

**DRAFT
CITY OF NORWALK
PLANNING COMMISSION
May 15, 2018**

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

STAFF: Steven Kleppin; Mike Wrinn

OTHERS: Pete Romano; Steven Bentkover; Mary Ellen Pastore; Diane Lauricella; Laura Van Wort; Corporation Counsel Mario Coppola

I. CALL TO ORDER

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

II. ROLL CALL

Mr. Kleppin called the roll.

III. PUBLIC HEARINGS

a) Subdivision #3648 – MTS Enterprises – 139 West Rocks Road – 2 Lots

Mr. Romano began the presentation by orienting the commissioners as to the location of the property. He showed them how the property would be subdivided which had been bought from All Saints School. He noted that there had been a slight change to the subdivision from the previous time that they had been before the commissioners. He also noted that it would eventually become a Conservation Development. An explanation was given as to why it was 2 lots. There was no one speaking on behalf of All Saints School.

Steven Bentkover, President of the Board of Directors of Winnipauk Village Condo, spoke about his concerns about drainage issues that there was on his property. Those problems could be exacerbated with this new development. The other issue was privacy. There were currently a lot of trees on the property which may be cut down with a new development. There were issues with another nearby development whose condos looked into their condos.

Ms. King asked for clarification of the drainage problems from Mr. Bentkover. He also noted that they had spent a lot of money on the drainage issues. He also discussed the privacy issue further.

Mary Ellen Pastore, the treasurer at Winnipauk Village, noted that the flooding was putting people out of their homes because it was in livable space.

Diane Lauricella, spoke on behalf of the neighborhood association, Safe Cranberry, which abuts this neighborhood, and asked that the commissioners vote against this application unless the developer reduces the number of houses in the conservation development by at least half. She was concerned about the amount of impervious surfaces which would be high because of the number of houses. She was also concerned about the blasting that would happen and the number of trees removed. She wondered if there would be any buffers.

Laura Van Wort, lived in the condos on Aiken Street, was also concerned about the drainage. She said that the drainage in the area had been changed with the condos on Aiken Street. She thought this would get worse when more trees would be removed. She noted that access to the property would be on Aiken Street so she believed there would be more traffic as well.

There was a discussion about how the condos in the area were notified. There was a further discussion about the drainage. Mr. Bentkover said that he could not speak to the drainage at the Sunrise Condominiums.

Ms. DiMeglio closed the public hearing. There was a discussion about the certified, return receipt cards which notified the neighbors of the public hearing.

Mr. Romano began his rebuttal by noting that this was a subdivision and that many of the remarks were premature. He said that the design of the Conservation Development had not been completed yet. He explained that their questions were for the next application. Mr. Ferguson noted that the neighbors were all notified. There was then a discussion about the footprint of the structures. There was a discussion about whether this property could be used for condos but Mr. Wrinn said that it could not. Mr. Romano explained the ownership of the land would be like a condominium with single family residences. There was a discussion about the types of homes that could be constructed. Ms. King questioned whether the city needed another housing project as well as the A Zone itself. Mr. Mushak reminded the commissioners that they were only voting on the subdivision and not the proposed development. There was a discussion about the A Zone regulations. Ms. King was not happy with what was going on in A zones. There was also a discussion about recommendations to the Zoning Commission about drainage issues from any proposed development which may impact the surrounding neighborhood. There were concerns about the proposed development especially about the buffering between the proposed developments. Mr. Mushak noted that the city had a drainage manual so that there should not be any issues when this applicant filed its application for the proposed development. He also thought this was smart development because these houses would be near 2 schools so that kids wouldn't have to be bussed to school. Mr. Kleppin also noted that in a regular subdivision the applicant would have to maintain the trees. With this they would have to retain a buffer. Mr. Davidson asked Mr. Kleppin to read into the record the wording of the proposed resolution addendum. Mr. Kleppin stated, "The Commission is concerned about drainage impacts and requests that the Department of Public Works ("DPW")

requires no negative site impacts as a result.” There was a discussion about whether this addendum would be added to the resolution. Ms. DiMeglio did not want to “require” the DPW to do it and Mr. Davidson challenged that position because he believed the Chair should put it forward for a vote.

