

CITY OF NORWALK
PLANNING COMMISSION – SPECIAL MEETING
January 22, 2019

PRESENT: Frances DiMeglio, Chair; David Davidson; Brian Baxendale; Tammy Langalis; Mike Mushak; Mary Peniston; Steve Ferguson; Nora King

STAFF: Steve Kleppin; Mike Wrinn

OTHERS: Deborah Lewis; John Pinto; Adolf Nederland; Sandy Schmidt; Rich Bonenfant; John Flynn; Reverend John Cardamone; Michael McGuire; Brad Craighead; Donna Smirniotopoulos; Bill Knightingham (sp); Mike Barbis; Lisa Briton; Deb Goldstein; Diane Lauricella

I. CALL TO ORDER

Ms. DiMeglio called the meeting to order at 7:16 p.m.

II. INTRODUCTION

Mr. Kleppin opened the meeting.

III. PRESENTATION OF NORWALK CITYWIDE PLAN: 2019-2029

There was no presentation tonight.

IV. PUBLIC COMMENT

The first citizen to speak on the Plan of Conservation and Development ("POCD") was Deborah Lewis. She is also a member of the Bike/Walk Commission but was speaking as a private citizen. She would leave her comments with the Commissioners. She thanked the commissioners. She said most of the POCD was wonderful. Norwalk would like to see more bike/walk in executive summary and the content. She is a fan of the Norwalker plan but it is not adequate for the bike/walk programs. She would like to see an increase the number of walkers in Norwalk. She wanted to see education of walkers and drivers for safe walking. She wanted a complete streets policy. She thought it only mentions complete streets and what it means. Biking and walking should be seen as a means of transportation. Planning and Zoning Commission should be used for ideas as well as Bike/Walk Commission for the next POCD. She handed her written comments to Mr. Kleppin.

John Pinto, Harbor Commission chair, thanked the commissioners for allowing him to speak on the POCD and on behalf of the Harbor Management Commission. He read his previous remarks that had been submitted at the last meeting as well asking that the commissioners had read the comments from earlier collaboration. He asked that no action be taken on the POCD until all comments be referred to the Harbor Management Commission which is required. Shellfish Commission and Department of Energy and Environmental Protection ("DEEP") also have similar

concerns as the Harbor Management Commission. He suggest that Conservation should be added to the POCD for the harbor, as well as land use and air. He noted that Section 8 there is a reference to the Norwalk River Watershed Plan but no action concerning the watershed. The recommendation should be the collaboration with other towns and to reestablish the watershed mission. Chapter 9 about coastal resources is a concern to the Harbor Management Commission. The POCD should be clear that it is following state guidelines; working with the City's building and zoning codes for the waterfront, constitute the city's state approved Coastal Management program. He noted several other details that were not mentioned in Chapter 9. There is no marine land use category. These had been addressed to Oversight Commission. He discussed the Walk Bridge Project which would allow power lines under water and should be addressed in the POCD. There should be policies for companies and agencies coming in and dictating what should be done. There was a discussion of the regulatory area of the Harbor Management Commission and where they can make comment. There was clarification of this area which was up to the high tide line. Mr. Pinto noted the referral and comment process to the Planning and Zoning Commissions on applications. The Harbor Management Commission goes up to the Five Mile River. After that it does not have jurisdiction.

Adolph Nederland spoke about the POCD process which he had concerns on. He noted that it had 483 pages and said he had reviewed all of them. He was concerned that citizens had not shown up to make comments. He described the city as an amalgamation of different cities. It had varied interests including neighborhood associations, the chamber of commerce, developers, etc. These interests are in conflict. He also noted that the Oversight Committee was made up mostly of city employees which did not seem as a fair set of interests. He did not think that there were many goals and that there were too many adjectives. He wondered what the optimum size of the city should be but this was not indicated in the POCD. There was not much substance in the report and that it did not have a good basis. He didn't think that there was a good analysis of Norwalk's problems so they did not have a good basis. He also wondered why the Grand List had only gone up 3% in 5 years, especially when there had been so much investment in the city. He did not think there was any return on investment (ROI) for developments and that there should be a tie-in. He did not think there had been enough dialogue. He also noted that there was no bookstore in Norwalk.

