

**CITY OF NORWALK
PLANNING COMMITTEE OF THE COMMON COUNCIL
MAY 3, 2012**

ATTENDANCE: Nicholas Kydes, Chairman; Douglas Hempstead, Michael Geake, Carvin Hilliard.

STAFF: Norwalk Redevelopment Agency: Tim Sheehan.

OTHERS: Bruce Kimmel.

CALL TO ORDER

Mr. Kydes called the meeting to order at 7:30 p.m. and stated that the members as listed above were present and that there was a quorum.

Mr. Kydes stated that the protocol for the agenda items would be that discussion by the Committee Members would take place first and that if members of the public in attendance wished to speak, comments would be accepted following the discussion of the items.

Mr. Kydes requested a change to the order of the agenda items to move Section 108 Loan for the Redevelopment of the Globe Theater to last on the agenda, and Mr. Sheehan responded that it would have this as last for any future agendas.

**** MR. GEAKE MOTIONED TO CHANGE THE ORDER OF THE
AGENDA ITEMS TO MOVE ITEM III, SECTION 108 LOAN FOR
THE REDEVELOPMENT OF THE GLOBE THEATER TO LAST ON
THE AGENDA.
** THE MOTION PASSED UNANIMOUSLY.**

APPROVAL OF MINUTES

**** MR. HEMPSTEAD MOTIONED TO APPROVE THE MINUTES
FROM MARCH 19, 2012 AS SUBMITTED.
** THE MOTION PASSED UNANIMOUSLY.**

Mr. Sheehan stated that there were a few corrections needed on page two as follows:

Paragraph 3, last sentence: Mr. Sheehan explained that HUD recommends webinar meetings as an effective way to reach a broader audience...

Paragraph 5, last sentence: He said that while customized interaction may be preferred, resources are limited.

- ** MR. HILLIARD MOTIONED TO APPROVE MINUTES FROM THE
APRIL 5, 2012 MEETING AS AMENDED.
** THE MOTION PASSED UNANIMOUSLY, ONE ABSTENTION
(GEAKE)**

BUSINESS

Neighborhood Assistance Act Tax Credit Program

Mr. Sheehan referred to the supporting documents and stated that it is an annual practice to review applications with a public hearing in accordance with state procedures.

It was suggested to hold this prior to the start of the next meeting, and it was agreed that the public hearing would be scheduled for June 7, 2012 at 6:30 p.m.

- ** MR. HILLIARD MOTIONED TO HOLD A PUBLIC HEARING TO
REVIEW APPLICATIONS FOR THE NEIGHBORHOOD
ASSISTANCE ACT TAX CREDIT PROGRAM, AND TO SCHEDULE
THIS PRIOR TO THE REGULAR MEETING ON JUNE 7, 2012 AT
6:30 P.M.**

- ** MOTION PASSED UNANIMOUSLY.**

Update on the Norwalk Company Project

Mr. Sheehan referred to the letter to the Connecticut Department of Economic and Community Development from the Connecticut State Historic Preservation Office and supporting documents (SEE EXHIBIT A).

Mr. Kimmel asked how old the building was, and Mr. Sheehan replied that it was over one hundred years old.

Mr. Kimmel asked why this issue was not identified at the beginning when the building was being considered for demolition. Mr. Sheehan replied that the Environmental Impact Evaluation (EIE) has nothing to do with the municipal entitlement process which ultimately allowed for the demolition of the front façade. Mr. Sheehan indicated that the EIE and public scoping session was in response to the preliminary award of the Brownfield Remediation Grant. Mr. Sheehan indicated that the demolition of a building which could be on the state and or national historic register is an action which triggers the EIE by the state. Mr. Sheehan further indicated that while the project was undertaking it local public entitlement the application for the Brownfield Remediation Grant had yet to be released.

Mr. Geake asked that in the absence of the grant would the owner of the property have had input or if there would be any impact on the demolition or the status of the building. Mr. Sheehan replied that the State cannot require anything from the developer that is not directly related to the grant award and its' related mitigation requirements. Mr. Sheehan indicated additionally that the developer is not required to accept the grant or the state's requested mitigation in connection with the grant.

A discussion ensued on the protocol for the future, and Mr. Kydes stated that his concern is the issue of private property rights as was the same as 93 East Avenue, and that this opens the door to put someone's property on the register of "historical" properties.

