

**CITY OF NORWALK
ZONING COMMISSION
May 15, 2013**

PRESENT: Emily Wilson, Chair; Mike Mushak; Joe Santo; Jill Jacobson; Nathan Sumpter; Michael O'Reilly; Harry Rilling (after the roll call)

STAFF: Mike Wrinn; Frank Strauch; Adam Carsen

OTHERS: Atty Frank Zullo; Dominick DiGangi; Councilman Kimmel; Atty Steve Grushkin; Eric Anderson; James Ryan; Richard Pearson; William Elliott; Michael McGuire; Andrew Teeter; Mary Kate Smith; Atty Peter Olson; Robert Thompson; Virginia Awn; Patricia Conlin; Lisa Castillo; John Fitzpatrick; Jacqueline Cook; Justin Gage; Karen Bartram; Jerry Effren; Michael Devine; Kathryn Petruccione; Howard Kastin; Ashley McCormick; Trisha Trani; Edward J. Musanti; Fred Bondi; Mark Putt

I. CALL TO ORDER

Emily Wilson called the meeting to order at 7:31 p.m.

II. ROLL CALL

Mike Wrinn called the roll call.

III. PUBLIC HEARINGS

a. #3-13SP – First Taxing District – 34 Grandview Avenue – Water tower & pump station replacement

Atty Zullo began the presentation by introducing the experts that would be part of the public hearing. He discussed the purpose and the background of the project. He told the commissioners that a 100,000 gallon water tank would be replaced with a 1 million gallon water tank, the pump station would be replaced and new water main lines would be replaced. He showed pictures of what was at the site currently. He gave the commissioners a history of the property. He said most of the infrastructure was about 100 years old. In order to service their approximately 40,000 customers, it needed to be replaced. He also mentioned that the First Taxing District was actually a municipality within a municipality. One of the biggest customers is Norwalk Hospital. Although the project is over budget, they are going forward because it is necessary for the community.

Dominick DiGangi continued the presentation. He gave a background of the project. He said the project was about water quality, water reliability and fire protection for the Spring Hill section of the water section. They would receive funding from the state; however, they needed approvals so that they can close quickly on a low interest loan. This would allow them to begin construction in July 2013. They have held public hearings for the neighbors since January. The pump house replacement would increase the square footage of the pump house slightly. The systems inside would be upgraded. The architecture would make the pump house have a residential look. Since the water tower will hold more water, it will be taller than the current tower. This new tank is what provides the water pressure for customers. It also stores water in the event of a fire emergency. The estimated construction time would be 18 months from July. The water mains would be replaced first, and then the pump house would be replaced. Lastly, the new tank would go up and then a switch from the old tank to the new tank would occur. The old pump house and the old tank would be demolished and the area would be landscaped.

Mr. Mushak had a question about a water main that would pass through the Adopt-A-Spot, which was adopted by the Spring Hill neighborhood association in the area. Mr. DiGangi and Atty Zullo said that it had been considered and the water main would bypass the spot. Mr. Santo asked how this new water tank compared to the tank on Strawberry Hill Avenue. Mr. DiGangi said that the other tank is bigger. It has a different design which allows this new tank to be smaller. It is about the same height as the other one.

Mr. Mushak began a discussion about painting the words "Welcome to Norwalk" on several sides of the water tower, giving the city something to be proud of. Mr. DiGangi said that the new tank is 13 ft. taller which is not that much bigger than the old one. Atty Zullo said that, as a commissioner of the First Taxing District, he had made the proposal to the other commissioners. They felt that the project was already over budget so that it could not afford to spend money on painting at this time. For example, an insignia for the First Taxing District would cost \$30,000. Of the electors that attended the last meeting, he did not think they were in favor of it. To paint the whole tank would cost \$600,000. Atty Zullo showed pictures, from different parts of the community, of the tower. He said that he did not think that the wording would be seen very far. On the back of each photo was the tax map i.d. to show where the photo was taken. He showed how far the picture was from the tank. Mr. Mushak asked if it was an issue of money. Atty Zullo said that if that was the case, he would discuss it with the other commissioners. Mr. Mushak said that the Zoning Commission would be able to make a text amendment to allow for larger letters on the water tank. He also said that he was in favor of painting those words. He mentioned that he had sent an e-mail to the Common Council and other public officials, asking whether they were in favor of the idea. He said that 80% of them were in favor of it. Mr. Santo said that he did not think that the letters could be seen from the highway. It was his belief that there was not a consensus among the commissioners in favor of painting those words on the tank. He thought it was a moot point. Ms. Wilson reminded Mr. Mushak that the painting was not a part of the application. They should stick to the facts for the application. Mr. Mushak wanted to note that the First Taxing District was open to the idea of painting the words on the tank if the city was willing to pay for it.

