

**CITY OF NORWALK
ZONING COMMISSION
June 21, 2017**

DRAFT: NOT APPROVED BY THE COMMISSION

PRESENT: Nathan Sumpter, Chair; Rod Johnson; Michael Witherspoon; Lou Schulman; Doug Stern; Joe Passero; Galen Wells; Richard Roina

STAFF: Steve Kleppin; Mike Wrinn

OTHERS: Tim Sheehan; Atty Frank Zullo

I. CALL TO ORDER

Mr. Sumpter called the meeting to order at 7:44 p.m.

II. ROLL CALL

Mr. Kleppin called the roll.

Mr. Sumpter presented Emily Wilson a plaque for her years of service to the Zoning Commission. He thanked her from the Commission and the City of Norwalk.

III. Discussion of Draft amendments to the zoning regulations and changes to the zoning map associated with South Norwalk Transit Oriented Development (TOD) Redevelopment Plan – Status report and further review.

Mr. Kleppin began the presentation by noting that there were drafted regulations in the commissioners' packets. He said that his staff had worked with the Redevelopment Agency staff. There were discussions about the parking numbers and if the commissioners could see similar numbers from other towns. Tim Sheehan, the director of the Redevelopment Agency noted that these parking numbers were the same with other areas in Norwalk. There had been no reductions. Mr. Sheehan said that he appreciated collaborating with the Planning and Zoning Department. The item would be moved to the Zoning Commission agenda in July.

IV. REPORT OF PLAN REVIEW COMMITTEE

a. #11-17CAM – Eco Windows & Doors – 26 Wall Street – Tenant fit-up for retail use - Report & recommended action

***** MR. JOHNSON MOVED: BE IT RESOLVED** that Coastal Area Management #11 -17CAM – Eco Windows & Doors – 26 Wall Street – Tenant fit-up for expanded retail use and as shown on the architectural drawings submitted by the applicant and received on 5/18/17 be **APPROVED** subject to the following conditions:

1. That all signage, existing and proposed, comply with the zoning regulations; and
2. That any graffiti on the site, now or in the future, be removed immediately; and
3. That all needed permits from the applicable City agencies be obtained; and

BE IT FURTHER RESOLVED that under Section 118-1220(L), municipal parking in Norwalk Center, the additional 2 parking spaces generated by the increased active area (4 parking spaces total), will not be required to be provided, as the property is located in the "Exempt From Municipal Parking Permit Fees" area of Norwalk Center; and

BE IT FURTHER RESOLVED that the proposal complies with all applicable coastal resource and use policies; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be June 20, 2017.

Mr. Witherspoon seconded.

Nathan Sumpter, Chair; Rod Johnson; Michael Witherspoon; Lou Schulman; Doug Stern; Joe Passero; Galen Wells;

No one opposed.

No one abstained.

b. #13-17CAM – Landtech – 80 Seaview Avenue – Public access deck and relocate existing shed - Report & recommended action

***** MR. JOHNSON MOVED: BE IT RESOLVED** that Application #8-17 CAM proposed by Landtech at 80 Seaview Ave for a new public access deck / patio with relocated storage shed, and as shown on the plan entitled, "Site Development Plan for Proposed deck and Building Relocation", Scale 1" =20'-0", Dated 3/22/2017 and revised 6/5/2017 by Landtech Engineering, LLC, Westport, CT be **APPROVED** subject to the following conditions:

1. That all CEAC sign-offs are obtained and in the file; and
2. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
3. That any additional soil sedimentation and erosion controls be installed at the direction of the Staff; and
4. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required improvements; and
5. That the proposed public access deck / patio not be higher than 8" from the ground; and
6. That the shed be used for storage only; and
7. That all signage, existing and proposed, comply with the zoning regulations; and
8. That three new public access signs be installed (one at the existing public access deck, one at the proposed patio/deck, and one at the road; and
9. That all public access signs shall be a minimum of 8 ½" x 11" in size and indicate the following: "Public access on deck."; and
10. That no other notations shall be written on the public access signs such as "No Loitering" and "Use of tables managed by Overton's" or any other words or phrases that restrict public access; and
11. That there are no other signs on the relocated shed; and
12. That the ATM machine and awning be removed from the relocated shed; and
13. That the shed will not be electrified; and

14. That a drainage report and plan be submitted as a part of the zoning approval; and
15. That drainage be proposed and installed at the site; and
16. That a stormwater system be maintained per the operations and maintenance plan submitted; and
17. That all flood certifications be submitted prior to a zoning permit being issue; and
18. That details related to seawall work be submitted as a part of the zoning approval; and
19. That any graffiti on the site, now or in the future, be removed immediately; and
20. That any modification by any other agency which requires a substantial change to these plans be submitted to the Zoning Commission for review and approval; and
21. That permits required by the Connecticut Department of Energy and Environmental Protection for work done in their jurisdiction be obtained; and
22. That an engineer's certification be submitted prior to a certificate of occupancy; and

BE IT FURTHER RESOLVED that this proposal complies with all applicable coastal resource and use policies.