Sandy Schmidt said she lived in South Norwalk and liked it when she moved here. She feels that it seems like Manhattan. She walks a lot but the sidewalks are unacceptable. Her house has lost value. For the high tide on Water Street, the water is high. The commissioners asked if she could make her comments specifically about the POCD. Ms. Schmidt asked if they could take care of Shellfish Park but there is a part that becomes submerged. There are problems that are not being taken care of. She has attended most of the meetings and hoped that they would hear what the people were saying.

Rich Bonenfant, 17 Park Avenue, did not agree that the City had to add to the population to help the economy. With more people, there is pressure on the public school system. He noted that most people wanted to get in their car and go across town. Taxes are going up to pay for the infrastructure for the new units.

John Flynn explained that he owned 3 houses in Norwalk. He also noted that conservation was not discussed in the POCD. He had been on a conference call about the Walk Bridge project. He

thought that the POCD was fiction and thought he could have done a better job. He wanted a section on ethics. He discussed Vesta and how the project was built. He made claims that a developer pocketed money from the deal. He said he had taken pictures from the Washington Village project. He then discussed his street, Quintard. He then discussed Harbor View. He claimed that no one knew where federal and state money was going. He then discussed the contaminated soil. There should be an arbitration clause in the POCD

Reverend John Cardamone noted that he worked with Steve Ferguson and went to high school with Mike Wrinn. He also noted that the Norwalk River was the heart of a city. He liked parts of the Executive Summary. He read from the 2008 POCD about structures on the waterfront. He noted that Stamford was becoming a mini-Manhattan but that people did not want that in Norwalk. He liked the description on the Executive Summary which included the walkability and that Norwalk is a New England town. He wanted to see a river walk, like the one in San Antonio, from Wall Street to South Norwalk. He also wanted to see a train station in the Wall Street area.

Michael McGuire had comments on a train station at Wall St. and noted that there were reasons in the POCD that it could not be done. For one of the reasons, limited funding, he said that the private sector would fund it. He thought that the Redevelopment Agency was trying to keep its jobs. He thought the train station would bring economic revitalization. There are insufficient revenues in the Wall Street area. He said that other areas, like Stamford, are vital because they had a train station. He said that the train station would make the area walkable. He had concerns about the Redevelopment Agency. He then gave several items to add to the POCD.

Brad Craighead, 85 East Avenue, grew up in the area and worked in the oyster boats when he was 18. He has invested in buildings in Norwalk and wants to improve the quality of life. He noted that residential real estate brokers were not part of the POCD process. He also noted that there was no book store in Norwalk. He said that he had put up on Facebook how people felt about a bookstore in the Wall Street area. Many people liked the idea. There was a discussion about having another bookstore and bringing in higher education. Mr. Craighead thought that there were so many different neighborhoods in Norwalk that could be walkable so that people would come to those areas and walk around them. Norwalk is the 11th most walkable city in the state. He felt that it would be better for the quality of life in Norwalk. He discussed several points that should be added to Point 2 in the executive summary. He told the commissioners that he had counted the number of crosswalks in different parts of the city. He explained what he thought of as complete streets. The crosswalks should be aesthetically pleasing. Some areas have more of them than others.