Mr. Sheehan replied that the state has no authority to put the property on any such register without the authorization of the owner. He indicated that via this process the State is seeking to be sure that their investment into the project is vetted and that if mitigation measures are required they are understood by all prior to the execution of an assistance agreement. He referred to the ECD guidelines (SEE EXHIBIT B).

Mr. Sheehan explained that if a project seeking state assistance meets any one of the actions listed an EIE is required. He indicated this project also met the threshold for a public scoping session which is scheduled for next week. He added that DECD, based upon the input from the various state departments, will then issue its determination regarding the need for any mitigation measures and the related compliance.

Mr. Kydes asked if not, is it rejected by the state for the grant and is the \$500,000 at risk. Mr. Sheehan replied that the developer has to respond to the recommended mitigation measures either accepting or rejecting them. Should they be rejected the grant would obviously be at risk.

Mr. Kydes stated that we need to develop strategies in the future to avoid these bumps that stifle redevelopment efforts and we need to get progress in gear to draw more revenue into the City's tax base to have a more viable future and to reduce the "limbo state" of development that has made our city economically stagnant.

Mr. Sheehan emphasized that this is a state process and the project itself has a required EIE trigger. That trigger requires the commencement of the process by the state. Mr. Sheehan indicated he had early discussions with Mr. Bryant and disagrees that the Norwalk Trust is not within their rights to contact the state regarding the investment of state funding into the project.

Mr. Kydes asked if we would lose funding for remediation from the grant. Mr. Sheehan replied that it was his belief that we would be going through this same

process even if the façade of the building was preserved as façade preservation as initially intended in this case is not considered historic preservation.

Mr. Sheehan noted that the hearing was set up by DECD next Wednesday at 10:00 a.m. in the Community Room at City Hall.

Mr. Kydes asked if this needs to be addressed through the Ordinance process and Mr. Hempstead replied that he feels it is a combination of the City's Finance Department with regards to tax relief and the Redevelopment Agency through the Historic Commission. Mr. Hilliard stated that there needs to be a clear definition of what is historic in reaching an agreement of the guidelines.

Mr. Kydes asked how the rights of the property owner can be protected and is there an inventory of the City's historic buildings. Mr. Sheehan replied that he is not sure if the list is up to date.

Mr. Hempstead stated that the City had received funding to start and maintain this inventory, but the City has no provision of identifying for tracking purposes, historic preservation. He added that this hearing could be a kick off for further discussion by the other Committees involved.

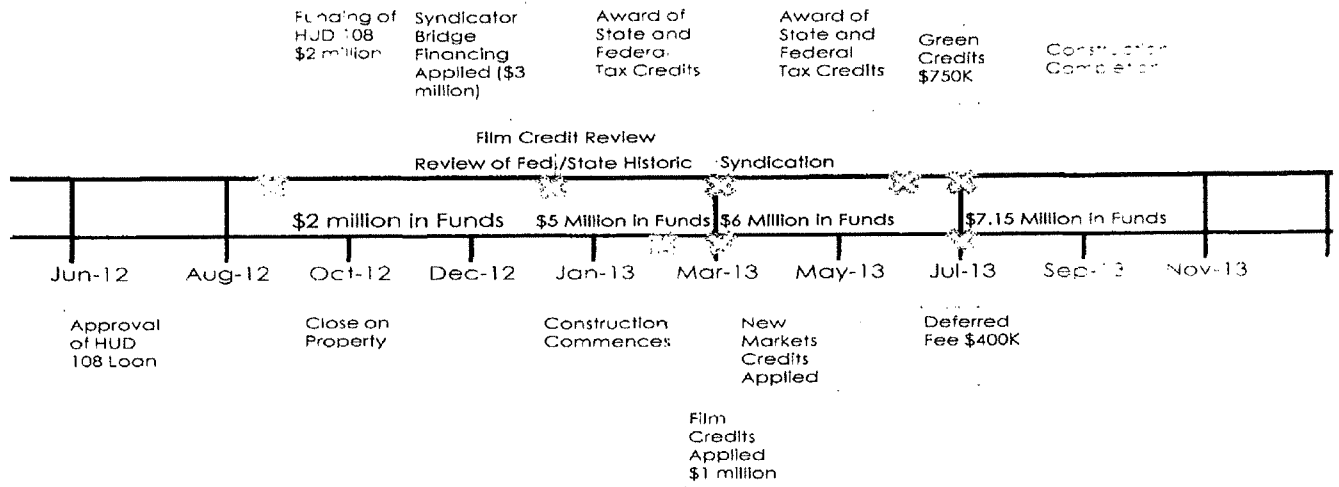
CDBG –

Section 8 Loan for the Redevelopment of the Globe Theater

Mr. Kydes stated that he was recusing himself from this discussion due to a conflict, and left the meeting at 8:15 p.m.

