing Open Space, Park, Trail & Recreation Systems); and
2. To implement the Plan of Conservation and Development policy to “Norwalk’s infrastructure and public facilities are resource-efficient, well-maintained, cost-effective, sustainable and resilient” (Chapter 11: Public Facilities, Infrastructure & Services); and

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

Mr. Baxendale seconded.

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

No one opposed.

No one abstained.

C. Zoning Commission Referral – 2021-04 R/SP/CAM – 3 East Wall Street Associates – 3 East Wall Street – Proposed building zone regulations text amendment to allow historic preservation developments in the East Avenue Village District by special permit – Report & recommended action

Before Mr. Flaherty began the presentation, Ms. DiMeglio noted that on a prior application on Richards Avenue, the Planning Commission had approved the text amendments. However, the Zoning Commission changed the text after they received the Planning Commission's referral. For future applications, Ms. DiMeglio believed that the changes should be returned to the Planning Commission for review. Mr. Kleppin noted that he had sent a request to Corporation Counsel for advice. He also suggested that minor changes would not be returned to the Planning Commission but major changes would be. Ms. DiMeglio asked how this would be decided. There was a discussion about the prior application on Richards Avenue.

Craig Flaherty began the presentation with an introduction of the project team. There was a discussion about whether the commissioners had received the application which had been filed in January 2021. He showed them a prior successful project. He then oriented the commissioners as to the location of the property on an aerial map. He showed them the current manor house. The Norwalk Historical Commission approved their application as well as the Harbor Commission.

Tod Bryant, as a paid consultant for the applicant, spoke about the history of the property which was built about 1870. As he discussed the history, he showed them various photos of the building. He then discussed the stable behind the house and showed them pictures of it. He then discussed the color scheme that would be appropriate for the era, including paint archaeology. Different paints would be taken from the house to determine the original paint colors.

Mr. Flaherty then showed them a picture of the current property and explained that much of it had to be replaced and rehabilitated. They would replace the slate roof, balustrades on the porch etc. He then showed them the renderings of what would be built behind the house which would be 2 stories of apartments over parking. Mr. Bryant noted that the Historical Society would do events in this area. Mr. Flaherty then discussed the text amendment language that the applicant was requesting. He discussed the density increase and building coverage. There was also a discussion that the workforce housing regulations should be applied in this zone. He then explained how the proposed text amendment changes met the goals of the POCD. He also discussed how the text regulation could affect other properties in this zone. The applicant also did a study of which these regulations could affect.

There was a discussion about the number of bedrooms in the unit and the range of rents for the workforce housing units. The number of bedrooms were 1.5 bedrooms and the rental range would be approximately \$1200 per month. There was also a discussion about the number of parking spaces. There would be a common gym.

There was a discussion about the applicant's prior application on Elmcrest. The actual construction did not seem to match the project renderings. Mr. Ferguson said that he took offense to one of the images used, which showed an African American, with a child in a horse-drawn carriage, in front of the stable. Mr. Bryant said it had not meant to be offensive. There were not many images which showed the stable doors and he said it came from the public library.

Mr. Boroson addressed the renderings for this project which showed the units behind the main house. It was a different scale than on Elmcrest. Ms DiMeglio noted that the Planning Commission would like to see renderings that show what it would look like in the neighborhood.

Ms. Shockley noted that she supported Mr. Ferguson's comments. Mr. Gaglio apologized for the photo and his group. Ms. Shockley also asked that the applicant understand its audience in the future. Ms. Shockley also had concerns about the potential increase of traffic with the number of units and also

questioned why there was a waiver of the drainage. Mr. Flaherty addressed all of Ms. Shockley's comments. He noted that they were not requesting a waiver of the drainage and were complying with the city's requirements. The applicant had also received several approvals from departments such as the DPW and Water Pollution Control Authority ("WPCA"). He reminded the commissioners that they were voting on the text amendment changes but would also show them the renderings and elevations of the buildings.

There was a discussion about the green area which Mr. Flaherty said was on the landscape plan. They also showed them the renderings of the inside of the residential units. There was a discussion about whether the design would compliment the historical nature of the original house. Mr. Boroson explained how it would take cues from it.

There was a discussion about the 1.5 bedroom units and why they were not 2 bedroom units. There was then a discussion about the density and the parking spaces derived from these units. There was a discussion about the landscaping plan and how important it was. It was noted that these are rental units.

There was a discussion about the text amendment change and which properties would be affected. There was a discussion about how much land could be used and how many units in the project.

Ms. DiMeglio noted that the staff memo said it was compatible with zoning regulations. Under the current regulations, only 18 units could be built. Mr. Kleppin noted what other uses could be on the property. He also said that the house could be demolished. It was also noted that there would be a public hearing before the Zoning Commission.