Donna Smirniotopoulos, spoke on behalf of the Norwalk Coalition of Neighborhood Associations and read a statement from them. They offered suggestions (1:23). They wanted a 1 on 1 meeting with the Council. POCD primacy should be the roadmap and guiding plan. Other plans from the Redevelopment Agency and Harbor Management would be based upon POCD. Growth, how big is Norwalk and what are the population goals, Balance between owners and renters. Vision, how does it tie into defined outcomes? What do we have now that we don't want, etc? How does the POCD account for Federal projects? How does it account for eminent domain projects and tolls on roads? Six, Grand List growth, financial goals should be independently verified. Seven was the suggestion for a storm water utility which they object to as it would be an additional tax on property owners. Eight,

lack of inclusion of Hispanics which is not reflected in the draft POCD. There should be remedies and how would they engage with this segment. Nine, outreach and public participation. She believed there was inadequate outreach Ten, Housing choice and healthy lifestyle. The draft states to “create a housing policy and implementation structure within city government.” The need for such an initiative seems predicated on population growth as a desirable outcome. She discussed how Washington Village costs \$600K per unit as well as the micro units which appear to be backing up the Redevelopment Agency. She read through the neighborhoods that are part of the letter. She was asked to submit the letter to Mr. Kleppin.

Bill Knightingham (sp) said he had not read the whole draft of the POCD and had not seen anything about Manresa Island. The commissioners said that there was information in the POCD. He understood there were environmental issues there but that it should be like Tod's Point in Greenwich. It should be a high priority. He thought the abandoned power plant was an atrocity. He wondered how a company could not be held accountable for abandoning this power plant. Ms. King said that there had been interest in converting the island to a marine biology study center. He also discussed the water sewage plant and whether it was adequate for all of the new developments in Norwalk. The POCD needed more analysis. He also had concerns about the water supply and that the 2nd District had problems and was below recommended levels. It was suggested that the city would need a new reservoir by 2021. He also had concerns about the micro-units recommended by the Redevelopment Agency. He questioned whether the city was growing the population to grow the Grand List.

Mike Barbis, Chairman of the Norwalk of Board of Education, said the Superintendent would submit final comments on the POCD. The city does need a strategic plan which the POCD would be. He said that the Board of Education does have one and that it has given them direction. There are references in the POCD to making changes to the zoning regulations. He said that a professional should be hired to make them.

Lisa Briton asked whether there would be enough money to fulfill the POCD. She had concerns about the growth of the population and how it affected the quality of life. There was a discussion about the public education system. Her concerns were apartments, reorganization and the loss of revenue as well as dropping property values. She was concerned about fortress apartments. She said that some people were being exploited in illegal apartments as well as owners creating illegal apartments to pay their taxes. She had concerns about the reorganization, loss of state revenues and some loss of revenue because of appeals in 2018. She wanted to see more financial analysis in the POCD.

Deb Goldstein, Osborne Avenue, asked when the comment period would be closed. There is no table of all the plans that are incorporated into the POCD. She noted that there were vague recommendations. The sustainability sections were all encompassing but the grids were related to energy, waste, and storm water management. The POCD fails to discuss fleet management. She thought that what was included from the outreach was selective. Stakeholders cannot go back to make further changes nor could they initiate and reinstate ideas. She shared the comments with Mr. Kleppin.

Diane Lauricella spoke on behalf of the South Norwalk Citizens for Justice. She thought they were prematurely gentrifying the area around the South Norwalk train station. They wanted to make sure there was a place for the residents in the area. There should be a balance in the Transit Oriented Development areas. She discussed zoning enforcement issues in the area as well. There should be plans and strategies for the area. and that there is additional funding in the Operating and Capital Budgets this year. She also noted that this group will be filing a complaint to the Planning & Zoning about AMEC Carting. Their complaints include trucks starting at 3:30 am. She noted that the POCD should come before all other plans, including the ones from the Redevelopment Agency. Others should be put on hold until this plan is adopted. The Martin Luther King corridor should be industrial/manufacturing zones as was intended in the 1980s. She then commented on her own behalf. She said that it should be a strategic planning document that was utilized and not a wish list. The climate meeting did not allow for give and take. It was similar to a lecture by the consultant. She wanted it to be reconvened. She said that she agreed with the points made by the Shellfish Commission and Harbor Management Commission. She also recommended 2 books, one by an urban planner. She thought that the POCD should include more green spaces in the plan, including Ely School Park. She thought that the green space that was being replaced should be within walking distance of the other that was taken over. She noted that the lease for the Hoyt Street and Cross St. parking lot was expired and should be returned to a park. The city should have the right of refusal for land near schools. She suggested that the river is an asset and should be treated as such. They should revisit the idea of granny pods. She did not agree with other speakers that renters do not add to the tax base. She suggested that the POCD add more details. She requested that city commissions be more balanced by adding more women and people of color on them.

