

**CITY OF NORWALK
PLANNING COMMISSION
January 22, 2019**

PRESENT: Frances DiMeglio, Chair; David Davidson; Brian Baxendale; Mary Peniston; Mike Mushak; Tammy Langalis; Nora King (arrived after roll call)

STAFF: Steve Kleppin; Mike Wrinn

OTHERS: Craig Flaherty, Atty Jay Klein

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. DISCUSSION AND/OR DECISION

a) Zoning Commission referral - #7-18R Zoning Commission - Proposed amendments to Section 118-1100 Flood Hazard Zone to make regulations consistent with the Connecticut State Building code (Public hearing January 16, 2019)

Ms. DiMeglio said that this item would be heard first, although it was second on the agenda. Mr. Wrinn explained that the Zoning Commission had opened the public hearing in order to wait for the Planning Commission referral. He explained the proposed regulations which were mostly clarifications to conform to the Connecticut State Building Code. Mr. Wrinn said the Connecticut Building Code was different from the Zoning regulations. There was a discussion about what other surrounding towns were doing. There was also a discussion about what local regulations were being eliminated. Mr. Wrinn said that most of the regulations dealt with HVAC items. The building regulations would be more restrictive. There was a discussion about the buffer zone which Ms. King said was a concern to the Rowayton and Harborview areas. She also asked Mr. Kleppin whether he would be hiring an intern to research this. She also wondered if another meeting with the Mayor would be necessary. There was a discussion about the zoning regulations for properties by the water. In other towns, owners were allowed to renovate their houses every 5 years. There was a concern that in Norwalk the owners had to demolish the house. Mr. Wrinn noted that the Zoning Commission had made the decision to not allow the renovations as other towns were allowing. Ms. King wanted to add more to these proposed regulations including the buffer zone and elevating the house. There was a discussion about additions to the language. The recommendation was to open up a discussion about making the regulations less restrictive and similar to other towns. It was decided to look at the regulations of surrounding towns. There was a discussion about a comment to add to the resolution which would then all be forwarded to the Zoning Commission. There was a discussion about

exceptions. Mr. Mushak noted that, as a landscape architect, he has had to elevate front yards because of water levels rising so quickly.

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#7-18R – Zoning Commission – Proposed amendments to Section 118-1100 Flood Hazard Zone to make regulations consistent with the Connecticut State Building code" and dated November 26, 2018, be **APPROVED**.

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

- 1) To implement the Plan of Conservation and Development policy to "Prevent flooding and the threat to health welfare and property (B.3.1, p. 17); and
- 2) To implement the Plan of Conservation and Development policy to "Maintain the Federal Flood Insurance Program which provides insurance for property owners in flood hazard areas, but encourage development (especially higher density) to be located outside flood-prone areas wherever possible, including increased setbacks to account for sea level rise" (B.3.1.8 . p.17); and
- 3) To comply with the recommendations of the CT. Department of Energy and Environmental Protection (DEEP) to revise the Flood Hazard zone requirements in Norwalk's Building Zone Regulations to be consistent with the new State Building Code requirements; and

BE IT FURTHER RESOLVED that it is recommended that

- 1) The Zoning Commission review the definition of "substantial improvement" specifically the reset date of 4/24/1978 and consider changing that reset date to be either 5 years or 10 years as deemed appropriate; and
- 2) The Zoning Commission reactivate the proposal to add a shorefront buffer requirement to add protection along the shorefront; and

BE IT FURTHER RESOLVED that notice of this action be forwarded to the Norwalk Zoning Commission.

Mr. Davidson seconded.

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

No one opposed.

No one abstained.

a) Zoning Commission referral – #6-18R – 3 Elmcrest, LLC – Proposed amendment to Section 118-360 D Residence zone to allow historic preservation incentive developments by Special Permit in D Residence zones (Public Hearing February 7, 2019)

Ms. DiMeglio opened the public hearing. Craig Flaherty began the presentation and introduced the owners of 3 Elmcrest LLC and other members of the project team. He gave a brief history of the company. He explained that the text amendment would be for a D Residence Zone and to incentivize historic preservation in certain areas of the city. He oriented the commissioners as to the location of the property on an aerial map. He showed them pictures of the current structure and gave a history of the property which dates back to the 1880s. He passed around the renderings to the commissioners. On the back of the structure there would be a multi-family residence. Mr. Flaherty said that both the Zoning Commission and the Historical Commission would review the architecture. He discussed the

materials that would be used. He showed them a rendering of the parking lot. There was a discussion as to requiring design review by the Historical Commission in the text amendment. Mr. Flaherty read from the Plan of Conservation and Development (“POCD”) as to which sections relate to this proposed amendment. He explained how the changes would work. There was a discussion about parking under the buildings. Mr. Mushak was in favor of lot coverage for this zone. Mr. Flaherty said that they had studied all the D Zones in the city to determine which properties this amendment would affect. There are some other properties that it could apply to, although it doesn’t now. Mr. Mushak thought this was a good start to incentivize for other zones. There was a discussion about the looks of the front and back of the building. There was a discussion about whether there were affordable units in the structure. There were only 19 units which was under the city’s minimum. There was a discussion about what can be done without a text amendment. Mr. Kleppin said they would have 3 less units. There was a discussion as to why the back of the building looked different than the historic building in the front. Mr. Mushak said that he knew that the Historical Commission was in favor of this text amendment. There was a discussion about whether the an application would also need Historical Commission approval but Mr. Kleppin said that since the Historical Commission was not a regulatory body, they could not give an approval. There was some confusion about a Zoning staff recommendation in the amendment, whether it was 20 or 25%, which could affect setbacks, etc. The commissioners thought that they needed clarification from the staff.

Jay Klein stated an opinion that the Historical Commission should not be given the authority, under this proposed regulation, which they did not have. Ms. King said she would like to hear an opinion from the City’s Corporation Counsel. Mr. Kleppin suggested that language be added to the amendment. Ms. DiMeglio suggested that they get staff clarification and be the first item on the Planning Commission agenda on January 30. The applicant would also be before the Historical Commission the next day.

IV. ADJOURNMENT

Ms. Langalis made a Motion to Adjourn.

Mr. Davidson seconded.

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

No one opposed.

No one abstained.

The meeting was adjourned at 7:07 p.m.

Respectfully submitted,
Diana Palmentiero