Atty Zullo handed in the certified, return receipts from the legal notices that were sent to the neighbors.

Kate Throckmorton, the landscape architect, continued the presentation by showing the aerial photos of the area. She said that the existing pine trees would be unaffected. The pump house would not be screened, to take advantage of the fact that it looks like a residence. Plantings would be behind it. They have enhanced the south side with plantings. Infill work would be done since some trees had fallen in past storms. There would be shrubs below the tower.

Atty Zullo ended his presentation by going over the requirements of the special permit and stating that the applicant had met them.

Bruce Kimmel, a Common Council member, said that he thought the Common Council was open-minded to the idea of painting the words, "Welcome to Norwalk," on the tank. They would pursue it down the road. He thought they might be able to find money to get it done.

Ms. Wilson closed the public hearing.

Before the start of the next public hearing, for which there many members of the public that had signed the sheet to speak, Ms. Wilson asked that speakers be mindful of not speaking too long or repeating what had previously been said.

b. #4-13SP – Shelter Development, LLC – 162 New Canaan Ave & 9 Wood Acres Road – 90 unit congregate housing and assisted living facility

Atty Grushkin began the presentation by introducing the experts that would be part of the public hearing. As he began, he used a slide show for the commissioners to show the existing property as well as the proposed plans for the property. Atty Grushkin also handed in the certified, return receipts from the legal notices that were sent to the neighbors. He submitted authorizations from the both property owners of 162 New Canaan Avenue and 9 Wood Acres Road, to go forward with the application. He explained how these two properties comprised over 4 acres. He discussed why the area was good for the residents of the assisted living facility which included churches, businesses and highways in the area. He explained how Norwalk's aging population needed this facility. He discussed the benefits of the project such as tax revenues and job creation from the construction of the facility as well as after it was completed. The current catering hall could remain on the property because it is a non-conforming use. If someone else made renovations to the catering hall, it could be used 24 hrs, 7 days per week. That use could be overwhelming for the neighborhood.

They would build the facility, whose footprint would be smaller than allowed, and the remainder of the property would be turned into a conservation trust. Atty Grushkin said that he had spoken with an attorney for the Norwalk Land Trust whose members were interested in the land. Atty Grushkin hoped that if they received their approval, they could then deed a part of the land to the Norwalk Land Trust. This land would be left in its natural state. Should the Norwalk Land Trust decide that they don't want it; the applicant would put it into a conservation easement, in perpetuity. They asked for this as a condition to their approval. The land would create a buffer in the neighborhood. He said that three of the four contiguous owners are in support of the application. One of the neighbors asked for a retaining wall and additional screening. He discussed a drive that looped behind the building. It was only for emergency purposes. Mr. Rilling confirmed that it would not be another egress for the property. Atty Grushkin stressed that this was a residential, and not a commercial, use. He said that with this use, the commissioners would have control over what happens on the site. If it was a catering hall or some other use, the commissioners would not. Atty Grushkin said that he had spoken with a few developers to see if the property could be turned into single family homes. He said they turned it down because it was not economically feasible. Atty Grushkin went over a list of other uses of the property which he believed were a more intense use of the property. He discussed the definition of congregate housing/assisted living. He then discussed the number of parking spaces. This use needs fewer parking spaces because the residents usually do not have cars, just the employees. He did not think the property would generate traffic since the employee shifts are at times that do not coincide with the rush hour times. He discussed the density of use and the bulk of the building.

Mr. Mushak asked how many single family homes would fit on the property. Atty Grushkin said about 4-5 homes. He said that many of these assisted living residences are being built in residential neighborhoods. Atty Grushkin then discussed all the changes that will be made in and around the property, such as a bus stop at the front of the property and utility enhancements. He said they would be willing to condition for when the generator would be tested.

Mr. Rilling asked what would happen if the current property owner sold the property. Mr. Wrinn said that the use would remain a non-conforming use.

