

**CITY OF NORWALK
HISTORICAL COMMISSION
MAY 23, 2018
THE TOWN HOUSE
MILL HILL HISTORIC PARK**

ATTENDANCE: David Westmoreland, Chair; Holly Cuzzone;
Thomas Livingston; Suzanne Betts; Dana Laird

OTHERS: Susan Gilgore, Lockwood Mathews Mansion Museum;

1. CALL TO ORDER

Mr. Westmoreland called the meeting to order at 7:03 p.m.

2. ACCEPTANCE OF MINUTES:

Regular Meeting: Marcy 28, 2018

**** MR. LIVINGSTON MOVED TO ACCEPT THE MINUTES AS PRESENTED**

**** MS. CUZZONE SECONDED**

**** MOTION PASSED UNANIMOUSLY**

3. PUBLIC PARTICIPATION – three-minute limit per speaker

No members of the public were present this evening.

4. CHAIRMAN’S REPORT

Mr. Westmoreland reported that he has been busy largely on building projects which will be discussed later in the meeting.

5. REPORTS – BOARDS

A. Norwalk Historical Society

No report was provided from the Historical Society this month.

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Ms. Gilgore thanked the Commission for helping them with a number of “calamities” this spring, including a termite infestation, stabilizing plaster in the Moorish Room, and paying for repairs and improvements to the heating system. The ADA construction project has begun and the

Mansion has already seen a negative financial impact with a wedding event being cancelled and a drop-off in visitation. She appreciates the additional financial support that the Commission is providing through the construction period.

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B. Cemeteries

Mr. Westmoreland reported that Dr. Brian Jones, the state archaeologist conducted a Ground Penetrating Radar (GPR) study at Kellogg-Comstock Cemetery. His findings indicate that there are many additional unmarked burials in addition to the ten marked graves. This information will be used for the State Register nomination for the cemetery and the new interpretive signs we are developing to install at the cemetery. There was no charge for the GPR study.

C. Finance

The Operating budget is nearly spent for the year in accordance with plan. Capital funds are being monitored closely.

7. OLD BUSINESS

A. Zoning Process Committee Update

Ms. Betts presented the work of the committee which provides new procedures for notification of applications that are requesting zoning changes.

****MR. LIVINGSTON MOVED TO APPROVE THE NEW PROCEDURES FOR NOTIFICATION IN SECTION 116-7 OF THE CITY OF NORWALK CODE AS FOLLOWS AND REFER TO THE ORDINANCE COMMITTEE OF THE COMMON COUNCIL:**

City of Norwalk Code: PROPOSED CHANGES IN RED BELOW

116- 7 APPLICATION FOR VARIANCE

- A. All applications shall be on forms prescribed by the Board and shall be accompanied by the fee and supporting documents prescribed by the Board. Applications shall be filed with the Zoning Inspector. **Any application for a property containing a structure over 50 years old shall also be filed with the Norwalk Historical Commission.**
- B. All applications shall include 11 copies of a plot plan of the property involved. Such plot plans shall be certified by a surveyor licensed by the State of Connecticut except in those cases where the Zoning Inspector deems such plot plan or such certification not necessary.
- C. The Zoning Inspector shall assign each completed application for hearing immediately after receipt. If an application is incomplete the Zoning Inspector shall so notify the applicant in writing. No incomplete application shall be scheduled for hearing.
- D. The Zoning Inspector shall notify the applicant of the date the application will be heard.
 - 1. **The Board shall not act upon any application for a variance, special exception or a special permit without first holding a public hearing, notice of which hearing and of the substance of the appeal or application shall be given by publication in a paper of general circulation in the City of Norwalk, and published on the City's public website (or other website?) at least five days before the date of such hearing**
 - 2. **PUBLIC NOTIFICATION:** Upon notification of a hearing date, the applicant or their legal representative shall provide copies by U.S. mail to all government agencies required by law to be notified, and to all property owners of record within 500 feet of the perimeter of the subject property of any pending application. The applicant shall provide:
 - a. A list of the names, addresses, and tax map/lot numbers of owners of property within 500 feet of the subject property. The latest records of the Norwalk Tax Assessor shall be used to determine the required information.
 - b. The applicant shall notify each owner of property within 500 feet of the perimeter of the subject property of the time, place, date, and purpose of the hearing before Planning & Zoning. This notification shall also include a description of the application and the nature of the proposed activity. Notices from the applicant to all abutting

property owners within 500 feet of the perimeter of the subject property shall be sent via U.S. Mail. For neighboring condominium properties, notices must be sent to all individual owners as well as condominium association.

- c. The applicant shall obtain proof of mailing in the form of stamped U.S. Postal Service Certificates of Mailing or Certified Mail Receipts. Notices sent "Return Receipt Requested" are not required. Owners of lots, or portions of lots, which are across a public or private street shall be deemed to be abutting property. Such notice shall be mailed not less than ten (10) days nor more than twenty (20) days prior to the first scheduled public hearing.

3. **SIGN ON THE PROPERTY:** Every applicant that submits an application for a variance to the Planning & Zoning must post one notification sign on the property which is the subject of said application at least 10 days prior to the scheduled hearing date and must maintain the posted sign in place until Planning & Zoning has rendered its final decision approving or denying said application.