Mr. Sheehan indicated that it was his understanding that the developer was not prepared to provide the additional information requested by the Committee last month at this time and was requesting additional time to produce such information, but indicated that Mr. Farricker was in the audience. Mr. Farricker came forward and stated that the following documents represent a summary of the timeline and phases of approval and development for the project:

Globe Theater Timeline



Globe Theater HUD 108 Timelines for Funds Placed in Service

Acquisition of Theater **FUNDED AT HUD 108 Closing** \$1,044,000

Rationale:	Site Control and Ownership facilitates grant money Change in Ownership removes impediment Purchase equals appraisal, collateral recoupable to Norwalk HUD prefers 108 funds to be used for capital investments
------------	---

Remediation of Theater **FUNDED AT HUD 108 Closing** \$287,323

Rationale:	Necessary for any use or ownership Preserves value of building and increases liquidity Absolute requirement of use, either by Globe or Norwalk Value for insurance and liability
------------	---

Architecture and Engineering **FUNDED AT HUD 108 Closing** \$255,000
OR Draw schedule

Rationale:	Requirement for proper application for Tax Credits Completed Plans enhances project sale values Timeline makes plan development necessary Should increase appraised value as later stage approval
------------	--

Tax Credit Applications **FUNDED AT HUD 108 Closing** \$238,000
OR Draw schedule

Rationale:	Needed to secure equity to complete project Costs include exhibits, legal and structuring HUD 108 funding demonstrates community support
------------	--

Uncommitted Necessary Funds for Preconstruction Activities \$175,677
DRAW SCHEDULE

TOTAL HUD 108 LOAN \$2,000,000

Globe Theater Inc. is negotiating with DECD for a grant of up to \$250,000 to pay for operating costs (insurance, utilities, salaries, studies, etc.) estimated at \$286,000 for full

Mr. Farricker stated that the above timeline was in response to the request from the last meeting. He stated that in addition to the major areas listed above, in response to the state's requirement, he presented a background fact sheet on Blum Shapiro and stated that they have retained them based on their accounting and experience with municipal projects.

He went through the issue of timing as it relates to the market study and explained that a full study would take three months and while he would like to proceed with the above timetable and simultaneously do the study, he would like to have approval to move forward on the project, on the condition that the market study will be done.

He stated that in order to satisfy the terms as negotiated by the RDA, waiting three months for the completion of the study represents somewhat of a chicken-egg situation that would lose time in the process. He asked the Committee to take a leap of faith that the study will have the positive results that the RDA is hoping for.

Mr. Hempstead replied that under the financial circumstances with the City's budget constraints, coupled with a recent need for a special appropriation to help the Board of Education with a funding issue on their Pension Benefits, he has reservations about any potential liability that the city just cannot afford at this time.

Mr. Kimmel stated that Norwalk is expected to have the market feasibility and need for Arts facilities. There are a surprising number of factors that indicate the City could not support another Theatre within proximity of New York and other nearby venues such as New Haven, or the Long Wharf or even Ridgefield. He added that this project really needs to be supported with a reasonably extensive market study.

Mr. Geake asked what the costs were to the City to proceed, and Mr. Sheehan replied that there needs to be a level of Common Council support for the project and its financing prior to beginning the work involved as there is RDA and HUD staff time that would be devoted to the project.

Mr. Kimmel added that his other concern is a credibility factor with the state as we have spent a great deal of time previously with HUD in Hartford and Washington with this property.

Mr. Hempstead asked about the appraisal and Mr. Farricker replied that the intended use is appraised at a very different value than market value. Mr. Hempstead stated that the City's underwriting for such loan must be secured and a stream of payments of principal and interest must be adhered to, based upon a full evaluation and recommendation by the Redevelopment Agency.

