

**CITY OF NORWALK  
PLANNING COMMISSION  
November 13, 2018  
~DRAFT~**

**PRESENT:** Frances DiMeglio, Chair; David Davidson; Brian Baxendale; Tammy Langalis; Nora King; Mary Peniston (called in at 7:03 p.m.) Steve Ferguson (arrived after the roll call and left at 9:20 p.m.)

**STAFF:** Steve Kleppin; Mike Wrinn

**OTHERS:** Chris Torre; Atty Liz Suchy; Patrick Sikorsky; Valerie Horn; Lisa Mangin; John Massi; Wayne D'Vanzo; Fred Ginestra

**I. CALL TO ORDER**

Ms. DiMeglio called the meeting to order at 7:00 p.m.

**II. ROLL CALL**

Mr. Kleppin called the roll. It was decided to change the agenda to allow the Department of Public works to present for their Special Capital Appropriation.

**a) Action item on Special Capital Appropriation – Department of Public Works – Review and approve \$1,000,000 in for improvements to storm water management system design and to dredge known flooding problem areas in the City**

Chris Torre of the Department of Public Works (“DPW”) began the presentation with an explanation of why the funds were being requested. The Keeler Brook project had been stalled and the DPW lost grant money. After recent rain storms in September and October, 2018, DPW realized that the storm water management system was designed for 10 year storms but these were more reminiscent of 25 – 200 year storms. The Keeler Brook project still had funds in it but would be used areas of the city in more dire need. Keeler Brook project would then be handled in an upcoming Capital Budget cycle. There was a discussion about only requesting \$150,000 for a consultant but those funds would be used from another fund. Many parts of the city are having problems. This \$1 million would be used for applying for permits to dredge. He believed that Friendly Road and Lloyd Drive would be fixed first because this was a larger group of people that were being affected. However, it would also be affected by the consultant’s report. All of the city’s water drains run into some body of water and it is illegal to drain into sanitary waterways. There was a discussion of other parts of the city that are being flooded. Mr. Torre explained that the most customer complaints had been received from the Friendly Road and Lloyd Road areas after a large storm in June. There was a discussion about some of the

department's long term projects. Mr. Torre explained that the city's drainage system is quite old as well as some of the drainage being owned by Metro-North, which they are working with to resolve issues. There was a discussion about what the \$1 million would accomplish which Mr. Torre said would not be used to solve all of the problems. He also noted that the drainage system on a recent project had not been done correctly. DPW was working with Corporation Counsel to rectify the situation with the developer.

### **Action item**

**\*\*\* MS. DIMEGLIO MOVED: BE IT RESOLVED** by the Planning Commission that the capital project appropriation request from the Public Works Department for in the amount of \$1,000,000 for improvements to the storm water management system design and to dredge known flooding problem areas in the City of Norwalk be **APPROVED** and

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

1) To implement the Plan of Conservation and Development goal to "Prevent flooding and threat to health and property." (B.3.1. p. 17); and

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

**Mr. Ferguson seconded.**

**Frances DiMeglio; Brian Baxendale; Tammy Langalis; Nora King; Steve Ferguson voted in favor.**

**No one opposed.**

**David Davidson and Mary Peniston abstained. Mr. Davidson explained that his abstention was not due to the lack of support for the handling of flood control. The Planning Commission did not usually allot monies without specifics but that they were doing it in this case. He hoped it was not for political purposes since it was being done in November, rather than in the Capital Budget cycle. Ms. Peniston said that since she was not clear about the specifics she also decided to abstain.**

### **III. PUBLIC HEARING**

#### **Subdivision #3637 – 35 Meeker Court, LLC – 35 Meeker Court – 4 Lots – Calling of surety**

Mr. Wrinn oriented the commissioners as to the location of the property on an aerial map. He also explained the construction of 3 homes on the property. He noted that there are many problems with drainage, sedimentation and erosion control. He also noted that this item had been on the agenda last month. He said that the applicant's attorney was available to speak as well as neighbors. Ms. DiMeglio explained the rules of the public hearing.