- a. The sign shall be erected not more than 10 feet from the front yard boundary of the property that abuts a public road and must be conspicuous to the public. The bottom edge of the sign so erected shall be positioned no less than 2.5 feet and no more than three feet above the ground. If the sign's visibility is obscured by vegetation, the applicant must cut the vegetation to a degree sufficient to maintain clear visibility of the sign from the road. If the front yard of the property does not abut a public road, a sign shall be posted in a location that can readily be seen by the public near the front of the property.
- b. Said sign shall be at least 30 inches by 20 inches in size, consist of sturdy and serviceable material containing a white background with black block letters at least two inches high and legible from a distance of 30 feet. Suggested wording:

"ON THIS SITE A (describe action set forth in the application) IS PROPOSED.

THIS MATTER WILL BE DISCUSSED AT A ZONING MEETING

ON (give date) AT (give time) AT (give location).

PROVIDE CITY CONTACT INFO (NOT DEVELOPER)

- c. The applicant shall update said sign at least two weeks prior to every Zoning, City Council, or Public meeting in which the applicant's matter will be heard.
- d. Prior to the commencement of any public hearing or, if no public hearings are required, prior to the rendering of any decision disposing of any application, the applicant shall submit a sworn certification on a form provided by the City verifying placement and maintenance of the required notice sign. If the certification is not submitted in a timely manner, any scheduled public hearings shall be cancelled, subject to rescheduling, and any dispositive action by the Board shall be deferred until timely certification is submitted. In the event of repeated or continued noncompliance with the sign posting and certification requirements, the application may be dismissed at the discretion of the Board.

4. **NOTICE TO NEIGHBORING MUNICIPALITIES:** If the property involved in an appeal or application lies within 500 feet of the boundary of any other municipality, the City shall transmit to the Clerk of such other municipality, a copy of the official notice of the public hearing not later than five days before the hearing and shall thereafter send a copy of the decision of Planning & Zoning to the Clerk of such other municipality.
5. **NOTICE TO OTHER AGENCIES:** At least five days before such hearing, Planning & Zoning shall mail notice thereof, to agencies, commissions, or owners having jurisdiction over any park or parkway within 500 feet of the property affected by such appeal, and to the county, metropolitan or regional planning agency as required.

RESUME EXISTING NORWALK PROCEDURES

E. At the hearing the applicant shall present his case in person or by agent or attorney. After the applicant presents his case, those in favor of the application shall speak and, then, those opposed. The applicant may then rebut the opposition.

F. No application or petition will be considered if litigation concerning the matter is pending.

G. The applicant must submit all documents evidence in support of the application to the Board/Staff no fewer than 10 days prior to the day of the hearing or any reconvening thereof.

** MS. CUZZONE SECONDED THE MOTION
** MOTION PASSED UNANIMOUSLY

8. NEW BUSINESS

A. Approve and refer the following to the Land Use Committee of the Common Council:

** **MR. LIVINGSTON MOVED TO AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT WITH GIACORP CONTRACTING INC, FOR ADA IMPROVEMENTS AT THE NORWALK HISTORICAL SOCIETY MUSEUM IN THE AMOUNT NOT TO EXCEED \$146,835.00. ACCOUNTS 09166310 5777 C0573, 09176310 5777 C0573, 09156310 5777 C0579, and 091863105777 C0549.**

AND TO AUTHORIZE THE HISTORICAL COMMISSION TO EXECUTE CHANGE ORDERS ON THE CONTRACT NOT TO EXCEED \$10,000.00.

** **MR. CHANDLER SECONDED**
** **MOTION PASSED UNANIMOUSLY**

B. Review Plans for 137 Connecticut Avenue

Mr. Bermeo said the Zoning Department asked him to come to this meeting to present his plans for a Mexican Restaurant in the former John's Diner on Connecticut Avenue. He said he is keeping the historical parts of the building and will add a deck to the building. He explained that it was an old railroad car diner.

The Commissioners reviewed the plans. It was noted he will be preserving the historic part of the building.

**** MR. CHANDLER MOVED TO ACCEPT THE PLANS FOR 137 CONNECTICUT AVENUE DATED FEBRUARY 1, 2018 AS PRESENTED**

**** MS. BETTS SECONDED**

**** MOTION PASSED UNANIMOUSLY**

9. ADJOURNMENT

**** MR. LIVINGSTON MOVED TO ADJOURN**

**** MR. CHANDLER SECONDED**

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B. Walk Bridge Update

Mr. Westmoreland reported that the Commission, the Historical Society, and the Preservation Trust all refused to sign-off on the DOT's mitigation plan regarding the project impacts to the replacement of the East Avenue Bridge and other work associated with the bridge in East Norwalk. They claimed that the State Historic Preservation Office did not consider the East Avenue Cemetery, the Methodist Church and the DAR monument, along with some other buildings, as eligible for the National Register. Mr. Westmoreland said it was absolutely unfathomable to claim that a cemetery founded in the 1600s, that contained the final resting places for most of the founders of Norwalk, a colonial period Governor of the Colony of Connecticut, among others, as not historic and he was sure that the National Park Service, who administers the National Register, would agree. We refuted this to the state and they said that they would reconsider if we apply. The Preservation Trust contacted and is working with the Third Taxing District to develop a National Register nomination for the cemetery. The DOT said they would not modify the report since none of the potential historic resources were affected by the project, which is why we decided not to sign the document. Unfortunately, federal law only requires the SHPO to sign-off to continue the project, regardless of whether or not we agree.

There was no further business and the meeting was unanimously adjourned at 8:03 p.m.

Respectfully submitted,

David G. Westmoreland

City of Norwalk

Historical Commission

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