Mr. Sheehan stated that the Agency's concern is not the debt but the related structure and the viability of the business plan to draw that many people in the door. Mr. Farricker indicated that the Agency's own consultant Kevin Gremes was supportive of the presented structure. Mr. Sheehan stated that the Agency's consultant has not been engaged on this project, but he would have a discussion with Mr. Gremes regarding any position that he might have. Mr. Geake asked when the Agency can expect to receive the information, and Mr. Farricker replied that it may take three months or more to perform a comprehensive market analysis as it is difficult to do and it takes time to find all the required information.

Mr. Albanese noted that the Redevelopment Agency passed on this project several years ago for many of the same reasons as stated now. Mr. Hilliard suggested that further action be tabled until the full Council can review all the information

requested along with an actionable plan. He suggested that a special meeting be held after the RDA has reviewed and evaluated this with further review and recommendation, then invite the full Council for a review.

Mr. Hempstead stated that this has to be evaluated on the financial merit and the percentage of CDBG funds that is available to the City.

OLD BUSINESS

Mr. Hempstead noted that with regard to the POKO LDA being vetted through the Law Department and the time line for the Common Council, Corporation Counsel has suggested that Mr. Kydes recuse himself from any further discussions regarding the POKO project, due to an abundance of caution to avoid any appearance of conflict. Mr. Kydes has stated that there is no personal conflict with POKO.

NEW BUSINESS

There was no further new business discussed.

ADJOURNMENT

**** MR. GEAKE MOVED TO ADJOURN.**
**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:25 p.m.

Respectfully submitted,

Marilyn Knox;
Telesco Secretarial Services

EXHIBIT A



**State Historic
Preservation Office**



DECD
State of Connecticut
Department of Economic and
Community Development

April 26, 2012

Maya Loewenberg
Permit Ombudsman
Office of Responsible Development
Department of Economic and Community Development

Subject: Comments on the Proposed DECD Brownfields Program Grant for Remediation of 20 North Water Street, Norwalk.

Dear Ms. Loewenberg:

The State Historic Preservation Office (SHPO) responds here with our comments on the Public Scoping Notice published in the Connecticut Environmental Monitor on April 17, 2012 for the referenced state action. We are also responding to comments from several interested parties provided to SHPO as part of our agency consultations concerning the potential impacts to historic resources resulting from this action. According to the scoping notice, the City of Norwalk in conjunction with North Water Street LLC (c/o Spinnaker Real Estate Partners LLC) is proposing the redevelopment of the former Norwalk Company site located at 20 North Water Street, Norwalk, CT. Redevelopment activities include: environmental assessment, remediation and monitoring of the 1.895 acre site; demolition of the existing 56,720 square foot brick building; and new construction of a 130,000 square foot mixed-use development consisting of 107 residential rental units and 18,000 square feet of ground floor commercial space. State funds are proposed for environmental assessment, remediation, abatement and monitoring. The existing brick industrial building proposed for demolition as part of this action is over 100 years old. SHPO also understands that building has been the subject of previous consultations between the City of Norwalk and the Norwalk Preservation Trust (NPT).

SHPO was contacted by Mr. Tod Bryant, President of NPT, on April 5, 2012 with concerns about the proposed demolition of the historic building on this property. As stated by Mr. Bryant, it is the opinion of the Norwalk Preservation Trust that the former Norwalk Company building is eligible for listing in the National Register of Historic Places and that this action may cause an adverse effect to significant historic properties. SHPO contacted staff at DECD's Brownfields Program to share the concerns raised by the NPT and to express our concurring opinion that former Norwalk Company building is National Register eligible. We provide here additional information on the basis of our opinion. It is SHPO's opinion that the former Norwalk Company building at 20 North Water Street is individually eligible for listing in the National Register of Historic Places under Criterion A, for its association with South Norwalk's late 19th and early 20th century industrial history and Criterion C for its representation of very early 20th and century factory design. The building appears to have been constructed between 1895 and



**State Historic
Preservation Office**



DECD
State of Connecticut
Department of Economic and
Community Development

Loewenberg – Brownfields Grant for 20 North Water Street, Norwalk, Connecticut

April 26, 2012

(Page 2/3)

1900¹ and retains sufficient integrity of design, materials, location, and setting to convey its association with South Norwalk's industrial heritage. The building was constructed as a machine shop for the Norwalk Iron Works and the original layout of the facility remains visible in recent aerial views of the property. Norwalk Iron Works was founded in South Norwalk in 1864 and maintained operations along present day North Water Street throughout the 20th century. The firm changed its name to the Norwalk Compressor Company in 2005 when they relocated to Stratford, Connecticut.