Atty Suchy began the presentation and noted that she had only begun working with the applicant in the prior week. She said that she had been to the site the prior Friday which had

been prepared for the rains on that day with hay bales, etc. She introduced the engineer, Wayne D'Vanzo. She then noted that DPW had signed off on the plans. However, they were finding problems that should not have been there. She also noted that she had been working with one of the neighbors who was having many problems and would continue to do so. She asked that the public hearing be left open. Mr. Wrinn said that Frank Strauch, from the Zoning Department, had been out to the site that morning and that they were working to fix the drainage problems. Some were brand new problems. Atty Suchy then handed the commissioners pictures which Mr. Strauch had taken that morning. She noted that the problems would get worse if they were not resolved soon.

Patrick Sikorsky, 20 Meeker Court, said that the descriptions of the problems were accurate but that he wanted to expand on it. There were extensive erosion problems and there was now a lawsuit for the damages caused by these problems which included flooding and damage to furnaces. He then showed a short video clip which would be submitted for the record. He said that the city had put in new erosion controls but that it was after the fact. There was much water flowing in the roads. He did not believe that any of the erosion controls had been done by the developers. He also thought that these four houses had been an overbuild in the area. He thanked the city for putting in the controls that have been completed.

Valerie Horn, 20 Meeker Court, said that she had never experienced water flow like this and she had lived in the house for 35 years. She explained what she had seen as well as the damage that had happened. Sheet rock had to be replaced due to mold. She had submitted a list to Mr. Kleppin of the damages.

The commissioners asked that the video clip be submitted, along with the date that it was filmed.

Lisa Mangin, 18 Meeker Court, said that there were still many problems that had to be fixed. The brook behind their house had to be fixed. They could not use their driveway when it rains because it backs up everywhere. She noted that she had concerns for her property when the developer had started construction and so many trees had been removed. She submitted pictures of the rain as it was on her property. She was concerned that there was not a plan of where the rain would go. She noted that this had not been like this when she first bought the property 9 years ago.

John Massi, 36 Meeker Court, said that he had lived on the property for 36 years. He was speaking to support his neighbors. He said that it was known that this would happen because there is no drainage in the area. It is all flowing into the wetlands that are nearby.

Pam Nielson, \_\_\_ Brier Street, explained that she could see the flooding. There had been hay bales and a fence to stop the flooding but that it would have to be removed for the construction of the new houses that have still not been built. She noted that she had not heard Meeker Court on the DPW list of projects earlier in the evening but it had been on the list, just not as high of a property.

Atty Suchy explained that she understood the problem and that the video was helpful to see. However, the plan had been approved and that the houses did have a drainage plan. She noted that there were no catch basins, which was a problem.

Wayne D'Vanzo, Fairfield County Engineering, noted on the site plan, for the houses that have not been constructed yet, where the retention basins were. There was a discussion that this is an exposed site which they did not expect to sit so long. If there were more retention basins, it might be helpful. Mr. D'Vanzo explained the schedule of how the project should work. Once everything is connected, then it should all work. There was a discussion about the lack of tree roots which would help the run-off. There was a discussion about the fact that the application had met all the requirements so it had been approved. There was a discussion about how to fix the problems. Atty Suchy noted that measures had been taken to fix the problem, including a fence and hay bales. Mr. D'Vanzo gave some advice on which house to construct the first and then to also add some vegetation, which could help. There were discussions about how to fix the problems which several of the commissioners did not feel was being discussed. Atty Suchy reminded them that DPW had signed off on the plans as well. There was also a discussion about the fact that the lot had previously been used for rock crushing, etc. Mr. D'Vanzo noted that the retention basins could be constructed but that the routing to those basins would still have to be done as well. It would basically be a large ditch, as suggested by Mr. D'Vanzo.

Fred Ginestra, the contractor of the homes on the property, explained what had been done on the property to help the drainage problems. Rocks had been put in place to help alleviate some of the issues. He said that it had taken 7 months for Eversource to send power to the site which had caused delays in construction. He said that after every rain storm they have cleaned up the property the next day. There was a discussion about what can be done now to help the situation. There was a discussion about how long it would take to complete the project but there was no answer. There was then a discussion as to other projects that had been completed in Norwalk by the builder.