Eric Anderson, the architect for the project, continued the presentation. He said that the building would be done in a Victorian style. Many homes in Norwalk were in this style so they wanted to keep the style similar to the surrounding area. The 2.5 story requirement was well-suited for this type of architecture. Another reason for this type of architecture was that many of the residents would be coming from their own homes. They did not want this residence to look institutional. He showed the plans of what the structure would look like from different angles and heights. He also went over the materials of the building. There will be an upper and lower courtyard. It would not be visible from the rear of the building. The first floor is the largest floor and the other floors get smaller as they go up. The height of the building is about the same or a

little lower than the current building. Some of the building will be hidden underground. The parapet wall would hide the mechanicals that are on top of the roof. There will be a fence around the property like a typical backyard. He showed renderings of what the neighbors would see, from various angles. Mr. Anderson also showed a picture of the Versalock that would be used for a proposed retaining wall.

James Ryan, the principal at John Meyer Consulting, PC, which are the civil engineers and traffic consultants on the project, continued the presentation. He said that they had flexibility in the project because of the architecture as well as the slope of the land. They worked with the neighbors because they thought it was important since it would be so close to other residential properties. They wanted to be good neighbors. They created a plan for emergency vehicles. They looked at the retaining walls to see if they could preserve them or make them better. There was an evaluation of the drainage on the property. He also said that he was able to go to the neighbor's homes to work with them to try to find a design that would work best for them. He went over the work that would be done to create the conservation area. He then specifically began to discuss the site plan. He discussed, in detail, the ring road around the property for the emergency vehicles. He said that the residents could also use it to walk on and sidewalks would be installed as well. The landscaping would help as well. He told the commissioners about the service area since the facility would be providing food service every day. The grade of the land is lower as to not bother the neighbors. Since the people that would be most impacted by deliveries, etc. to the service area would be the residents of the facility, the applicant would not mind having their deliveries, etc. regulated by the commissioners. It would help them be good neighbors. He then discussed the parking and the number of spaces. He then described the storm drainage on the property. They would make sure that there is no impact during construction. He then discussed the lighting on the property. They would minimize light spillage. Some of them would be on timers. He showed the commissioners pictures of the new lighting. He briefly discussed the landscape plan since they wanted to be sensitive to the neighbors. The landscape is also therapeutic to the residents. He said that over 95 trees would be coming down, and they would be replaced with over 100 new ones. The ones that were being removed were in poor condition. Approximately 500 shrubs would be added to the landscape. He also briefly discussed the conservation easement.

Richard Pearson, the traffic consultant from John Meyer Consulting, PC, continued the presentation. He stated when they had submitted their report for the commissioners' review. He also showed them an aerial photo of the roadways in the area. He explained the methodologies that were used to do the traffic study. He discussed the driveway improvements as well as the vegetation growing there and what would have to be done to improve the sight lines. He discussed the existing conditions for the traffic signals. The Route 123, Bartlett & Ells intersection is a 6 leg intersection which is not usually seen. There is WHEELS bus service in the area. He went over the traffic counts that were studied, in March 2013, during peak rush hour times. They projected a 4% increase in traffic volume. He reminded the commissioners that there was not a lot of traffic for this type of facility. He told the commissioners about the shift changes of the staff which were at 7 a.m., 3 p.m. and 11 p.m. This would be out of the normal workday traffic flow. He said that the residents did not drive, and did not have many visitors. The majority of traffic is from the staff and occasional deliveries. The level of service at the current traffic signal would remain the same. Mr. Pearson then showed the commissioners a table which was a comparison of the traffic generated from the applicant's use to other uses that could be on the property. One of the other uses was a church. Mr. Mushak asked that whether the number of trips for a church was on Sunday only. Mr. Pearson told him that he was correct.

William Elliott, the sound engineer from Cavanaugh Tocci, continued the presentation. He went over the criteria from the state of Connecticut and the city of Norwalk as to sound volumes. He also discussed different classes of equipment that generated noise. One type was continuous from such things as kitchen vents and mechanicals on the roof. The other type was something used once a week such as a generator. A computer model incorporated

components of the project that are described in the application. He made a comparison between the noise levels of the 5 rooftop units to the background noise in a quiet living room. He said that there would not be a significant impact on the neighbors from the sounds of the rooftop units and the kitchen vents. Mr. Elliott said that the generator would be enclosed which help sound levels. Mr. Mushak asked where the roof top units would be. Mr. Anderson said that they were behind the parapet walls.