BE IT FURTHER RESOLVED that the effective date of this approval shall be June 30, 2017.

Mr. Passero seconded.

Nathan Sumpter, Chair; Rod Johnson; Michael Witherspoon; Lou Schulman; Doug Stern; Joe Passero; Galen Wells

No one opposed.

No one abstained.

V. REPORT OF ZONING COMMITTEE

**a. #1-17R – Meadow Street Partners, LLC – Proposed amendment to Industrial #1 zone to allow storage of empty solid waste containers and refuse collection receptacles associated with an approved solid waste transfer station as a contractor's storage yard – Report and recommended action
Note: 5 votes to override the Planning Commission's denial and approve the proposed amendment**

Before the commissioners voted on this resolution, the Planning Commission's denial of the referral was read into the record by Mr. Wrinn. Mr. Roina said that he supported the amendment although he was not able to vote on it.

***** MR. PASSERO MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#1-17R – Meadow Street Partners, LLC – Proposed amendment to Industrial #1 zone to allow use of a contractor's storage yard for storage of empty containers and refuse collection receptacles associated with an approved solid waste transfer station by Site plan review" and dated January 4, 2017, be **APPROVED**.

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

- 1) To implement the Plan of Conservation and Development to "Examine and modify existing zoning where necessary to achieve the goals of this plan" (F.2.1, p. 42); and

- 2) To implement the Plan of Conservation and Development to “Encourage diversity in commerce and industry” (A.1.1.2, p. 10); and

BE IT FURTHER RESOLVED that the effective date of this action be June 30, 2017.

Mr. Witherspoon seconded.

Nathan Sumpter, Chair; Rod Johnson; Michael Witherspoon; Lou Schulman; Doug Stern; Joe Passero; Galen Wells

No one opposed.

No one abstained.

b. #1-17SPR/#1-17CAM – Meadow Street Partners, LLC – 6 & 30 Meadow St – Site plan review/CAM for new contractor’s storage yard to store empty containers and refuse collection receptacles within 100 ft of an existing solid waste transfer station – Report and recommended action
Note: Action on zoning amendment must precede action on related Site plan review/CAM applications.

Mr. Kleppin handed out a list of 26 proposed conditions which he then explained to the commissioners. There was some discussion about these resolutions. Then the commissioners discussed the points, pro and con about voting for this resolution.

***** MR. PASSERO MOVED: BE IT RESOLVED** that site plan review application **#1-17SPR** and coastal site plan review application **#1-17CAM** – Meadow Street Partners, LLC – 6 Meadow St & 30 Meadow St – Proposed contractor’s storage yard to store empty containers and empty refuse collection receptacles within 100 feet of an existing solid waste transfer station as shown on a set of plans entitled, "Site Plan Review Application of Meadow Street Partners, LLC Norwalk CT." and dated October 7, 2016 **as revised to June 5, 2017** by Landtech et al be **APPROVED**; subject to the following conditions:

1. That only clean and empty refuse collection and recycling receptacles used in the construction trade be stored within the designated contractor storage yard container storage areas only and that there shall be no storage of containers within the designated driveway or within the ROW used to access the storage yard; and
2. That the use of the storage yard shall be restricted to a maximum of four hundred (400) stacked containers, as permitted in condition 1, from October 1 through April 30, which shall not exceed a height of thirteen feet (13') when stacked; and
3. No more than two hundred and fifty (250) containers, as permitted in condition 1, shall be stored on the Property from May 1 through September 30, and containers shall not be stacked between May 1 and September 30; and
4. The applicant shall not store refuse collection containers within the designated driveway or ROW; and
5. As agreed to by the applicant, prior to the issuance of a Zoning Permit, the Applicant shall maintain the landscaping shown on the site plan entitled, “Site Improvements for an Existing Industrial Yard, Site Plan,” Sheets C-1 – C-3, by Landtech, dated October 7, 2017, revised to June 5, 2017, to insure adjacent properties are sufficiently screened from the contractor storage yard use. The Applicant shall execute a landscape maintenance agreement, subject to approval by Zoning Commission staff. Said agreement shall be recorded on the Norwalk Land Records; and