There was a discussion of Washington Village that was built by NYC standards after Hurricane Sandy.

V. COMMISSION ACTION

Ms. DiMeglio said that the comment period would be open until January 31.

VI. ADJOURNMENT

Ms. Langelis made a Motion to Adjourn.

Ms. King seconded.

Frances DiMeglio; David Davidson; Brian Baxendale; Tammy Langelis; Mike Mushak; Mary Peniston; Steve Ferguson; Nora King voted in favor.

No one opposed.

No one abstained.

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Diana Palmentiero

CITY OF NORWALK
PLANNING COMMISSION
January 22, 2019

PRESENT: Frances DiMeglio, Chair; David Davidson; Brian Baxendale; Mary Peniston; Mike Mushak; Tammy Langalis; Nora King (arrived after roll call)

STAFF: Steve Kleppin; Mike Wrinn

OTHERS: Craig Flaherty, Atty Jay Klein

I. CALL TO ORDER

Ms. DiMeglio called the meeting to order at 6:02 p.m.

II. ROLL CALL

Mr. Wrinn called the roll.

III. DISCUSSION AND/OR DECISION

a) Zoning Commission referral - #7-18R Zoning Commission - Proposed amendments to Section 118-1100 Flood Hazard Zone to make regulations consistent with the Connecticut State Building code (Public hearing January 16, 2019)

Ms. DiMeglio said that this item would be heard first, although it was second on the agenda. Mr. Wrinn explained that the Zoning Commission had opened the public hearing in order to wait for the Planning Commission referral. He explained the proposed regulations which were mostly clarifications to conform to the Connecticut State Building Code. Mr. Wrinn said the Connecticut Building Code was different from the Zoning regulations. There was a discussion about what other surrounding towns were doing. There was also a discussion about what local regulations were being eliminated. Mr. Wrinn said that most of the regulations dealt with HVAC items. The building regulations would be more restrictive. There was a discussion about the buffer zone which Ms. King said was a concern to the Rowayton and Harborview areas. She also asked Mr. Kleppin whether he would be hiring an intern to research this. She also wondered if another meeting with the Mayor would be necessary. There was a discussion about the zoning regulations for properties by the water. In other towns, owners were allowed to renovate their houses every 5 years. There was a concern that in Norwalk the owners had to demolish the house. Mr. Wrinn noted that the Zoning Commission had made the decision to not allow the renovations as other towns were allowing. Ms. King wanted to add more to these proposed regulations including the buffer zone and elevating the house. There was a discussion about additions to the language. The recommendation was to open up a discussion about making the regulations less restrictive and similar to other towns. It was decided to look at the regulations of surrounding towns. There was a discussion about a comment to add to the resolution which would then all be forwarded to the Zoning Commission. There was a discussion about

exceptions. Mr. Mushak noted that, as a landscape architect, he has had to elevate front yards because of water levels rising so quickly.

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#7-18R – Zoning Commission – Proposed amendments to Section 118-1100 Flood Hazard Zone to make regulations consistent with the Connecticut State Building code" and dated November 26, 2018, be **APPROVED**.

