

**CITY OF NORWALK  
PLANNING COMMISSION  
January 15, 2019**

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

**STAFF:** Steve Kleppin; Mike Wrinn

**OTHERS:** Jim Kousidis; Cory Roland; Geri Roland; Atty Suchy; Atty McCann; Patrick Sikorsky; Valerie Horn; Pam Nielsen

**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. PUBLIC HEARING**

**a) Subdivision #3650 – Kousidis Engineering, LLC – 31 Nolan Street – 2 Lots**

Ms. DiMeglio opened the public hearing and explained the rules. Jim Kousidis began the presentation. He noted that they did not need any variances and all the appropriate sign-offs to move forward. He briefly spoke of the water retention and runoff from impervious surfaces. Ms. DiMeglio noted that she had seen Mr. Kousidis earlier but they had not discussed this application at that time.

Cory Roland, 28 Nolan St., had questions about the traffic study and construction times. He also asked whether there were any renderings of the structures to be constructed on the property.

Geri Roland, 28 Nolan St., also asked how tall the structure would be and how many units.

Mr. Kousidis noted that there were no actual plans but that there would be single family homes like the rest of the neighborhood and would be as high as the regulations allowed. He explained the sewer. He then explained the lots and that there would be the existing lot as well as the subdivision. There would be no gas lines coming to the property. Mr. Roland noted that a neighbor said that a tree's roots were wrapping around a water main. There was a discussion about whether it was market rate or affordable housing that was going to be constructed.

**b) Subdivision #3637 – 35 Meeker Court, LLC – 35 Meeker Court – 4 Lots –  
Calling of surety (CONTINUED)**

Ms. DiMeglio noted that this had been continued for 3 months. Atty Suchy explained what had happened in the last 3 months. She said that hay bales had been kept in place and that all has been installed as of the meeting date.

There was a discussion about some issues that neighbors felt had not been addressed. Mr. Wrinn said that there had been some water before the project. He said that the erosion control plan, phase 1 had been completed. The Department of Public Works (DPW) has been at the site for separate issues. Mr. Wrinn said that the Planning Department had spoken to the DPW about neighbors' issues. There was a discussion about leaving the public hearing open but they decided to do that. Atty McCann addressed the Planning Commission request as to whether they could rescind the subdivision approval. He said that although he agreed with Atty Suchy's letter that expressed that state statute did not allow it, they did have some recourse. The bond could be recalled or the approval could expire, especially if conditions were not met. They could expect compliance for each stage. He also explained other measures the City could take. There was a discussion about raising the bond because they thought it was insufficient. Atty McCann did not think they could. There was a follow-up discussion about whether the law specifically granted the right of rescission. Atty McCann recommended asking for additional monies under the bond and use it to make repairs, etc. and then ask the developer to do the remaining work. Atty McCann said that there is recourse for the Planning Commission. There was also a discussion about the phases of the subdivision and what conditions had to be met. There was then a discussion about the expiration date of a subdivision which is 5 years. This subdivision was approved 3 years ago. There was a further discussion about adding conditions. There was a discussion about getting monthly or quarterly updates from the Planning Department staff. There was a discussion about approving an extension. Mr. Davidson noted that the Planning Commission had an obligation to check that the developer was getting the job done. Atty McCann said that whatever action needed to be completed to make sure that the developer was working on this, Corporation Counsel would do it. Mr. Mushak asked if there could be additional conditions like plantings; however, he understood that those conditions would have to be added at the 5 year expiration if the developer wanted an extension.

Patrick Sikorsky, 20 Meeker Court, noted that he had been at the Planning Commission hearing when it was approved. He explained easements on the property and explained what had been discussed at that meeting. He noted that he had thought that the oak trees should have remained. He then noted what was working on the property at this time such as a berm. He explained what was happening on the property. He also noted that the City was revaluating the property and that they may receive tax abatements because the property values had gone down. There was a discussion about the driveways that were going to be constructed.

Valerie Horn, 20 Meeker Court, explained what DPW was trying to do. She also said that the water had now flooded her backyard and she did not think that it would ever evaporate.