Michael McGuire, a real estate appraiser in Norwalk, continued the presentation. He went over the methodology of his analysis. He reviewed major developments in the last few years, in Norwalk and outside. He reviewed all sales from 2000 to the present and looked at the price per sq. ft. What was discovered was that the value of the homes surrounding these developments came up a little. He explained that in this case, the use is very quiet and benign. It should not have an effect on sale prices. He discussed the other uses that could be put on the property. He felt that the applicant had not maximized its floor area ratio ("F.A.R.")

Andrew Teeter, Vice President of Development, Shelter Development, continued the presentation. He said his company has been providing high quality senior housing for the last 30 years. The mission of the company is to provide vibrant communities for seniors. It is service enriched by providing services that seniors need. He discussed some of those services. They provide socialization for the residents by having the seniors share meals, use computers. He explained why they were developing in Norwalk. This site is similar to other Bright View sites that they have developed. It is near highways, churches, businesses, etc. He explained how they have worked with their neighbors and plans to be long term neighbors. He discussed the conservation easement as well as the architecture of the building. All Bright View residences look different.

Mr. Sumpter asked for clarification about what happens to a resident should their conditions change. Mr. Teeter explained the continuum of care they could receive. If they need nursing care, they will be referred to another facility. Mr. Mushak asked about the number of units in the Maplewood assisted living facility as compared to Bright View. They have almost the same amount of units as well as square footage. Mr. Mushak asked if that was typical. Mr. Teeter said that it was. Mr. Sumpter asked about the rents at Bright View which he said were between \$3,000 - \$6,000 per month.

Mary Kate Smith, also an attorney for the applicant, continued the presentation. She discussed the special permit requirements to confirm that they had been met or exceeded by Atty Grushkin and their team of experts. She went over many items including the density of the building, traffic, landscaping, etc.

Mr. Mushak asked if there were any zoning complaints, or noise complaints, etc. on the Maplewood facility. Mr. Wrinn was not aware of any.

Atty Peter Olson, an attorney for a group of neighbors that lived behind the proposed facility on Birchside, Wood Acres Avenue, began the presentation. Although he was first on the sign-up sheet to speak, he would wait for any Common Council members to speak first. He thought his presentation would take between ½ hr. – 1 hr. The council members said they would wait for the end. Atty Olson then continued. He handed out a packet of information and gave to staff a petition which had 130 signatures on it.

Atty Olson started by stating that the building is too big. This is the underlying theme of the presentation. He believed that the applicant met the requirements of the site plan but not the special permit. He described the double A zone in which the facility would be constructed. He did not think that it fit in this zone. He described the F.A.R. for the facility and compared it to the other homes in the area. He said there were 11 abutters to the property, not 4 as the applicant suggested. He also compared this application to the mosque application in which the commissioners found that the building would be inconsistent with the low density of the zone.

He then launched into a comparison of the application to the Maplewood facility. He said it was in a different zone and that there were businesses near it. Mr. Mushak pointed out that Maplewood was in an all residential neighborhood. Mr. O'Reilly asked how far shopping was from the proposed facility. Atty Olson guessed that it was ¼ mile. Atty Olson then continued by going over the density per acre. He believed there was a density limitation to residential units on an acre.

He also believed that there were a few legal issues that should compel denial of the application. One was that there was a restrictive covenant on the 9 Wood Acres Road property which stated that it only be used for residential uses and a single family home. He said that although the applicant is only using a small portion of the land to meet the minimum lot requirement where the facility would be constructed, it still violates the covenant. The second issue, that he believed the applicant had not shown, was what would happen to 9 Wood Acres Road. He said that there was no certainty that the property would be deeded or turned over to the Norwalk Land Trust. The last issue, that he discussed, was the proposal for congregate housing which he believed did not comply with federal law. He believed that the applicant should show how they were going to comply with the law. Mr. Rilling asked whether Atty Olson thought that the applicant would not meet the age requirement of 100% of the residents being over 62. Atty Olson thought that a person of any age could live there since the applicant had not provided any documentation to the contrary.

Atty Olson had questions for the traffic engineer that he thought were missing from the report. He pointed out that the applicant is the contract purchaser and thought the applicant implied that there was no other use for the property if the application was denied.

Robert Thompson, 47 Birchside Drive, spoke in opposition to the application. He said that they had no issue with assisted living, just the size of the facility. He was concerned about the deliveries and garbage pickup. He compared it to the mosque application that had been denied. He had his neighbors raise their hands as to who was against the project. He believed that it could be built somewhere else in the city.

