

**CITY OF NORWALK
PLANNING COMMISSION
June 18, 2019**

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

STAFF: Steve Kleppin; Mike Wrinn

OTHERS: Atty. Brian McCann; Atty. Brian Smith; Scott Ross

I. CALL TO ORDER

Ms. DiMeglio called the meeting to order at 6 p.m.

II. ROLL CALL

Mr. Kleppin called the roll.

III. DISCUSSION AND/OR DECISION

a) 8-24 Referral – Corporation Counsel – Gardella; Cove Marina - Report and recommended action

Atty Brian McCann, from the office of the Corporation Counsel for the City of Norwalk, began the presentation by explaining his assignment on an easement matter with the Gardella family who owned the Cove Marina parcel. He noted that the parcel, known as Calf Pasture Beach, had been gifted/sold to the city in the 1920s with an easement. There was also an easement on this Calf Pasture Beach parcel. It was not as specific as easements are today.

There was a discussion about the northwesterly portions, known as the Gardella parcels which are 4 pieces of property. Atty. McCann explained where the easement is on a map and noted that the easement was for ingress and egress. The original easement in the 1920s was not clear. There was a discussion as to why the commissioners were being asked to review the easement. Atty. McCann explained that it had been his job to negotiate the easement. The Planning Commission was the first of several regulatory agencies that would review it. He then explained rough boundaries of the easement that had been negotiated as well as rights that had been clarified in the Easement Agreement. He explained the payments which would be paid out of an escrow. There was a discussion about the overflow parking and using the existing roadway.

Atty. McCann then discussed the new parking system in the parking lot for residents and non-residents as well as the gatehouses and a new entrance. There will be one way in and one way out. It would help to alleviate traffic that backs onto Calf Pasture Beach Rd. The easement agreement had been negotiated over the past year. Atty McCann discussed the provisions of it and what each of the parties would be responsible for. There was a discussion about an appraisal for

the property. There was also a question about the cost of repaving the road. The city is trying to prevent litigation with this agreement. There was a discussion about the safety of patrons in the lot going to the marina and restaurant. There should be a clear path for them. There was a discussion about which areas were owned by the city and the Gardellas. There was also a discussion about what prompted this request and work would be done in the off season to not disrupt patrons. Utility work would be done in the future.

Atty Brian Smith, who represents the Gardella Family Limited Partnership, continued the presentation by explaining that what they are trying to do will be good for the city. They need to do improvements on the property so that is why they are seeking to clarify the easement. He also explained why it took them 18 months to present to the Planning Commission.

Scott Ross continued the presentation by explaining that the marina needed to be re-done especially since it is not meeting boat trends. They knew that they would have to invest a lot of money to do these upgrades. The public wants access to the waterfront but had to walk through the boatyard for it. There was a discussion about the gatehouse. He also noted that they had done a Master Plan for the marina. There was a discussion as to whether an easement was necessary to fix up the marina. Several of the commissioners thought that this was a good plan which would increase the property's value and would be in the city's best interest.

Mr. Davidson reminded the commissioners that the Planning Commission had no authority with respect to the valuation. There was concern that the area could be turned into condominiums since the waterfront had been fixed as well as concern about the traffic in the area. There was also a concern about contaminants that could be dumped into the Sound. There was a discussion about the fact that public access is required if an applicant is building on the waterfront. There was also a discussion about where the utilities would run. There was further discussion about the language of the easement agreement.

There was a discussion about the past process for this easement. It might have been best to have had an executive session or at least be aware that this would be happening. However, it was noted that they had been negotiating for over a year and it did not seem necessary. Overall, it did not seem to be a major change to the residents of the city and would only make the marina better. Atty McCann thought that an executive session would have been unnecessary since this was not an adversarial negotiation. There was a discussion about the resolution.

At this point, the commissioners took a 10 min. break and returned at 8:05 p.m. The commissioners then read the resolution and voted on it.

**** MS. DIMEGLIO MOVED: RESOLVED** by the Norwalk Planning Commission in accordance with Section 8-24 of the Connecticut General Statutes, the referral made by the Common Council for a review by the Planning Commission of an easement agreement over city property (Calf Pasture Beach). Negotiated between Corporation Counsel and Gardella Brothers Limited Partnership (Cove Marina) be **APPROVED** with the following comments:

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

1. A.1.1.1 Seek private investment within the community (page 10); and

2. A.1.1.9 Encourage development that seeks to provide maximum returns to the City in the Grand List tax revenue consistent with public purpose (page 10); and

3. A.1.2.7 Protect water-dependent uses and encourage additional uses in appropriate locations along the waterfront that maximize public enjoyment of the harbor (page 10).