6. As agreed to by the applicant, prior to the issuance of a Zoning Permit, the Applicant shall complete remediation of the tidal wetlands as approved by the State Department of Energy and Environmental Protection (DEEP) as shown on the wetlands remediation plan, entitled, "Wetland Remediation Plan, 30 Meadow Street, Meadow Street Partners, LLC, Norwalk, CT," by Pietras Environmental Group, LLC, dated November 29, 2016; and
7. That the site plan be revised to provide a landscaped buffer of 8-10 foot high arborvitae along the entire eastern property boundary at a point where there is sufficient width to begin planting. Said arborvitae shall be included in the landscape maintenance agreement referenced in Condition 5; and
8. To the extent possible, that the site plan be revised to provide additional evergreen trees 8-10 feet in height, within the landscape buffer area along the southern property boundary; and
9. That an eight (8) foot high timber fence, weighing three (3) pounds per square foot, be installed atop the seventy two (6) foot high concrete block wall along the eastern property line, as indicated on "Site Improvements for an Existing Industrial Yard, Site Plan," Sheet C-3, prepared by Landtech, dated October 7, 2017, revised to June 5, 2017; and
10. Once final landscaping and fencing is installed, staff shall make a visual inspection from Village Creek, when no deciduous canopy is present, to ensure the plantings installed are sufficient and shall report the findings to the Commission for consideration; and
11. That all required soil sedimentation and erosion controls are in place prior to the start of any construction and that any additional soil sedimentation and erosion controls be installed at the direction of the staff; and
12. As agreed to by the applicant, prior to the issuance of a Zoning Permit, the Applicant shall maintain the stormwater management system shown on the set of plans, entitled, "Site Improvements for an Existing Industrial Yard," Sheets C-1 – C-3 by Landtech, dated October 7, 2017, revised to June 5, 2017, and shall execute a stormwater maintenance agreement, subject to approval by Zoning Commission staff, to be recorded on the Norwalk Land Records; and
13. The applicant shall maintain a 300 foot long by 30 foot wide aggregate base beginning at the entrance to the property from the right of way; and
14. As agreed to by the applicant, the applicant shall be responsible for maintenance of the Private Drive at no cost to the City, so as to ensure it is suitable for use as an access-way to the various properties that legally utilize same; and
15. That all CEAC sign-offs including a sign-off from the Department of Public Works and South Norwalk Electric and Water be provided prior to the start of construction; and
16. That any modifications to the approved plan, including any changes required by any other agency that requires a substantial change to these plans, be submitted to the Zoning Commission for review and approval; and
17. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required erosion and sediment controls; and
18. That any horn blowing, idling of trucks, and exhaust discharge be in compliance with Chapter 68 [§68-6 Prohibited Activities] - Noise Ordinance of the City Code of Norwalk and that all trucks and equipment used to move the empty storage containers be outfitted with white noise emitting back up devices to minimize noise impacts on surrounding neighbors; and

19. That the hours of operation be limited to Monday – Friday between 7:00 am – 5:00 pm and that Saturday hours be limited to 8:00 am – 2:00 pm and that these hours be made part of this approval; and

20. As agreed to by the applicant, the contractor's storage yard shall not be put to a use which requires employees working on the premises on a regular basis without first obtaining necessary approvals for such a use from the City of Norwalk; and

21. That all traffic improvements, including improvements required by the Department of Public Works, be complete prior to the issuance of a certificate of zoning compliance (CZC); and

22. That within one (1) year after a certificate of zoning compliance (CZC) is issued, or sooner if requested by the Commission, a follow-up traffic study be conducted and submitted to the Commission for review and approval; and

23. That a licensed Connecticut engineer certify that all of the required improvements were installed in accordance with City standards, prior to the issuance of a certificate of zoning compliance; and

24. That a corrected deed and A-2 survey be filed on the Norwalk Land Records to clarify the ownership of the 6 Meadow Street parcel that provides access to the site prior to the issuance of a zoning permit for the new use; and

25. That the storm water maintenance plan be implemented to ensure the maintenance of onsite drainage systems; and

26. Prior to the issuance of a Zoning Permit, and at all times thereafter, the Applicant shall appoint an individual, to act as a Community Liaison. The applicant shall provide the Planning and Zoning Department and the President of the Village Creek Homeowner's Association the name, phone number and email address of the designated liaison. The Community Liaison will act as a point of contact between the general public and the operator of the contractor's storage yard located on the Property.