Although many of the original windows appear to have been replaced or lost and a large single story addition has been constructed at the rear of the building, the former factory and machine shop building retains its essential historic features and would very likely be recognizable to someone familiar with the building in the early 20th century. Historic exterior features reflecting the industrial function of the building include the saw-back roof at the rear of the building (visible on recent aerial imagery). The roofing here is consistent with an October 1900 Sanborn Insurance map showing the facility with a "saw tooth roof" at the rear. SHPO believes that the former Norwalk Company factory may also be eligible for listing as a contributing resource to the adjacent Washington Street and South Main Street Historic District. Although the period of significance for the historic district and Norwalk Company building overlap, the historic district is primarily significant for its intact assemblage of historic commercial and residential properties constructed in the late 19th and early 20th century. Despite the differences in property type, the Norwalk Company building presents an important element of the historic streetscape linking the property at 20 North Water Street with the adjacent district and bridge. The existing historic facilities at 20 North Water Street are physically contiguous with the National Register-listed Norwalk River Railroad Bridge along the northern parcel boundary.

Based on the information available to the State Historic Preservation Office, it appears that the proposed action may significantly affect historic structures or landmarks, as defined in Connecticut General Statute 10-410. We understand that the NPT, Norwalk Historic Society, and the Connecticut Trust for Historic Preservation have requested a public scoping meeting for this project. The State Historic Preservation supports the opportunity of these parties, and other members of the public, to express their views on the potential public benefits and environmental impacts of this state action under the Connecticut Environmental Policy Act. SHPO anticipates that such public input will assist DECD, the City of Norwalk, and North Water Street, LLC. in the consideration of appropriate mitigation measures to resolve the impacts to Norwalk's significant historic resources.

¹ The building was inventoried in 1976 as part of an Historic Architectural Survey with a suggested date of construction of "c. 1865". This information appears to be incorrect, as the facility is not depicted on an 1895 Sanborn Map of the area.



**State Historic
Preservation Office**



DECD
State of Connecticut
Department of Economic and
Community Development

Loewenberg – Brownfields Grant for 20 North Water Street, Norwalk, Connecticut
April 26, 2012
(Page 3/3)

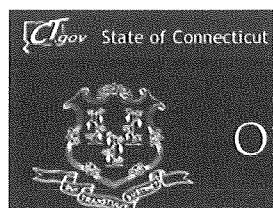
The State Historic Preservation Office appreciates the opportunity to have reviewed and commented upon this Brownfields Program project. These comments are provided in accordance with the Connecticut Environmental Policy Act. For further information, please contact me at (860) 256-2761 or Daniel.Forrest@ct.gov.

Sincerely,

Daniel T. Forrest
Deputy State Historic Preservation Officer

CC: Sheehan/Norwalk Redevelopment Agency
Bryant/Norwalk Preservation Trust
Westmoreland/Norwalk Historic Society
Higgins/CT Trust for Historic Preservation

EXHIBIT B



Governor Dannel P. Malloy |

Search

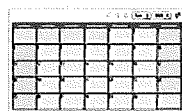
OFFICE OF POLICY AND MANAGEMENT

[Home](#) [About Us](#) [Programs & Services](#) [Publications](#) [Forms](#) [Contact Us](#)


Secretary of OPM
Benjamin Barnes

[What's New](#)[Policies](#)[Resources and Data](#)[Request for Proposals](#)[Employment Opportunities](#)[Other Links](#)
[Offices & Divisions](#)

Connecticut
still revolutionary


[Check the Calendar \(->\)](#)


RECOVERY
INFORMATION

SET the
RULESCT.ORG
Reduce Underage Drinking in Connecticut

Receive Updates
by E-mail
[Sign-Up for E-alerts](#)



Environmental Classification Document

Generic ECD (revised effective 10/5/2010)

The following document is the approved 2010 revision to the Generic Environmental Classification Document (ECD) for use by most State agencies to determine whether an agency action requires evaluation under the Connecticut Environmental Policy Act (CEPA). This Generic ECD supersedes the previous version that was in effect since 1993. This ECD is being noticed according to Section 22a-1a-5 of the Regulations of the Connecticut State Agencies

[Printable Generic ECD \(.pdf, 72 KB\)](#)

Generic Environmental Classification Document (ECD)
For State Agencies*

Prepared Pursuant to Section 22a-1a-4
of the Regulations of Connecticut State Agencies (RCSA)

I. Typical Actions For Which Environmental Impact Evaluations Shall Always Be Prepared. Such actions may include, but are not limited to, instances where the State is obligating the following types of development through State funding or agreements:

- Construction of new sewage treatment plants;
- Construction of hazardous waste disposal facilities;
- Construction of low-level radioactive waste disposal facilities; and
- Construction of coal-fired heating plants.

