

**DRAFT
CITY OF NORWALK
PLANNING COMMISSION
May 17, 2016**

PRESENT: Torgny Astrom, Chair; Walter McLaughlin; Frances DiMeglio; Victor Cavallo; William Dunne; David Davidson; Steven Ferguson

STAFF: Mike Wrinn; Frank Strauch

I. CALL TO ORDER

Mr. Astrom called the meeting to order at 8:10 p.m.

II. ROLL CALL

Mr. Wrinn called the roll.

III. REPORT OF SUBDIVISION COMMITTEE, Victor Cavallo, acting as Chair

a) Subdivision #3640 – Gary & Sharon Moore – 8 Cricklewood Lane – Request for 90 day extension (1st request)

**** MR. CAVALLO MOVED: BE IT RESOLVED** by the Norwalk Planning Commission that the approval time on Subdivision #3640 – Gary & Sharon Moore – 8 Cricklewood Lane – Request for 90 day extension (1st request) to file approved map be **APPROVED** for an extension of a period of 90 days; and

BE IT FURTHER RESOLVED that the new deadline to file the approved subdivision map is September 7, 2016; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 27, 2016.

Mr. Ferguson seconded.

Torgny Astrom; Fran DiMeglio; Victor Cavallo; David Davidson; Walter McLaughlin; William Dunne; Steven Ferguson voted in favor.

No one opposed.

No one abstained.

b) Subdivision #3588 – 27 Vanderbilt, LLC – 27 Vanderbilt Avenue – Request for return of bond

**** MR. CAVALLO MOVED: BE IT RESOLVED** by the Norwalk Planning Commission that the request to release the surety held on Resubdivision #3588 – 27 Vanderbilt, LLC – 27 Vanderbilt Avenue – 2 Lots – Release of surety be **APPROVED** and

BE IT FURTHER RESOLVED that a one (1) year, 25% maintenance surety or \$1,000.00, whichever amount is greater, be submitted to guarantee satisfactory performance of the required improvements; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be May 27, 2016.

**IV. REPORT OF LAND USE COMMITTEE, Fran DiMeglio, Chair
Referrals – Report & recommendation**

a) Capital Project Close-Out – Health Department – Close out of Health Department Security Replacement project (Acct. #C0552) with the balance of \$6,400

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** by the Planning Commission that the capital project close-out request from the Health Department for the Security Replacement project (Acct. #C0552) in the amount of \$6,400 be **APPROVED** and

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

Mr. McLaughlin seconded.

Torgny Astrom; Fran DiMeglio; Victor Cavallo; David Davidson; Walter McLaughlin; William Dunne; Steven Ferguson voted in favor.

No one opposed.

No one abstained.

b) Special Capital Appropriation – Request from the City’s Health Department to appropriate \$6,400 for the HVAC repairs at the Health Department Building (Acct. #C0453)

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** by the Planning Commission that the request by the Finance Department on behalf of the Health Department for a Special Appropriation in the amount of \$6,400 for the HVAC repairs at the Health Department Building (Acct. #C0453) be **APPROVED**; and

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

Mr. McLaughlin seconded.

Torgny Astrom; Fran DiMeglio; Victor Cavallo; David Davidson; Walter McLaughlin; William Dunne; Steven Ferguson voted in favor.

No one opposed.

No one abstained.

c) Zoning Commission referral - #3-16R – Zoning Commission – Proposed amendments to Articles 111/140 to add certified mail notice requirement for submittal of new applications affecting Special Permit, Site Plan Review & Coastal Site Plan Review applications

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#3-16R – Zoning Commission – Proposed amendments to Articles 111 and 140 to add a certified mail notice requirement affecting new Special Permit, Site Plan Review and Coastal Site Plan Review applications" and dated March 10, 2016 be **APPROVED**.

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

- 1) To implement the Plan of Conservation and Development to "Preserve and enhance the character of Norwalk" (A.1.1.4, p. 10); and
- 2) To implement the Plan of Conservation and Development to "Strengthen the character of neighborhoods and commercial areas and improve the quality of architectural design" (F.4.1, p. 43); and
- 3) To implement the Plan of Conservation and Development to "Protect residential neighborhoods from incompatible development" (A.1.1.6, p. 10); and

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

Mr. Ferguson seconded.

Torgny Astrom; Fran DiMeglio; Victor Cavallo; David Davidson; Walter McLaughlin; William Dunne; Steven Ferguson voted in favor.

No one opposed.