BE IT FURTHER RESOLVED that the reason for this action is that this application complies with applicable coastal resource and use policies; and

BE IT FURTHER RESOLVED that this application complies with Section 118-700 Industrial Zone #1 (as amended) and with applicable sections of the Building Zone Regulations for the City of Norwalk, as amended.

BE IT FURTHER RESOLVED that the effective date of this action be June 30, 2017.

Mr. Stern seconded.

Nathan Sumpter, Chair; Rod Johnson; Michael Witherspoon; Lou Schulman; Doug Stern; Joe Passero; Galen Wells

No one opposed.

No one abstained.

VI. APPROVAL OF MINUTES: May 17, 2017 and June 8, 2017 Special meeting

**** MR. SCHULMAN MOVED** to approve the Zoning Commission minutes of May 17, 2017.

Mr. Passero seconded.

Nathan Sumpter, Chair; Rod Johnson; Michael Witherspoon; Lou Schulman; Doug Stern; Joe Passero; Galen Wells
No one opposed.
No one abstained.

**** MR. PASSERO MOVED** to approve the Zoning Commission minutes of the Special meeting on June 8, 2017.

Mr. Witherspoon seconded.
Nathan Sumpter, Chair; Rod Johnson; Michael Witherspoon; Doug Stern; Joe Passero; Galen Wells; Richard Roina
No one opposed.
Lou Schulman abstained.

VII. COMMENTS OF DIRECTOR

a. #X-17R – Zoning Commission - Proposed amendments to permit medical marijuana dispensaries and medical marijuana producers in certain zones

Mr. Kleppin discussed that the staff was looking into churches and schools and how close the dispensaries would be to them. It was discussed that the dispensaries in Westport would be treated like pharmacies. Some commissioners also thought it should be that way in Norwalk. There was a discussion about how many dispensaries should be allowed. Mr. Wrinn believed that the state would ultimately decide how many should be in the state. Mr. Kleppin had said that he had received several requests. There was a discussion about the allowed zones. He noted that he had provided them with a map of suggested zones so that the staff could draft the regulations. There was a discussion about the security of the building since this was a cash only business. He noted that it would be easier to take zones out of a regulation rather than adding them in later. There was also a discussion about what type of permit. The commissioners agreed it should be a Special Permit.

b. Update on Planning Studies: Wall Street, West Avenue and Washington Street

Doug Stern began a discussion of the working group that is meeting on this project. He had attended the meetings. He said that it was still in the very early stages. Mr. Kleppin noted that there are many groups studying various things but that all the groups collaborate so that people do not get fatigued from too many meetings. He also gave a status report about the hiring of a consultant for the Plan of Conservation and Development (“POCD”).

c. 2017 Smart Growth/TOD Grant Program Submittal

Mr. Kleppin explained the grant application that the Zoning Department would be submitting for this. It would be submitted on Thursday, June 22, 2017.

d. Discussion of self storage facilities in various zones

Mr. Kleppin began the presentation about the discussion that the commissioners had at the last committee meeting on this topic. There would be a further discussion at the next committee meeting. Some of the commissioners were not opposed to the 2 proposed projects. There was a discussion about possibly filing for a variance. He then discussed the next steps for the applicant before they filed an application. Atty Zullo told the commissioners about the size of the 2 properties. He said that he had copies of renderings of what the buildings could look like. There was a discussion about the tax revenue generated from these 2 properties. There would be two separate amendments because these are in 2 different zones. There was then a discussion about the demise of retail. The commissioners requested that Atty Zullo submit an application on behalf of his client.

VIII. COMMENTS OF COMMISSIONERS

There were no comments from the commissioners.

IX. ADJOURNMENT

Mr. Stern made a Motion to Adjourn.

Mr. Witherspoon seconded.

**Nathan Sumpter, Chair; Rod Johnson; Michael Witherspoon; Lou Schulman;
Doug Stern; Joe Passero; Galen Wells**

No one opposed.

No one abstained.

The meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Diana Palmentiero