Mr. Kleppin noted that there could be a new definition for historical preservation so that it could be used in other zones as well. Mr. Flaherty read from the traffic analysis which had been completed by their traffic consultants.

Mr. Mushak said he would support this application. He noted several reasons for this. Mr. Lesko said he would recuse himself from the vote but had wanted to make a few comments. Mr. Kleppin did not think it was a good idea. He said Mr. Lesko could make a comment at the Zoning Commission public hearing. Mr. Ferguson had concerns about the project and the corridor that it is in. The traffic was a concern.

Ms, DiMeglio said she was concerned about the curve to go down to the parking lot. She supported the preservation of the building.

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** by the Norwalk Planning Commission that Zoning Commission Referral - #2021-04 R/SP/CAM - 3 East Wall Street Associates - 3 East Wall Street - Proposed building zone regulations text amendment to allow historic preservation developments in the East Avenue Village District by special permit, 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 "Expand workforce housing options, including conducting a citywide housing study and reviewing the existing workforce housing

regulations, to allow more employees to live in Norwalk and avoid costly commutes from distant locations.” (Chapter 3: Prosperity & Opportunity); and

2. To achieve the Plan of Conservation and Development goal that “Norwalk has a neighborhood and housing strategy that maintains a variety of neighborhood types and housing choices through a variety of mechanisms.” (Chapter 3: Prosperity & Opportunity); and

3. To achieve the Plan of Conservation and Development 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

4. To achieve the Plan of Conservation and Development goal for Norwalk to “Norwalk protects its most important historic resources and encourages adaptive reuse of historic sites to maintain and enrich the city’s character.” (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.

Ms. Langalis seconded.

Fran DiMeglio; Mary Peniston; Tammy Langalis; Mike Mushak; Brian Baxendale approved.

Tamara Shockley and Steve Ferguson opposed.

John Lesko abstained.

V. COMMENTS OF DIRECTOR

Mr. Kleppin gave a brief summary of the Industrial Zones study. The consultants had made a presentation to the committee that same day. There would be public outreach meetings in late April. He would also send the commissioners a link to the recording. Ms. DiMeglio asked if Mr. Kleppin could update them about major projects.

VI. COMMENTS OF COMMISSIONERS

Ms. Peniston spoke about the South Norwalk TOD study and said it was still in the early stages. It was an interesting public meeting since it was all virtual. She hoped that people in the neighborhood could participate. Mr. Kleppin noted that there were translations in Spanish and Creole for participants. They would try to do it with the Industrial Zones public meetings.

Ms. DiMeglio said that she had asked Mr. Mushak to participate at WestCOG meetings. Mr. Mushak then said he had been on a teleconference in February. He thought that these were not regular meetings. He noted that Connecticut was extremely segregated especially since 90% is zoned for single family housing while the rest is multifamily. He noted the reasons that this had happened. There are many bills in Connecticut’s legislature to reform this problem. Desegate Connecticut is a group led by the wife of Hartford’s mayor. He did not think that Norwalk would have to worry about the effects of this legislation since there is over 10% of affordable housing. There are towns that would not want the state to regulate their zoning laws. Many towns are beginning to change their laws to address the situation. Affordable housing is good for economic development, he noted. He thought the conversation was intense and appreciated being asked to attend the WestCog meeting. Mr. Kleppin said that his staff had been going through the proposed legislation. He believed that some of it would have an adverse effect on Norwalk. There would be committees setting up design guidelines which Norwalk already has.

Mr. Ferguson asked that the staff review documents for any types of discrimination that might be within them. He also noted that he would be starting an initiative for a wall on West Avenue. He was upset with the photo that had been used in the East Wall Street application. He noted that he would speak up for others when he thought that a wrong had been done. He also explained his vote on that application. Ms. Peniston said he did not have anything to apologize for and thanked him for saying it. He questioned why the photo had been used and could not focus on his position as a commissioner on that application because of it. Ms. Shockley supported Mr. Ferguson. She also was interested in affordable housing and did not understand why surrounding towns were not passing affordable housing regulations. She thought that these changes could only happen at the state level.

There was a discussion about a land use conference that some of the commissioners had recently attended.

Ms. DiMeglio thanked Mr. Ferguson and Ms. Shockley for their comments. She also reminded the commissioners that they should be mindful of their votes especially if it seems like they had been influenced. Ms. Peniston noted that she had also learned the same in the recent conference she had attended.

Ms. Langalis asked how she could find agendas for past Planning Commission meetings.

VII. ADJOURNMENT

Ms. Langalis made a Motion to Adjourn.

Mr. Baxendale seconded.

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

No one opposed.

No one abstained.

The meeting was adjourned at 9:06 p.m.

Respectfully submitted,

Diana Palmentiero