II. Typical Actions Whose Degree of Impact Is Indeterminate, But Could Have Significant Environmental Impacts. When any of the following actions are proposed, including, but not limited to, instances where the State is obligating the following types of development through State funding or agreements, the sponsoring agency shall conduct an early public scoping process in accordance with Section 22a-1b(b) of the Connecticut General Statutes (CGS). The sponsoring agency shall take into consideration comments received and shall prepare a written memorandum that documents its findings and subsequent determination of the proposed action's environmental significance using the criteria set forth in Section 22a-1a-3 of the Regulations of Connecticut State Agencies. Said memorandum shall be posted in the Environmental Monitor, unless the sponsoring agency determines that an environmental impact evaluation shall be prepared pursuant to CGS Section 22a-1b(c).

- Construction of, addition to, or major alteration involving a change in use of a State leased, licensed, or owned facility involving 100,000 sq. ft. or greater of floor space if the facility is located in a Regional Center or Neighborhood Conservation Area, or 25,000 sq. ft. or greater of floor space if the facility is located outside of such areas as defined by the locational guide map of the Conservation and Development Policies Plan for Connecticut. A facility is defined as one or more concurrently planned or envisioned structures on a site, the sum total of which would equal or exceed the applicable figure for the project location;
- Construction of new paved roads or lane additions to existing roads where the State's cost of such which would equal or exceed one million dollars (\$1,000,000) using current industry cost estimates;
- Construction of new parking lots, garages, or additions thereto, that provide for an increase in capacity of 200 vehicles or more;
- Construction of new, or changes to, dams on watercourses resulting in a permanent change in water level of more than four (4) inches;
- Capacity expansion of sewage treatment plants, hazardous waste or low level radioactive disposal facilities and coal fired heating plants;
-  Demolition or major alteration of any facility (i.e., building or structure) or site listed or eligible to be listed on the National or State Registers of Historic Places as determined by the State Historic Preservation Office; and

g. Any other action that may significantly affect the environment in an adverse manner. The significance of a likely consequence of an action should be assessed by the sponsoring agency and/or the participating agency, as the case may be, in connection with its setting, its probability of occurring, its duration, its irreversibility, its controllability, its geographic scope, its magnitude, and regulatory requirements.

III. Any and all joint federal/state actions for which environmental assessments or environmental impact statements are prepared pursuant to the National Environmental Policy Act (NEPA), as amended, shall be recognized as meeting the Connecticut Environmental Policy Act (CEPA) requirements provided that such NEPA documents meet, and are circulated in accordance with, the CEPA document-equivalent requirements.

IV. Actions which do not warrant a review pursuant to CEPA. Notwithstanding the provisions of II.f. above, the following actions have been shown by past agency experience to have impacts which are determinate, sufficiently limited in scope or covered under specific state or federal requirements other than CEPA or NEPA, and include a determination by the State Historic Preservation Office, whenever appropriate, that there is either *No Effect* or *No Adverse Effect* to historic, architectural or archaeological resources.

- a. Maintenance, repairs, or renovations of facilities;
- b. Demolition of facilities;
- c. Environmental remediation at facilities or property;
- d. Energy conservation measures; and
- e. Licenses for non facility-related purposes.

*** Each agency that currently has its own ECD (i.e., DECD, DOT, DEP & DPH) shall either revise its ECD in accordance with RCSA Sec. 22a-1a-6 by April 1, 2011 or operate under the provisions of this Generic ECD after such date.**

For Further Information, Contact:

Dimple Desai, (860) 418-6412 ; dimple.desai@ct.gov

Content Last Modified on 10/4/2010 2:08:24 PM

[Printable Version](#)

450 Capitol Avenue Hartford, CT 06106 / Phone: 860-418-6200

Home | [CT.gov Home](#) | [Send Feedback](#) | [Login](#) | [Register](#)
 State of Connecticut [Disclaimer](#), [Privacy Policy](#), and [Web Site Accessibility Policy](#). Copyright © 2002-2012 State of Connecticut.