Virginia Awn, 12 Wood Acre Road, spoke in opposition to the application. She went through a list of other assisted living facilities in several neighboring towns with either no waiting list or not fully occupied. The only one that was full was Broad River which was for low income occupants. She was concerned that all of the services such as garbage and loading docks were in the back, abutting the neighbors. She had traffic reports from the Police Department which showed many accidents and even a few fatalities on Rt. 123. She said that the density did not match the surrounding neighborhood. She asked that the commissioners deny the application. Mr. Mushak asked whether she was aware of any organized attempt to get the city to slow down the traffic on Rt. 123. She said she was not.

Patricia Conlin, 29 Glen Avenue, spoke in opposition to the application. She is one of the founders of the New Canaan Avenue Area Association. She gave a lesson in her neighborhood's history. She went through a listing of projects that her group had opposed in the past. She gave several reasons why they were opposed to the Bright View project, including the large size, the increased traffic, the availability of mass transit for the residents of the facility, and the impact on the increased use of city water by the facility. She was also concerned about the number of visitors to the residents at holiday time. She asked the commissioners to deny the application and to amend the special permit regulations. Mr. Mushak asked whether she was aware of any organized attempt to get the city to slow down the traffic on Rt. 123. She said that there wasn't an organized neighborhood watch but they do watch what happens.

Lisa Castillo, 15 Birchside Drive, spoke in opposition to the application. She echoed the remarks of those before her in that she thought it was a huge facility on the property. She asked for better zoning laws in Norwalk. She addressed the issue of quality of life. She enjoys

walking in the neighborhood. She had several concerns about noises including ambulances, deliveries and visitors. She was also concerned about odors including trash and medical waste. Lastly, she was also concerned about the cut-through traffic. She believed it was a commercial property and business which is different from what is currently on the property.

John Fitzpatrick, 15 Comstock Hill Road, spoke in opposition to the application. He discussed the rear entrance which is no longer part of the application as well as future development which also is no longer part of the application. He is skeptical about this and asked the commissioners to be skeptical as well.

Jacqueline Cook, 39 Birchside Drive, spoke in opposition to the application. She told the commissioners why she bought this house, with her husband, in this neighborhood. She loves the natural landscape of the neighborhood. She was also concerned about the cut-through traffic. When she works from home, she sees many cars cut-through to avoid the traffic on Route 123. As a photographer, she has taken photographs at facilities similar to Bright View, on special occasions. At those events there is never enough parking so people end up parking in front of people's houses. She thought the number of employees was more than what was set forth in the application. She also thought there would be numerous volunteers at the facility, parking in the spaces. She viewed the facility as a business. She wanted the neighborhood to keep its residential feel.

Justin Gage, 39 Birchside Drive, spoke in opposition to the application. He discussed the F.A.R. of the building. He showed the commissioners photos of the current view outside the facility onto Rt. 123. It showed pictures of telephone poles so he wondered how the sight lines would be fixed. He thought it would be a big impact on the traffic.

Karen Bartram, 6 Woodacre Road, spoke in opposition to the application. She has seen traffic increase in the 25 years that she has lived there. The traffic comes from Route 7 connecting to the Merritt and/or Route 123. She was concerned about the employees coming to the site in the morning before the 7 a.m. shift because the first buses start picking up the children at that time. She described the process that the neighbors went through with the applicant before they all arrived at this public hearing. At certain points during the process, there were discussions about a possible Phase II of the project as well as having a driveway onto Woodacre Road. Eventually, Michael Greene, Director of the Planning and Zoning Department, worked with the applicant to have it removed from the plans. She also believed that the building was too big for the neighborhood. She asked the commissioners to deny the application. Mr. Mushak asked if she had ever petitioned for speed bumps to be used for traffic calming. She knew of a couple of things that people had done. One of her neighbors had looked into it.

Jerry Effren, principal of the Grey Rock companies, spoke in support of the application. He did disclose that he is a consultant for the applicant. He said that he was speaking for the elderly in Norwalk. His aunt lived at 9 Wood Acre Road and died there. He hoped that he could have convinced his aunt to move into a facility such as Bright View. He thought she would be pleased that her property would be put into conservation in perpetuity. She would also be happy that the elderly would be able to live out their lives in dignity, with a little assistance of Bright View. He hopes that they approve the application.

