

**CITY OF NORWALK
ZONING COMMISSION
October 17, 2012**

PRESENT: Emily Wilson, acting as Chair; Nathan Sumpter; Michael Mushak; Mike O'Reilly; James White

STAFF: Michael Greene; Mike Wrinn; Frank Strauch

OTHERS: Atty Frank Zullo; Steve McAllister; Joseph Cugno; Kate Throckmorton; MikeGalante; Bill Holzapfel; Herb Nieporent; Mary Fawcett; Atty Al Vasko; Shannon Rutherford; Courtney Austin

I. CALL TO ORDER

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

II. ROLL CALL

Michael Greene took the roll call.

Before the public hearings, Ms. Wilson announced the rules for the public hearings.

III. PUBLIC HEARINGS

a. #4-12SP - Mary T. Fawcett - 329 & 335 Chestnut Hill Rd - 9 unit conservation development

Emily Wilson opened the public hearing. Atty Zullo began the presentation by handing in the return receipt cards to Mr. Greene. He gave a background of the application which was a conservation development. Six acres would be in their natural state, three of which are a pond. The property is in a Triple A zone. He explained the concept of conservation development. It is meant to preserve land. The property is 12 acres. He gave a formula as to how they determined how many houses would be on the lot. The owners will remain on the site. There will be 8 new houses with one house remaining on the site, for a total of nine houses. A condominium association will keep the land and be responsible for the land. A conservation easement will be given to the City of Norwalk which allows the land to be open to the public, during daylight hours.

Steve McAllister, McChord Engineering, continued the presentation and began by discussing the alternate plans which included a conventional subdivision plan. He went over why these plans were ruled out. He then went over the plan that was accepted. He discussed the driveway which would be shared. Each of the houses would have their own separate driveway off the shared drive. Each house would have its own well and septic system. Runoff from driveways would be collected in a rain garden. It would outlet to the wetland area.

Mr. Mushak had questions about the 8 wells vs. having one shared well. The State Health Department did not think it would be advantageous for there to be one, shared well. Mr. Mushak then asked if a test well had been done. He said that the hydro geologists were asked to determine if the site could hold the 8 wells and what the impact to the neighborhood would be. They said that there should be no problems with either one. Mr. Mushak was concerned about when the wells went dry. He was asking for the neighborhood and future buyers. Mr. Mushak wanted to be assured that these wells would not cause future problems for the neighbors or buyers. He then discussed other, similar projects in Norwalk. He thought the wells would affect them. Mr. Mushak had a concern with the number of wells and the impact of the

amount of wells.

Atty Zullo then continued the presentation by stating that the applicant had gone before the Conservation Commission who had asked questions about the number of wells. One of those commissioners asked whether they should get a second opinion. Another commissioner said that since this was such a well-known firm, there was no need to do that. They do have the approval of the Norwalk Health Department as well. Atty Zullo said that many had looked into this question. Mr. Mushak also thought that the law does not allow recourse for neighbors if there was found to be a problem with the wells. Atty Zullo could not answer that question. He felt that if there was severe drought, there would be a lot of people without water. Mr. Mushak asked then about the storm water that would be kept on site. Mr. McAllister said that they would either match or it would be slightly less. Ultimately, all of it goes to the pond.

Joseph Cugno, of Cugno Architecture, the architect of the homes that would be built on the lots, continued the presentation. He said they were traditional homes, varying in style. Each would be approximately 3500 sq. ft. All would meet zoning regulations in height, setbacks, etc. Mr. Mushak asked how many bedrooms the homes would have. Mr. Cugno said that they would have four bedrooms. Mr. Mushak asked if the plans shown reflected the landscape plan for the lots. Mr. Cugno said that it did. He noted that the perimeter trees would all remain. The trees in the middle, although not a lot, would be taken down.

Kate Throckmorton, of Environmental Land Solutions, the landscape architect on the project, continued the presentation. She said they prepared a landscape plan as well as the narrative for the wetlands and conservation development. She described the property as it is today and then described what would be done once the project is completed. She described the rain garden. The landscape plan focused on the new houses as well as a landscape area for the rain garden. New shade trees would be added. She explained how the rain garden worked. It would receive road run-off. They were made to help water penetration of the ground. Atty Zullo told the commissioners about the background of the changes in the driveways of the project.

Michael Galante, of Frederick Clark & Associates, the traffic engineer on the project, continued the presentation. He said that his firm had prepared two reports, one was from May of 2012 and the supplemental report was from September of 2012. To do the counts of traffic, they installed machines, rather than use figures from the Department of Transportation ("DOT"). He explained how they did the traffic counts as well as how they did future counts once the new homes are built. The accident report showed one accident which was north of the lot. They analyzed how the driveway would operate. Exiting from the site the level of service was B or better. Turning into the property was a level A, which meant no delays. Mr. O'Reilly asked how far the accident was from the entrance to the site. Mr. Galante thought it was at least 1,000 ft. Mr. O'Reilly asked for a further clarification of the number of accidents in the area. Mr. Galante again stated that it was 1 accident in a three year period.