No one abstained.

d) **Zoning Commission referral - #4-16R - 10 Lubrano Pl, LLC, AMEC Holdings LLC et al – Proposed amendment to Industrial #1 zone to allow storage and maintenance of trucks, equipment, containers, refuse collection and recycling receptacles associated with an approved transfer station at an approved transfer station in Norwalk or at another location a minimum of 2 acres in size by special permit**

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "**#4-16R - 10 Lubrano Place, LLC, AMEC Holdings LLC et al – Proposed amendment to Industrial #1 zone to allow storage and maintenance of trucks, equipment, containers, refuse collection and recycling receptacles associated with an approved transfer station at an approved transfer station in Norwalk or at another location a minimum of 3.5 acres in size by special permit**" and dated March 2, 2016, be **DENIED**.

BE IT FURTHER RESOLVED that the reason for this action is:

- 1) That the amendments are *not consistent* with the Plan of Conservation and Development to "Protect residential neighborhoods from incompatible development" (A.1.1.6, p. 10); and
- 2) That the amendments are *not consistent* with the Plan of Conservation and Development to "Update Restricted Industrial Zones, Industrial 1 Zones, and Industrial 2 Zones, to allow on a case-by-case basis certain types of *office and multifamily residential uses*, to reflect current economic trends in Norwalk provided they are compatible with the surrounding neighborhoods" (A.5.1.1, p.13); and

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

Before the commissioners began a discussion of this resolution, Mr. Wrinn noted that the applicant was willing to change from the minimum acreage from 2 to 3.5. Ms. DiMeglio said that she would be setting forth a resolution to deny the application because it was not in the best interest of Norwalk.

Mr. Cavallo seconded.

Torgny Astrom; Fran DiMeglio; Victor Cavallo; David Davidson; Walter McLaughlin; William Dunne; Steven Ferguson voted in favor.

No one opposed.

No one abstained.

e) Zoning Commission referral - #5-16R - Zoning Commission – Proposed amendments to establish a moratorium on licensed medical marijuana producer or dispensary facility as permitted by the State of CT.

**** MS. DIMEGLIO MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "**#5-16R - Zoning Commission – Proposed amendments to establish a moratorium on licensed medical marijuana producer or dispensary facility as permitted by the State of Connecticut**" and dated May 10, 2016 be **APPROVED**.

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

1. To implement the Plan of Conservation and Development to "Preserve and enhance the character of Norwalk" (A.1.1.4, p. 10); and
2. To implement the Plan of Conservation and Development to "Protect residential neighborhoods from incompatible development" (A.1.1.6, p. 10); and

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

Mr. Davidson seconded.

Before the commissioners voted on the application there was a lengthy discussion about why there should be a moratorium. Mr. Wrinn explained what the state's actions were to precipitate this moratorium. Corporation Counsel requested it so that it could give the Zoning Commission a chance to write the regulations for it. There was a discussion as to where other dispensaries were in the state as well other towns also having moratoriums. Mr. Cavallo asked how many other towns did as well as whether the towns have a combined Planning and Zoning Board. Mr. Wrinn was not sure.

Torgny Astrom; Fran DiMeglio; David Davidson; Steven Ferguson voted in favor.

No one opposed.

Walter McLaughlin, Victor Cavallo, William Dunne abstained.

There was no action on this resolution.

V. APPROVAL OF MINUTES: April 19, 2016

Ms. DiMeglio moved to approve the minutes.

Mr. McLaughlin seconded.

**Torgny Astrom, Chair; Fran DiMeglio; Steven Ferguson; Walter McLaughlin; William Dunne voted in favor.
No one opposed.
Mr. Cavallo and Mr. Davidson abstained.**

VI. COMMENTS OF THE ACTING DIRECTOR

Mr. Wrinn thanked the commissioners for voting on these actions so that they would be ready to go to the Zoning Commission.

VII. COMMENTS OF COMMISSIONERS

Mr. Ferguson informed the commissioners that he would not be at the next commission meeting because he was being awarded as a 40 under 40 award from the Fairfield County Business Journal.

Ms. DiMeglio asked about the construction in the parking lot of Stop & Shop on Main Avenue.

Mr. Davidson began a discussion of his disapproval of the reinstatement of the Education Budget to the Capital Budget and his personal efforts to change that back to the Planning Commission's recommended budget. He described his efforts through his letter writing as well as before the Common Council. Ms. DiMeglio suggested that his personal efforts were not that because he had used Planning Commission materials.

VIII. ADJOURNMENT

**Mr. Cavallo seconded.
Torgny Astrom; Fran DiMeglio; Victor Cavallo; David Davidson; Walter McLaughlin; William Dunne; Steven Ferguson voted in favor.
No one opposed.
No one abstained.**

The meeting was adjourned at 8:30 p.m.

Respectfully submitted by,

Diana Palmentiero