Michael Devine, Vice President of Government Affairs for the Norwalk Chamber of Commerce, spoke in support of the application. He discussed the demographics of Norwalk. He asked the question as to where his Baby Boomer generation would go when they age. He said that after caring for his own aging mother, he would be happy to see a place like Bright View be constructed in Norwalk.

Kathryn Petruccione, 146 New Canaan, spoke in opposition to the application. First, she thought that the facility was too big and she did not want the facility in her backyard. She also spoke for her husband who did not want the facility to be built either.

Howard Kastin, 46 Birchside Drive, spoke in support of the application. He described what his life was like living right next to the catering hall that is currently on the property. Sometimes he and his wife think that people are in their backyard when guests are leaving the parties at the catering hall. The property has been an eyesore for a few years now. He believed that if it went out of business, another catering hall could take it over. The parties could then go on more frequently than they do now. This application was the best option for him because the residents would be quieter. He has met with Bright View and they have addressed his concerns.

Ashley McCormick, 160 New Canaan, spoke in support of the application. Although they have only owned their home for 2.5 months, they feel this is the best decision for them. They realize that traffic is not good on New Canaan Avenue. She and her husband thought that any other use could make traffic even worse than the Bright View facility. They have met with Bright View who has addressed their concerns. Bright View will be building a retaining wall for them as well as changing the landscaping. She thought that the building was beautiful and would blend into the neighborhood.

Trisha Trani, 147 New Canaan Avenue, spoke in opposition to the application. She was concerned about the size of the facility and the traffic on New Canaan Avenue.

Edward J. Musanti, president of the Norwalk Chamber of Commerce, spoke in support of the application. A few years ago, the Chamber of Commerce held a focus group to determine what the child care needs were for area employees. What they found from the group was that more employees were out sick to care for elderly parents and/or family members. He thought having this type of facility in Norwalk would also help the housing market. At a certain point, the homes are too much for the elderly to care for, so they would be able to downsize, thus opening up the market for affordable starter homes. He thinks there is room for this facility in the housing marketplace.

Bruce Kimmel, a member of the Common Council, 9 Toilsome Avenue, is part of the area that he represents. He knows the neighborhood and believes it represents what is great about Norwalk, the mix of rural and urban settings within close proximity of each other. Ultimately, he thought the structure was too large. He then compared this application to the mosque application, although he did recognize that there were some dissimilarities. He thought the intersection of Ells, Bartlett and New Canaan Avenue was extremely dangerous already.

Fred Bondi, a member of the Common Council, 15 King Street, who represents the part of town where the Maplewood assisted living facility is located, told the commissioners that the neighborhood loves it. There is not a problem with parking or traffic. He said that the city needed Bright View. He thought the Sons Of Italy catering hall brought more traffic. He also thought that the city, if it spent the money, could help alleviate the traffic problems on New Canaan Avenue. He supported the application.

Mark Putt, spoke in support of the application. He said that he had attended some meetings after being out of the country for a while. After hearing both sides, he decided to support the application. He did not think it would affect his property values. He thought that the applicant was within their right to build the facility. He said that many of the problems, that he had heard discussed by the neighbors, were already there. He believed that the applicant had addressed a lot of the concerns of the neighbors.

Atty Grushkin continued the presentation with his rebuttal. He said that he appreciates the concerns of the neighbors. He discussed how the facility will not be able to expand since

some of the land would be put into the conservation trust. He addressed Atty Olson's concerns about it, by agreeing to have this be a condition of the approval. He was not sure why Atty Olson had questions about F.A.R. He addressed the concerns about the age requirements of Atty Olson. He agreed with Atty Olson that the property was a commercial property; however, it would be used by the occupants as their residences. He addressed the parking concerns of the staff. There would never be 60 employees at the facility at the same time. He said that the applicant wanted to make the neighbors happy. They hoped to do that with the buffer from the conservation trust. Atty Grushkin then said that the facility is not the reason for all of the traffic problems.

Mr. Pearson continued the rebuttal by addressing questions about the traffic. He addressed some of the comments by going back to some of the slides on the screen. The closest commercial business was less than what Atty Olson had stated. He also went over the amount of accidents that were at the intersection on New Canaan Avenue and Bartlett Avenue. It was less than what had been reported by one of the neighbors. He also discussed the cut-through that went through the neighborhood. They had counted the cars during peak rush hours which seemed to show that cut-through did not occur that frequently. He addressed the concerns about the sight lines by explaining that the vegetation would have to be cut back. There was a discussion about the bus service. Mr. Pearson explained that it would be for staff only. There would be a jitney bus services for their guests.