Atty Zullo concluded the presentation. He reminded the commissioners that the applicant met all the zoning requirements and had all city sign-offs. He would reserve any further comments until after the public spoke and he could make his rebuttal.

Ms. Wilson asked if there were any members of the public that wished to speak.

Bill Holzapfel, 352 Chestnut Hill Road, had questions about the application. His first question was about where the school buses would stop. He had questions about the septic system and the wells. He asked if there should be problems, who would the neighbors speak with?

Herb Nieporent, 5 North Wind Lane, had questions about the wells on the property. He thought there would be issues since there were going to be more septic systems and more

wells. He thought there would be some disruption to the wildlife in the area. He didn't know what it would add to the area especially the neighbors. Mr. Mushak asked how far he lived from the property. He said that he could see the pond from his property when the leaves had fallen.

Atty Zullo began his rebuttal. Mr. Galante answered the questions about the school bus route. He said that the Board of Education made the decision about school bus stops. He thought that it may stop at the driveway on Chestnut Hill Road. It probably will not come into the development because it is a private drive. Atty Zullo addressed the questions about the wells by reiterating that the Conservation Commission had signed off on the wells after some concerns. He pointed out that there were similar associations in the area, such as the Four Winds Farm, which had homes that were built with their own septic systems and wells. He said that since the owner was living on the property, the owner would make sure that these things would be in working order. Atty Zullo reminded the commissioners that the applicant had all the other sign-offs. He hoped to get the commissioners' approval as well.

Mr. Mushak asked Atty Zullo to explain the public access portion of the conservation easement in terms of the trail. Atty Zullo explained that there was a road, not paved, that leads to the back. Mrs. Fawcett said that it was a driveway. It currently leads to the applicant's home. The driveway curb cut would be eliminated; however, the driveway would remain open for access to the conservation area at large. It would be just for pedestrian traffic. Mr. Mushak asked if there was parking for the neighbors. Atty Zullo said that if they were neighbors, they wouldn't need to park, they could just walk down the street and down the driveway. Mr. Mushak asked if there was a trail or path around the pond. Mrs. Fawcett said that there was a trail that a person could get around but it was overgrown. Mr. Mushak asked if there was any plan to open up the trail or maintain some access to the pond itself. Atty Zullo said there were no plans at this time. He did say that the owners could consider or that the condominium association could consider when it was created. Mr. Mushak wondered if the commissioners would consider putting a condition on the approval that stated a nature trail be put around the pond.

Mr. White thought that would be a decision for the condominium association. Mr. Wrinn said that they would then have to go back to the Conservation Commission. Mr. Mushak said that one of the selling points of the conservation development was that there was public access to the property. Atty Zullo said that as soon as one decided to make improvements within 50 ft. of the water or 100 ft. of the study area, the applicant would have to go back to the Conservation Commission for approval. Mr. Mushak said reminded Atty Zullo that he had said the existing trail was overgrown. Atty Zullo said again that any actions would have to go before the Conservation Commission again. Mr. Mushak wondered if the public access was in name only or was it functional. Atty Zullo said it was not just public access to the pond, but rather, there was also public access to the six acres, three of which are lawns. There was no problem getting into either. It is a conservation area so it is a little overgrown.

Ms. Jacobson asked about the neighbors who did not live close by and where they would park. Atty Zullo said that there was no requirement for parking. However, since Cranbury Park abutted the property, people could park there to enter. There is a trail from Cranbury Park to the pond. Mr. Sumpter asked whether anyone could park where the new homes would be constructed. Atty Zullo said that it was private property. He said that the regulations allowed the applicant have the conservation zone only open during daylight hours. The applicant has given the City six acres of land, three acres of which are water. All acres can be accessed by pedestrians. Atty Zullo said they could also park at Cranbury Park. Mr. Mushak said that he did not have a problem with the parking. He believed that the regulation said that the benefit of the conservation development is that it would provide access to the public to the conservation land, whoever administers it. He was wondering if when people get to the end of the driveway and hit bramble, what would happen. Atty Zullo said that when people get to the end of the driveway, they would hit open lawn. The pond is on one end and the lawn was on the other. He said that the area around the pond was a little rougher. It has been kept fenced off so it had been kept in its natural state. It is a little overgrown. Mr. O'Reilly asked if one could

walk around it. Atty Zullo said that one could. Mr. White said that there was nothing that required access to pond. Mr. Mushak suggested the Norwalk Land Trust that administers conservation lands around Norwalk, similar to this, in terms of its character. They emphasize nature trails and want to make them open to the public because that is a benefit. If this is a selling point is that this is open to the public, his concern was whether it would actually be usable by the public or is it just verbiage.