BE IT FURTHER RESOLVED that the Commission recommends further consideration of the valuation assigned to the easement rights.

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

Mr. Baxendale seconded.

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

No one opposed.

No one abstained.

There was a discussion about whether the Planning Commission should receive advance notice when they would be expected to vote on a matter such as this one. There was a discussion as to whether it should be on the Planning Commission agenda for discussion prior to the month that it would be voted on. However, there was also a discussion as to whether there would be time to have a meeting prior and whether there would be a public hearing before the Common Council. There was then a discussion about what an 8-24 application was.

b) Subdivision #3637 – 35 Meeker Court LLC – 35 Meeker Court – 4 lots – Status report of sedimentation & erosion controls - Report and recommended action

Mr. Wrinn gave the commissioners a brief status update about the rock crushing. The second house was also being built. There do not seem to be any erosion problems and controls are being checked on a regular basis. The Health Department is also out at the site, checking the erosion controls. There was a concern that the first house had not been sold yet. There were 5 years for the public works to be completed by the applicant. There was a discussion about the rock crushing on the site.

IV. DISCUSSION OF PLAN OF CONSERVATION & DEVELOPMENT (POCD)

b) Update on East Avenue TOD study – Mr. Kleppin said that there would be a meeting later that week and another date would be set for public input. He thought it would be completed on time and on budget.

a) Review/action on 2019 - 2029 POCD - Report and recommended action

The commissioners said this would be their final review. Ms. DiMeglio said she would ask everyone to make final comments at this time. There was a discussion about changes that had already been made. Mr. Davidson noted that some of his changes had not been added and asked that one specifically be added. There was a discussion about removing language or making font

size smaller in order to fit more information. Some commissioners did not think that their comments were in the POCD.

There was concern that some of the graphs were now outdated as well as whether the text related to the charts was tied to the outdated graphs. Some commissioners thought the text should be changed before the final was produced. Mr. Wrinn noted that some charts had been updated but that the text had not. The suggestion was made to have updated data given out as handouts as well as being on the website. The commissioners then began to clarify which charts should be updated so that Mr. Kleppin could advise the consultants. Some of the commissioners believed that since the POCD would be used for 10 years that the data would always have to be updated. They then agreed to only update the Grand List data.

There was a discussion about the process to finalize the POCD. There was also a discussion about the major project maps. There was a discussion about the Mayor being the CEO who tasked his departments with the top goals for the city every 1-2 years. There was a discussion about specifying goals in the Executive Summary that were referred to in the POCD. There was a discussion about when the next draft would be available for the public to review. There was also a discussion about the final payment for the POCD which would not be sent to the consultants until the POCD was formally adopted.

**** MS. DIMEGLIO MOVED** that the POCD should be forwarded to the Common Council with the changes discussed at this meeting.

Ms. King seconded.

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

No one opposed.

No one abstained.

V. APPROVAL OF MINUTES: May 21, 2019

***** MS. DIMEGLIO MOVED** to accept the May 21, 2019 Planning Commission meeting with the changes.

Ms. King seconded.

Frances DiMeglio, Chair; David Davidson; Tammy Langalis; Nora King; Steve Ferguson; Michael Mushak; Mary Peniston voted in favor.

No one opposed.

Brian Baxendale abstained.

Mr. Davidson noted that they had not approved the April 2019 minutes and should be on the July 2019 Planning Commission agenda.

VI. COMMENTS OF DIRECTOR

There were no comments from the Director.

VII. COMMENTS OF COMMISSIONERS

There was a discussion about Tami Strauss, the interim Executive Director of the Redevelopment Agency since Tim Sheehan is no longer the Executive Director.

There was also a discussion about meetings with the heads of departments. Mr. Kleppin suggested meeting with the Finance Department regarding the Capital Budget process. In August the Planning Commission would meet with the Parks and Recreation Department as well as the Department of Public Works (DPW).

Ms. DiMeglio thanked Mr. Davidson for his four years of service since this would be his last meeting as a Planning Commissioner.

VIII. ADJOURNMENT

Ms. Langalis made a Motion to Adjourn.

Ms. King seconded.

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

No one opposed.

No one abstained.

The meeting was adjourned at 9:25 p.m.

Respectfully submitted,
Diana Palmentiero