At 7:53 p.m., the commissioners decided to take a 5 minute break.

IV. DISCUSSION AND/OR DECISION

a) Action item on Subdivision #3648 – MTS Enterprises – 139 West Rocks Road – 2 Lots

Once they returned from the break, the commissioners began their discussions on this matter. Ms. DiMeglio was reluctant to tell DPW what they had to do. Mr. Davidson believed that the Planning Commission had a responsibility to express their views to what is being referred to the Zoning Commission. He asked that it be added to the recommendations to the resolution and be directed to DPW and the Zoning Commission, especially since they were concerned with the runoff to neighboring properties. Mr. Mushak also asked that they add language “that the commissioners had concerns about drainage reflected by comments made by the public and also concerns about the nature buffer.” There was a discussion about this language. Ms. King informed the others that she would be voting against the subdivision. She then made a motion to not approve the subdivision but Ms. DiMeglio reminded her that it met regulations. However, no one seconded it and it died. Mario Coppola, Corporation Counsel, then suggested that rather than adding the language about the drainage, the Planning and Zoning staff make a copy of the minutes, with these concerns and give them to the Zoning Commission and DPW. Since this was not a referral to the Zoning Commission this was the best solution.

***** MR. DAVIDSON MOVED: BE IT RESOLVED** that subdivision application #3648 submitted by MTS Enterprises, LLC, at 139 West Rocks Road and as shown on a plan entitled “Subdivision Map, 139 West Rocks Road, Norwalk, Connecticut, Prepared for Bridgeport Roman Catholic Diocesan Corporation” Scale 1” = 80’, dated 3/15/1018 and certified “Substantially Correct” by Loureiro Engineering Associates, Inc, Plainville CT, William J, Nagle Jr. , Land Surveyor – Connecticut Registration No. 70269 be **APPROVED** subject to the following reasons:

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 to be determined by staff, be submitted to guarantee the installation of all erosion and sedimentation controls; and

4. That a financial guarantee, in an amount to be 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 any proposed drainage system for future development, when installed, be maintained to work at full capacity; and
6. That the maintenance of any proposed drainage system be noted on the final subdivision map; and
7. That the maintenance of any proposed drainage system be noted on all zoning permits; and

BE IT FURTHER RESOLVED that the Commission is concerned about drainage impacts, based on the topography of the area and information provided by neighboring property owners, and requests that the Department of Public Works require that there be no negative off-site impacts as a result of future development activities.

BE IT FURTHER RESOLVED that the Commission recommends that the existing vegetative buffer remain.

BE IT FURTHER RESOLVED that the condition of the existing sidewalks and curbs are found to **be acceptable** and **do not need to be replaced** on West Rocks Road; and

BE IT FURTHER RESOLVED that the condition of the existing sidewalks and curbs are found to **be acceptable** and **do not need to be replaced** on Aiken Street; and

BE IT FURTHER RESOLVED that the street tree requirement **not be waived** and that a minimum of Eighteen (18) street trees be installed and that where practical, any existing street trees which meet the street tree requirements, be retained, be protected during construction, and utilized towards the street tree requirement; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 25, 2018.

Mr. Mushak seconded.

Frances DiMeglio; David Davidson; Brian Baxendale; Tammy Langalis; Mike Mushak; Steve Ferguson voted in favor.

Nora King opposed.

No one abstained.

b) Discussion with Corporation Counsel Mario Coppola regarding naming rights and public / private partnerships

Atty. Coppola began the presentation by stating to the commissioners that the city could provide opportunities for sponsorships and naming rights. He then referred them to a memo that he had drafted. He also noted that the Planning and Zoning

Department staff had provided him with a memo of surrounding towns that had policies/regulations for this. He noted that Newtown had a good policy. If this was the way that the commissioners wanted to proceed, he suggested that the Common Council add an amendment to the ordinances.