Mr. Santo asked whether any residents would be driving. Mr. Pearson said that typically there were no residents driving. Mr. Santo then asked about the parking when the facility had events. Mr. Teeter answered by saying that they usually team up with a church to use their parking lots for overflow parking. He said that it was an early stage for them to be discussing about what to do in this situation. Mr. Santo suggested that they could condition for a traffic management plan.

Mr. Wrinn asked about how the balance of the property would be handled to become a conservation development. Atty Grushkin explained the three ways that it could be handled. Mr. Santo asked how it would be maintained. Atty Grushkin said that if the Norwalk Land Trust took it over, they would clean it once a year. However, since it was going back to its natural state, it would not need to be maintained.

Atty Grushkin said that the comparisons to the mosque application from last year were totally irrelevant. He said that the proper comparison would be to the Maplewood application.

Mr. Wrinn asked whether the slide show could be provided so that it could become a part of the record. Atty Grushkin said that it would be.

c. #2-13R – Zoning Commission – Proposed amendments to Flood Hazard Zone regulations to adopt new FEMA Flood maps to become effective July 8, 2013 and October 16, 2013

Mr. Wrinn began the presentation. He said that there are new Flood maps from FEMA, some of which become effective in July and one of which becomes effective in October. They would be adding language to the regulations to stay in compliance. Mr. Wrinn said that the city had to do this.

Ms. Jacobson read into the record the referral from the Planning Commission as well as Coastal Area Management.

No members of the public spoke in support or opposition to the application.

IV. REPORT OF PLAN REVIEW COMMITTEE, JILL JACOBSON, CHAIR

a. Action on Items III. a. and b.

i. #3-13SP – First Taxing District – 34 Grandview Avenue – Water tower & pump station replacement

**** MS. JACOBSON MOVED: BE IT RESOLVED** that application #3-13SP – First Taxing District / 34 Grandview Ave; Water Tank and Pump Station Replacement be approved subject to the following conditions:

1. That a copy of the Site Plan be filed in the Town Clerk's Office;
2. That a Certificate of Special Permit be filed in the Town Clerk's Office;
3. That all erosion/sedimentation controls are installed and approved by staff prior to the start of construction;
4. That any graffiti be removed promptly from the buildings.

BE IT FURTHER RESOLVED that the application complies all Special Permit requirements and other applicable sections of the Zoning Regulations, and

BE IT FURTHER RESOLVED that the effective date of approval is May 24, 2013

**** MR. SANTO SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

ii. #4-13SP – Shelter Development, LLC – 162 New Canaan Ave & 9 Wood Acres Road – 90 unit congregate housing and assisted living facility

Before a motion was set forth, Mr. Rilling had a question about the deed restriction on 9 Wood Acres Road. Mr. Wrinn said that deed restrictions were not recognized by zoning; it is a legal issue, not a zoning issue since the city had not entered into it. The commissioners discussed the conditions that would be added to the approval which included screening the dumpsters, the time the emergency generator would be tested, a traffic plan for special events and that a portion of the land would be deeded as a conservation land.

**** MR. SUMPTER MOVED: BE IT RESOLVED** that application #4-13SP – Shelter Development, LLC – 162 New Canaan Ave & 9 Wood Acres Road – 90 unit congregate housing and assisted living facility, and as shown on various site and engineering plans John Meyer Consulting, Armonk, NY, dated 2/21/2013 and Architectural Plans by Pro Con Inc., Manchester, NH, dated 5/3/2013 be **APPROVED** with the following conditions:

1. That all required CEAC signoffs are submitted; and
2. 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
3. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required improvements; and
4. That all soil and erosion controls be in place and verified by an inspection by Staff prior to the start of any work on the site; and
5. That any additional needed soil and sedimentation controls be installed at the direction of the staff; and
6. That the proposed dumpster be locked; and
7. That the hours of garbage pick-up and any deliveries be no earlier than 7 a.m. and no later than 7 p.m.; and
8. That the emergency generator only be tested on Wednesdays at noon; and
9. That all signage, existing and proposed, comply with the zoning regulations; and
10. That any graffiti on the site, now or in the future, be removed immediately; and
11. That all HVAC units shall be located in conformance with the applicable zoning setbacks; and

12. That the eastern portion of the property shall be placed into a conservation easement in perpetuity as offered by the applicant as a part of the application; and
13. That a traffic management plan be submitted to the Commission for review prior to any special events; and

BE IT FURTHER RESOLVED that the proposal complies with the applicable sections of the Norwalk Building Zone Regulations, specifically Sections 118-320, "AA" residential and 118-1450 Special Permit; and

BE IT FURTHER RESOLVED that a Certificate of Special Permit **AND** map be placed on the Norwalk Land Records; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 24, 2013.