BE IT FURTHER RESOLVED that the reasons for this action are:

- 1) To implement the Plan of Conservation and Development policy to "Prevent flooding and the threat to health welfare and property (B.3.1, p. 17); and
- 2) To implement the Plan of Conservation and Development policy to "Maintain the Federal Flood Insurance Program which provides insurance for property owners in flood hazard areas, but encourage development (especially higher density) to be located outside flood-prone areas wherever possible, including increased setbacks to account for sea level rise" (B.3.1.8 . p.17); and
- 3) To comply with the recommendations of the CT. Department of Energy and Environmental Protection (DEEP) to revise the Flood Hazard zone requirements in Norwalk's Building Zone Regulations to be consistent with the new State Building Code requirements; and

BE IT FURTHER RESOLVED that it is recommended that

- 1) The Zoning Commission review the definition of "substantial improvement" specifically the reset date of 4/24/1978 and consider changing that reset date to be either 5 years or 10 years as deemed appropriate; and
- 2) The Zoning Commission reactivate the proposal to add a shorefront buffer requirement to add protection along the shorefront; and

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

Mr. Davidson seconded.

Frances DiMeglio; Brian Baxendale; Tammy Langalis; Mike Mushak; Mary Peniston; David Davidson; Nora King.

No one opposed.

No one abstained.

a) Zoning Commission referral – #6-18R – 3 Elmcrest, LLC – Proposed amendment to Section 118-360 D Residence zone to allow historic preservation incentive developments by Special Permit in D Residence zones (Public Hearing February 7, 2019)

Ms. DiMeglio opened the public hearing. Craig Flaherty began the presentation and introduced the owners of 3 Elmcrest LLC and other members of the project team. He gave a brief history of the company. He explained that the text amendment would be for a D Residence Zone and to incentivize historic preservation in certain areas of the city. He oriented the commissioners as to the location of the property on an aerial map. He showed them pictures of the current structure and gave a history of the property which dates back to the 1880s. He passed around the renderings to the commissioners. On the back of the structure there would be a multi-family residence. Mr. Flaherty said that both the Zoning Commission and the Historical Commission would review the architecture. He discussed the

materials that would be used. He showed them a rendering of the parking lot. There was a discussion as to requiring design review by the Historical Commission in the text amendment. Mr. Flaherty read from the Plan of Conservation and Development ("POCD") as to which sections relate to this proposed amendment. He explained how the changes would work. There was a discussion about parking under the buildings. Mr. Mushak was in favor of lot coverage for this zone. Mr. Flaherty said that they had studied all the D Zones in the city to determine which properties this amendment would affect. There are some other properties that it could apply to, although it doesn't now. Mr. Mushak thought this was a good start to incentivize for other zones. There was a discussion about the looks of the front and back of the building. There was a discussion about whether there were affordable units in the structure. There were only 19 units which was under the city's minimum. There was a discussion about what can be done without a text amendment. Mr. Kleppin said they would have 3 less units. There was a discussion as to why the back of the building looked different than the historic building in the front. Mr. Mushak said that he knew that the Historical Commission was in favor of this text amendment. There was a discussion about whether the an application would also need Historical Commission approval but Mr. Kleppin said that since the Historical Commission was not a regulatory body, they could not give an approval. There was some confusion about a Zoning staff recommendation in the amendment, whether it was 20 or 25%, which could affect setbacks, etc. The commissioners thought that they needed clarification from the staff.

Jay Klein stated an opinion that the Historical Commission should not be given the authority, under this proposed regulation, which they did not have. Ms. King said she would like to hear an opinion from the City's Corporation Counsel. Mr. Kleppin suggested that language be added to the amendment. Ms. DiMeglio suggested that they get staff clarification and be the first item on the Planning Commission agenda on January 30. The applicant would also be before the Historical Commission the next day.

IV. ADJOURNMENT

Ms. Langalis made a Motion to Adjourn.

Mr. Davidson seconded.

Frances DiMeglio; David Davidson; Brian Baxendale; Tammy Langalis; Mike Mushak; Mary Peniston; Nora King voted in favor.

No one opposed.

No one abstained.

The meeting was adjourned at 7:07 p.m.

Respectfully submitted,
Diana Palmentiero