Ms. King explained why the commissioners had asked for this discussion. The idea for it came from Capital Budget hearings. She explained what the businesses could do to help maintain parks, ball fields, etc. There was a discussion about having standards for companies who were sponsoring in Norwalk. He then outlined the steps to make this happen as well as a strategy to raise funding. He encouraged them to work with the Common Council and to draft a plan. Once the City's reorganization is completed it would be an opportunity for an economic development officer to be the contact to those in the private sector. There is no payment for naming streets once someone has passed away.

c) Action item on 8-24 Review – Law Department - Proposal to acquire South Norwalk Community Center's half ownership interest of 98 South Main Street

Atty. Coppola began the presentation by noting that he had provided them with a memo and supporting documents. He gave a brief history of the property which included the use of it by NEON and other social agencies, the bankruptcy of NEON, and a settlement for a half ownership interest in the property. It's been difficult to own the property with a partner. The board, of the agency that would now be in the building, would be more inclusive and reflective of the South Norwalk area. Atty Coppola believed that the people on the board would be able to fundraise. They would like to get this deal done so that the partner does not walk out on it. There was a discussion about the different organizations that could be in the building that would be able to provide services to the neighborhood. Atty Coppola discussed a plan that should be done to find an organization that would be willing to take over the management of the building. He said they would like to obtain the property by the end of June. There was a discussion about whether any of the tenants had paid rent. The funds received were not enough to cover expenses. Atty. Coppola explained that the funds would come from those received from GGP when they decided not to construct a hotel at the Mall. They discussed the possibilities which could include a YMCA which is no longer in Norwalk. There was also a discussion about the price of the building and the appraisal of the building. Atty. Coppola believed that the owner should get a fair price for the building but that the city should get a fair deal. There was a discussion about some of the language in the contract which Atty. Coppola said would be made clearer. Specifically, (LISTEN TO PART 2 OF TAPE AT 35 MIN. TO 45 MIN.)

***** MS. DIMEGLIO MOVED: BE IT RESOLVED** by the Norwalk Planning Commission that the 8-24 Review submitted by the Law Department - Proposal to acquire South Norwalk Community Center's half ownership interest of 98 South Main Street be **APPROVED** and that the Commission finds that the proposed 8-24 request is

consistent with the Plan of Conservation & Development for Norwalk and that the reasons for this action are:

1. To implement the Plan of Conservation and Development goal to "Provide and maintain non-profit community centers which offer services to a wide segment of Norwalk residents." (D.2.1. p. 30); and
2. To implement the Plan of Conservation and Development goal to "Provide Norwalk Citizens with efficient, well-kept buildings." (D.9.1. p. 33); and
3. To implement the Plan of Conservation and Development goal to "Allow for the future needs of Norwalk to be met as identified in this plan (i.e. housing, economic growth, community facilities, etc.)." (F.1.1.6. p. 42); and
4. To implement the Plan of Conservation and Development goal to "Provide stability in land use and zoning." (F.2.1.2. p 42); and

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

Mr. Davidson seconded.

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

No one opposed.

No one abstained.

d) Action item on 8-24 Review – Law Department – Agreement with the State of Connecticut for property taking at 10 N. Water Street, Norwalk, CT (Maritime aquarium) for the Walk Bridge Project

Atty Coppola noted that this was a specific request as part of the bigger Walk Bridge Project. He explained some of the easements on the property. He then explained that the State was taking a part of the Aquarium (the IMAX), a city owned property, and the improvements which would be a benefit to the city. There would be a 4D Theater in the Aquarium. He discussed the appraisal and suggested that they not negotiate with the state. There was also a discussion about the Norwalk River Valley Trail. Atty Coppola said that it was not on the table in this negotiation. There was some discussion about business mitigations for those in the area. He noted that the Aquarium wanted the city to accept the deal. There was a discussion about the time frame of the closing of the current IMAX Theater and the opening of the new one. There was also a discussion about funding from the state. They did not want to be out of business for long and it is a tight schedule. Mr. Mushak then returned to discussing the Norwalk River Valley Trail. He referred to several documents that called for it in the past. He is co-chair of the Bike/Walk Task Force and spoke before different commissions about it. He noted that the agreement said the state would seed the easement. There was a discussion that that city had been working on getting the trail. Mr. Mushak wanted to connect the

Harbor Loop Trail with the Norwalk River Valley Trail. Atty Coppola reminded him that this was the best deal the city would get and that they would continue to push the state to develop the trail. Mr. Mushak, Ms. Langalis and Mr. Ferguson would meet with the Mayor to move this issue forward.