**** MS. JACOBSON SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

b. #4-13SPR/#8-13CAM – Harborside Properties – 18 Harbor Avenue – Proposed contractor’s storage yard – Report & recommended action

**** MS. JACOBSON MOVED: BE IT RESOLVED** that Application #4-13SPR/#8-13CAM – Harborside Properties – 18 Harbor Avenue – Proposed contractor’s storage yard, as shown on the plan entitled, "Contractor's Yard Site Plan", Scale 1"=20', Dated April, 4, 2013 and revised May 1, 2013, by Grumman Engineering, LLC , Norwalk, CT be **APPROVED** subject to the following conditions:

1. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
2. That any additional soil sedimentation and erosion controls be installed at the direction of the Staff; and
3. 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
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 owner/applicant will lease the yard to only a maximum of two (2) tenants at any one time; and
6. That there be no storage of materials outside; and
7. 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
8. 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
9. That all signage, existing and proposed, comply with the zoning regulations; and
10. That any graffiti on the site, now or in the future, be removed immediately; 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 May 24, 2013.

**** MR. SANTO SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

c. #9-13CAM – Jones – 4 Nathan Hale Dr – Additions to single family residence - Report & recommended action

**** MS. JACOBSON MOVED:BE IT RESOLVED** that Coastal Area Management application #9-13, submitted by B & L Jones, for additions to a single family dwelling at 4 Nathan Hale Drive, as shown on a survey by William W. Seymour and Associates, Darien, CT, entitled "Zoning Location and Topographic Survey Prepared for Britton Jones & Lauren P. Jones, Norwalk, Ct, Scale 1" = 20", dated June 4, 2012, revised to March 28, 2013 be approved, with the following conditions:

1. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
2. That any additional soil sedimentation and erosion controls required by staff during construction be placed immediately; and
3. That all required Flood Certifications be provided; and

BE IT FURTHER RESOLVED that the proposal complies with the applicable Coastal Resource and Use Policies; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 24, 2013.

**** MR. SUMPTER SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

V. REPORT OF ZONING COMMITTEE, JOSEPH SANTO, Acting as CHAIR

a. Action on Item III.

i. Zoning Commission – Proposed amendments to Flood Hazard Zone regulations to adopt new FEMA Flood maps to become effective July 8, 2013 and October 16, 2013

**** MR. SANTO MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#2-13R – Zoning Commission – Proposed amendments to revise Section 118-1100 Flood Hazard Zone to comply with new FEMA regulations and related technical amendments" and dated April 24, 2013, be **APPROVED**.

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

- 1) To adopt the revised minimum requirements of the Federal Emergency Management Agency (FEMA) so that the City of Norwalk will remain eligible to participate in the National Flood Insurance Program (NFIP); 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) That the amendments become effective on the dates that the new FEMA map panels become effective; and

BE IT FURTHER RESOLVED that the effective date of this action be **July 8, 2013**.

**** MR. SUMPTER SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

VI. APPROVAL OF MINUTES: April 17, 2013

MR. SUMPTER MOVED to approve the minutes for April 17, 2013.

**** MS. JACOBSON SECONDED.**
**** MOTION PASSED (5-0).**

VII. COMMENTS OF ASSISTANT DIRECTOR

Mr. Wrinn reminded the commissioners that they had an Executive Session meeting the following Wednesday for the mosque application. Mr. Rilling asked for a legal opinion as to whether he had to attend since he had not been on the Zoning Commission at the time when this application was decided.

IX. COMMENTS OF COMMISSIONERS

There were no comments from the commissioners.

X. ADJOURNMENT

**** MR. RILLING MADE A MOTION TO ADJOURN.**
**** MR. SUMPTER SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 12:35 a.m.

Respectfully submitted,

Diana Palmentiero