

**CITY OF NORWALK
LAND USE COMMITTEE
December 14, 2010**

Mr. Astrom called the meeting to order at 7:00 p.m..

PRESENT: Frances DiMeglio, Chair; Walter McLaughlin; Anthony Aitoro; Torgny Astrom; Joel Zaremby; Victor Cavallo; Michael Chieffalo

STAFF: Mike Greene, Frank Strauch; Mike Wrinn

OTHERS: Corporation Counsel Robert Maslan, Thomas Hamilton (Finance), Hal Alvord (DPW), John Varel (6th Tax. Dist.), Tammy Berrill,

I. DISCUSSION

a. Subdivision Standards: Acting in an Administrative Capacity
i. Presentation by Corporation Counsel

Mr. Maslan attended the meeting and gave a quick overview of the subdivision regulations.

Mr. Maslan also gave an overview of other divisions of land that do not require the Planning Commission's approval. A first cut of a property into 2 lots or what is commonly referred to as a 'free cut'; it does not need subdivision approval at all. The director of planning and zoning signs the map and it is placed on the City's land records.

Mr. Maslan defined a subdivision as a property divided into 3 lots or more. A resubdivision is a lot that had been already subdivided. The legislature is more restrictive on this review as it requires that a public hearing must be held on the application.

Mr. Maslan also gave a brief overview of over other application/reviews including municipal reviews, which include special capital appropriations; the plan of conservation and development; referrals by the Zoning Commission and by the State DEP; and eminent domain.

Mr. Maslan explained to the Commission that a subdivision / resubdivision must meet certain criteria in order to be considered for an approval. Does the subdivision / resubdivision meet drainage standards by the City? Are the lots in conformance with the zoning regulations? Are the lots in conformance with the subdivision regulations? If so there is very little discretion on a denial of an application.

Questions by Commissioners came up regarding the subdivision regulations and any interpretation. Mr. Maslan explained that generalized statements in the subdivision regulations are not enforceable. There is always a statement of policy built into regulations; for example, health, safety and welfare. These issues are enforceable through zoning regulations, building codes, health codes, and fire codes. Subdivision regulation 5.01 – Detriment to Welfare was too vaguely defined and cannot be a reason for denial on a subdivision application. Again, this specific policy falls back on other City regulations in order to be enforced.

Mr. Maslan brought up the City's Plan of Conservation Development and explained that a subdivision needs only to conform to the intent of this document. Once again, these are considered statements of policy and are too vague so it is very difficult to use in order to deny a subdivision application.

Mr. Maslan spoke on administrative review – this is an accurate statement in regards to many types of applications or referrals. The Commission has very little discretion. The Commission can add conditions of approval and comment on referrals that they review and approve.

ii. Questions of Commissioners

Mr. Cavallo asked about enforcement of the Plan of Conservation and Development (POCD). Mr. Maslan answered that it is not an enforceable document.

Mr. Greene spoke of general compliance with the POCD. He mentioned by way of example that all residential zones that are mapped today are that way because they are noted in the POCD as 'residential'. Mr. Maslan followed up zone changes in the City. When this is done to any specific area of the City, the POCD becomes a trigger for a planning process with the Planning and Zoning Commissions to execute a change to the zoning map.

Mr. Cavallo noted that there might then be a need to make regulation changes to in order to effectuate anything based on the POCD. Mr. Maslan agreed with that assessment.

Mr. Maslan stated that in eminent domain cases and with 8-24 referrals the Commission must check for consistency with POCD. Any denials go back to the Common Council for a super-majority vote.

Mr. Zaremby asked about the entire Commission abstaining on an issue. Mr. Maslan answered that all applications and referrals, if not acted upon, are deemed an automatic approval.

iii. Further Discussion

Mr. Maslan gave an example that in the course of reviewing applications, the Commission can 'engage in a conversation' with applicants and make their own recommendations. An example Mr. Maslan put forth was that the Commission could advise a developer that a conservation development might be better suited for development over a subdivision.

Mr. Maslan made mention of public hearings. He noted that the state legislature had decided that certain types of applications ought to be heard by the public on whether or not there is compliance with the regulations.