***** MS. DIMEGLIO MOVED: BE IT RESOLVED** by the Norwalk Planning Commission in accordance with Section 8-24 of the Connecticut General Statutes, the referral made by the Law Department for an 8-24 Review by the Planning Commission the recommendation of an agreement with the State of Connecticut for property taking at 10 N. Water Street, Norwalk, CT (Maritime aquarium) for the Walk Bridge Project be **APPROVED** with the following comments:

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

1. To implement the Plan of Conservation and Development goal to "Protect property values." (A.1.1.5. p.10); and
2. To implement the Plan of Conservation and Development goal to "Provide and maintain an attractive open space system for the enjoyment of all residents. (C.1.3. p. 24); and
3. To implement the Plan of Conservation and Development goal to "Allow for the future needs of Norwalk to be met as identified in this plan (i.e. housing, economic growth, community facilities, etc.)." (F.1.1.6. p. 42); and

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

Mr. Ferguson seconded.

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

No one opposed.

No one abstained.

V. APPROVAL OF MINUTES: April 17, 2018

MS. DIMEGLIO MOVED to approve the Planning Commission minutes of April 17, 2018, as amended by Mr. Ferguson.

Ms. King seconded.

Frances DiMeglio; David Davidson; Tammy Langalis; Mike Mushak; Nora King; Steve Ferguson voted in favor.

No one opposed.

Brian Baxendale abstained.

VI. COMMENTS OF THE DIRECTOR

a. Citywide Plan (POCD)

Mr. Kleppin began the presentation by explaining that there were additional meetings planned and invited the commissioners to them. There was then a discussion of the timeline to completion.

b. East Avenue Transit Oriented Development (TOD) Grant

Mr. Kleppin told them that the RFP went out the previous week for this study.

VII. COMMENTS OF COMMISSIONERS

There was a discussion about when the Redevelopment Agency would give a presentation to the Planning Commission. They had been on this evening's agenda and then removed. Some of what they are doing goes straight to the Common Council and does not come before the Planning commission. There was the discussion about the Redevelopment Agency creating a new district, the innovation district, without Planning Commission input. There was also a discussion about whether there is a plan for the new district. Ms. King said that it had already gone before the Common Council. There was a discussion about whether the Planning Commission should have input into this new district. Mr. Ferguson asked that Mr. Kleppin ask Mr. Sheehan for an update. He also said that he had spoken with Redevelopment and that the Planning and Zoning staff had not informed them that the Planning Commission wanted an update. Mr. Davidson noted that he had five areas of concern. There was also a discussion about the Redevelopment Agency coming to the Planning Commission on a monthly basis with updates. Mr. Mushak discussed the wayfinding and explained, to be transparent, that he had an Adopt-A-Spot at Exit 14 which he has fixed with his own money. The city would not help him. He felt that the signs were inconsistent. He also found out that some of the signs had been paid for by the Redevelopment Agency but not the one at Exit 14. There was a discussion about tax concessions given to various businesses around the city. It was difficult for citizens to find any information about what taxes they paid. These abatements were handled by the Redevelopment Agency. Mr. Kleppin reminded them that for years the city had not funded any planning studies but that Redevelopment was doing them.

Mr. Davidson began a discussion about a CNNA letter which he said had not been added as an item to the agenda. Mr. Davidson said that the purpose of the discussion was that any commissioners could request it. There was a discussion about how studies would be incorporated into the new Plan of Conservation and Development ("POCD"). Mr. Kleppin explained how studies and regulations were adopted and incorporated into the New Canaan POCD. There was also a discussion as to when a presentation by Bob Baron would be done. Ms. DiMeglio noted that there was an item on the Zoning Commission agenda which was a public hearing for the Transit Oriented Development again. Mr. Kleppin said that the Planning Commission had done a referral on it. He also explained how it had been continued from April's agenda. There were some items taken out because it had not been properly noticed. They thought it had been passed in April.

VIII. ADJOURNMENT

**Ms. Langalis made a Motion to Adjourn
Mr. Baxendale seconded.
Fran DiMeglio; Steve Ferguson; Nora King; Mike Mushak; Tammy
Langalis; David Davidson voted to approve.
No one opposed.
No one abstained.**

The meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Diana Palmentiero