Atty Suchy said that they should speak to the situation at hand and not what had happened a few years ago. There was a discussion as to how the builder would comply with what needs to be done. Mr. Ginestra explained that some things put in place were now working. Mr. Wrinn said that the Zoning Department needed an updated erosion control plan because the project was moving too slowly. Mr. Ginestra said that he is financing this project himself. Ms. Langalis asked Mr. Ginestra to make the land acceptable to the neighbors and wondered why there was no drainage in the area. Mr. Wrinn also noted that previously there had not been an attorney handling this matter.

At this point, the commissioners decided to take a break at 8:25 p.m. and returned at 8:32 p.m.

Ms. DiMeglio explained that a plan was necessary to hold the builder accountable. Mr. Wrinn said that they needed a temporary drainage plan as well as an updated erosion control plan from Mr. D'Vanzo. He asked that they would have all of this in place by next month. Mr. Wrinn suggested that Atty Suchy oversee the process. Atty Suchy said that these could be worked out. There was a discussion about what their recourse would be if the plans were not executed by the next public hearing in December. Mr. Kleppin suggested that there should be weekly inspections by both the applicant and Zoning Department staff.

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

- a) **East Avenue TOD** – Mr. Kleppin said that the contract would be signed by this week. He said there was a schedule of payments. The zone still had to be defined. It would be started around December 1. State grant money was used to pay for this study. Mr. Baxendale explained the process of choosing the firm.
  
- b) **POCD Update** – Mr. Kleppin said that a public hearing would be held on January 15, 2019 and that a second public hearing also had to be held. He then explained the process and the schedule. There was a discussion about how the 2<sup>nd</sup> draft would be found on-line as well as hard copies being placed in public libraries and in City Hall. He said citizens would also be notified on social media and through emails. There would be a cut-off date for comments from the public. There was a discussion of the dates that the Planning Commission would be at meetings in January which included January 15, January 22, January 30 and 31. Mr. Kleppin said that he had submitted the first draft to the state but did not expect comments from them.

There was then a discussion about when department heads were meeting with Bob Barron so that the commissioners could attend as well.

There was then a discussion about the amount of the surety bond, and who determines the amount of it. The commissioners asked to have this item on the Planning Commission agenda. It was noted that the staff could set the amount.

There was a discussion about Ms. DiMeglio's comments on the POCD. She said that she had left it for the Planning Commission to add their comments at the previous meeting. She said that the Executive Summary needed work but would comment more on the 2<sup>nd</sup> draft.

#### **V. APPROVAL OF MINUTES: October 16, 2018**

**\*\* MS. DIMEGLIO MOVED to approve the October 16, 2018 Planning Commission minutes, including changes.**

**Mr. Baxendale seconded.**

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

**No one opposed.**

**Steve Ferguson abstained.**

Ms. Peniston asked a question about the dates for the upcoming public hearings for the POCD as well as the Capital Budget Hearings. She said that she would have to call in for one of the Capital Budget hearings on January 30 and 31.

#### **VI. COMMENTS OF THE DIRECTOR**

There were no comments from the director.

#### **VII. COMMENTS OF COMMISSIONERS**

Ms. King asked whether they could change the surety bond now. There was also a discussion about revoking the permit which Mr. Wrinn said would be a Zoning issue. There was a question about what would happen if they received more money for a surety. There was a discussion about a city ordinance which does not seem to work in this situation.

Mr. Ferguson suggested having dinner on December 11.

Ms. DiMeglio asked about the zoning regulations which Mr. Kleppin said was being put into a presentable packet. He suggested having a joint commission meeting with the Zoning Commission. He also handed out a copy of the plan from the Redevelopment Agency so that they could make it conform to the POCD. Ms. DiMeglio proposed a joint meeting. .

Ms. DiMeglio then spoke about the Arts Commission who wanted to create mural regulations. There would be research on how other towns regulate murals. She asked how the Planning Commission would work with the Art Commission if they created these regulations.

Mr. Baxendale asked about Mr. Milligan (Mr. Mango). Mr. Kleppin noted that the property had a violation on it so that the Zoning Department could not issue a permit. Also there was a discussion about other issues that were coming up. He did not seem to want to comply with the permit process. There was a discussion about an affordable housing article in "The Hour" in the previous week.

#### **VIII. ADJOURNMENT**

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

**Mr. Baxendale seconded.**

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

**No one opposed.**

**No one abstained.**

The meeting was adjourned at 9:27 p.m.

Respectfully submitted,

Diana Palmentiero