Mr. Maslan ended with State DEP referrals. The State DEP refers these to land use boards as a matter of policy and want to know if a specific application has any issues with any local agencies.

II. REFERRALS: Review & recommendation

a. **Mayor's Office - Special Capital Appropriation – Authorization to issue bonds on behalf of the Sixth Taxing District in the amount of \$400,000 to finance renovations to the Rowayton Community Center**—Mr. Strauch presented on this matter. Tom Hamilton addressed the financing issues. He stated that it is a good thing for the City of Norwalk to do. Norwalk has a Triple A bond rating and the taxing districts do not have bond ratings. The city can get a loan with a more favorable interest rate. What would happen is that the Sixth Taxing District would piggyback on the City's bond issue in the spring or early summer when the City finances its capital budget. The \$400,000 would be included and the Sixth Taxing District would re-pay back the city for the debt service and other fees and expenses. The Sixth Taxing District also levies some of its own taxes to pay for some services which the City of Norwalk collects for it. The city could always use this to collect back the money from the Sixth Taxing District, although

Mr. Hamilton did not think they would have to use this because they have a good working relationship.

John Varrel introduced Tammy Berrill who gave a brief overview of the project. The Highland Ave. Community Center and Library has some long overdue maintenance that they would like to complete. They would be repairing the slate roof, gutters, and trim on this historic building. They received a grant from the State of Connecticut Commission on Culture and Tourism.

Mr. Hamilton noted that this appropriation would be in conformance with the city's plan of conservation and development to maintain historic structures.

Mr. Cavallo asked whether the community center is open to all residents of Norwalk. Ms. Berrill said that anyone can use the community center.

Mr. Astrom asked if the budget was a total of \$400,000 and Ms. Berrill said it was. The grant money would be issued from the state after the work is completed. It would help re-pay the money to the city. The loan is for 20 years.

This matter would be moved to the full commission.

b. Dept. of Public Works - Rename Meadow Street Extension to Hatch & Bailey Place – Section 95-19 referral – Mr. Strauch presented a request from the Dept. of Public Works that they received from the Hatch and Bailey Company to change the name of Meadow St. Extension to Hatch and Bailey Place. Both the Planning and Zoning Commissions have to approve the request.

Mr. Strauch noted that this would be the first street in Norwalk to have an “and” in its name which could create confusion. Some people could think it was the juncture of ‘Hatch’ (Place) and ‘Bailey’ (Place). Re-naming a street is not usually done because of legal complications and interruption of mail service.

Ms. DiMeglio asked whether Hatch and Bailey was the only resident on the street and they are not. There are 3 other property owners, one of which is an actual resident. Hal Alvord of the DPW said that Hatch and Bailey tried to reach the other property owners but according to Hatch and Bailey, they were unreachable. One property is a residence, the other has an empty house on it and the other is a vacant lot.

Mr. Alvord mentioned that there were a few streets in the city that had honorary names. Mr. Chieffalo asked whether this could be done here. Mr. Alvord said this could be an option.

Mr. Cavallo asked whether this would affect GPS which Mr. Alvord said would. This would move to the full commission.

c. Zoning Commission referral - #14-10R - 345 Ely LLC/SoNo Court Assoc – Proposed amendment to Restricted Industrial to permit passenger motor vehicle assembly in existing buildings on lots of 10 acres or less and outdoor storage of motor vehicles by special permit—Mr. Greene presented this matter. Mr. Aitoro asked what was previously in the building. Mr. McLaughlin asked about car carriers on Rt. 136 but Mr. Greene said that the city will discourage them from using Rt. 136 and the applicant has agreed to it. This matter was moved to the full commission.

III. DEP / USACE

a. DEP / USACE – 97 and 101 Rowayton Ave – Retain marina configuration for marine commercial use – Mr. Strauch presented this referral. This configuration was never formally approved but now they have submitted an application. The marina would hold 23 boats which then would need 23 parking spots. They would have to go to the Zoning Commission for a permit. The applicant would have to prove they could provide the parking.

The meeting was adjourned at 8:00 p.m.

Respectfully submitted by,

Diana Palmentiero
Frank Strauch