She wondered how long it would take for the other houses to be built, if the first house had taken 3 years to be built.

Mr. Wrinn noted that perhaps this item should be continued to the following month since the Planning Commission had to be at the Special Meeting of the Planning Commission for the Plan of Conservation and Development (“POCD”)

Pam Nielson, 32 Briar Street, said she agreed that new trees may help. She asked about a time line for the construction of the other houses. She also had questions about the retaining wall. She pointed to some pictures that the commissioners had received as well.

Mr. Wrinn said that phase 1 of the erosion control plan had been implemented. He said water was going into the soil now.

Mr. Mushak said that the water tables are extremely high at this time of year because of the amount of rainfall that Fairfield County had received in the last year. Mr. Baxendale said they would need some input from the Corporation Counsel to move the application forward. There was a discussion about how many reports to the Planning Commission that the applicant should do. They agreed he should come before the Planning Commission quarterly so they would be before them again in March. There was a discussion about whether the Planning Commission could have answers about construction schedules, etc.

This meeting was going to be continued until February. Mr. Kleppin said that he would inform members of the public that the meeting for the Plan of Conservation and Development would not start at 7 p.m.

There was a further discussion again about how to move the application forward. Atty Suchy asked that this matter be closed.

#### **IV. DISCUSSION AND/OR DECISION**

##### **a) Action on Items III. a.**

##### **Subdivision #3650 – Kousidis Engineering, LLC – 31 Nolan Street – 2 Lots**

Ms. King said that she did not want to move this item without sidewalks on the application. Mr. Wrinn noted that trees would be removed for the sidewalks. There was then a discussion about moving the public hearing to February. The commissioners agreed that they would add sidewalks.

**\*\* MS. KING MOVED** to require the addition of curbs and sidewalks on Nolan St. only.

**Mr. Mushak seconded.**

**Frances DiMeglio; Brian Baxendale; Tammy Langalis; Mike Mushak; Mary Peniston; Steve Ferguson; Nora King.**

**No one opposed.**

**David Davidson abstained.**

**\*\* MR. MUSHAK MOVED: BE IT RESOLVED** that subdivision # 3650 – Kousidis Engineering, LLC – 31 Nolan Street – 2 lots as shown on a survey entitled “Resubdivision Map Prepared For Mario Lombardi, Norwalk CT, Scale 1” = 20’, dated February 3, 2018 “, and certified substantially correct by Dennis A. Deilius, CT Land Surveyor and a site development plan by Kousidis Engineering, LLC, dated 11/02/18 be **APPROVED** subject to the following conditions:

1. That all required CEAC signoffs are submitted; and
2. That the water line on Springdale Court be extended by the applicant as required by the District to serve the new building lot; and
3. That all required soil and sedimentation controls be in place prior to any site work; and
4. That any additional soil erosion and sedimentation controls deemed necessary by the staff be installed at the direction of the staff; and
5. 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
6. That a financial guarantee, in an amount to be determined by staff, be submitted to guarantee the installation of any uncompleted required public improvements prior to the certificate of occupancy being issued on the construction of any new dwelling; and
7. That the proposed drainage system for future development, when installed, be maintained to work at full capacity; and
8. That the maintenance of any proposed drainage system be noted on the final subdivision map; and
9. That the maintenance of any proposed drainage system be noted on all zoning permits; and

**BE IT FURTHER RESOLVED** that 4 street trees meeting the specification of the subdivision regulations be installed and that, where practical, any existing street trees which meet the street requirement be retained and protected during construction and utilized towards the street tree requirement; and

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be January 25, 2019.

**Mr. Baxendale seconded.**

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

**No one opposed.**

**No one abstained.**

**V. ADJOURNMENT**

**Ms. Langalis made a Motion to Adjourn.**

**Mr. Davidson seconded.**

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

**No one opposed.**

**No one abstained.**

The meeting was adjourned at 7:09 p.m.

Respectfully submitted,

Diana Palmentiero