Atty Zullo said that the public could use the open three acres. Mr. Mushak said that people would feel like this was the backyard of the house that was still on the property. He thought people would feel they were intruding on the house. Mr. Mushak wanted to put a condition on the resolution that a nature trail be put in pending approval by the Conservation Commission. Mr. White said again that there was no regulation that required it. Ms. Wilson explained the difference between public access and public parks. She thought that what Mr. Mushak was speaking about was similar to a public park. She thought they would like it to remain in its natural state. Mr. Mushak thought that the discussion was not going anywhere. He did not understand how they could sell something as a benefit to the public but that they were not providing a convenience to the public. It was described as overgrown. Atty Zullo pointed out that there were 3 acres of land that the public could access. He did not believe and how Mr. Mushak could be concern about the edge of the pond when there were three acres of lawn that could be used by the neighborhood. Mr. Mushak asked how they could prevent the condo association from establishing stricter rules later.

Atty Zullo said that the condo association could not change anything and that the land had to remain open. There would be an easement on the land records guaranteeing the land. If there is an easement to the city, then they have an interest in the easement and they could sue the condo association if they do not keep the land open. Mr. Mushak said that he was trying to get through all the possibilities. He gave an example of the condo association putting up a split rail fence with wire on it which would limit the public. Atty Zullo could not understand where Mr. Mushak was going with the discussion. Atty Zullo believed that Mr. Mushak wanted the applicant to open up a trail around the pond. However, this would mean they would have to go back to the Conservation Commission. Atty Zullo could not understand why Mr. Mushak was concerned about the belt of land around the pond. Mr. Mushak explained that it was an amenity for the neighborhood. There was a back and forth discussion about whether the area was physically accessible or not. Some of the commissioners said it was but Mr. Mushak said it was not. Mr. Mushak discussed the tradeoff between allowing higher density by granting the conservation development. He wondered what would happen if they denied the application. He thought they could only develop 5 or 6 units without the conservation development zone. He was concerned that people would get to the park and would not be able to access the pond. Atty Zullo's spoke up by saying that during fishing season, fishermen access the pond all the time and it is private property. Mr. Mushak wondered if the access would be allowed for fishing. Atty Zullo said that was not something the applicant was involved with.

Mr. Sumpter asked questions about the other three acres. Atty Zullo said that the grass was mowed and it was a lawn. Mr. Mushak said that in the previous conservation development application, a nature trail was provided by the applicant. It became a neighborhood park. Atty Zullo asked if there was water. Mr. Mushak thought there was water involved.

Ms. Wilson closed the hearing.

b. #4-12R - Petco - Proposed amendments to Section 118-700 to revise distance for animal care centers allowed by special permit in Industrial #1 zones and c. #2-12SP - Petco - 230 East Av/Rowan St - 15,593 sf, 150 suite Pooch Hotel with 45 dog daycare & grooming

Ms. Wilson opened the public hearing. She confirmed with Atty Vasko that one public hearing be held for these two applications. The record of one would be the record for the other.

He described the two applications, one of which was a text amendment and the other a permit for the dog hotel. He described the daycare hotel for the dogs as well as the overnight hotel. He went over the amount of staff and rooms there would be. He told the commissioners that they had 15 parking spaces and needed 4 more spaces which they would get from the larger property on-site. He discussed the traffic and noise reports. There would not be an outdoor dog run. He said that the Zoning Department staff had suggested another landscape island.

Shannon Rutherford, Sr. Manager of VHB, continued the presentation. The entrance faced the train station. She described the egresses for the building. She discussed the parking, how much and where it was. She discussed the noise generated from the dogs. The applicant had agreed to provide needed drainage improvements. She also discussed the landscaping in further details which included a proposed island.

Mr. Sumpter asked about the windows on the building and the elevation. Ms. Rutherford was not sure what kind of window treatments or screens would be covering the windows. Mr. O'Reilly asked about the capacity of the hotel as to how many dogs would be there over the weekend and how many would be there during the week. She said that total capacity was 150 dogs could board and 45 dogs could stay during the day. That would be a total capacity of 195 dogs. She said that would probably not be the norm, although it could reach that capacity during the holidays when people were traveling. She said that the weekends are usually lighter than the weekends.

There was a discussion about the traffic. Mr. O'Reilly wanted further clarity on this. He also asked if there were other hotels that were in a similar location that could provide evidence of how it was working. She said that the one in Newton, MA was similar but that in that area dogs were allowed on trains. That is not the case for Metro-North. Mr. O'Reilly likened the hotel to a children's daycare center but Mr. Mushak reminded him that there were no overnights at a children's daycare center. The peak traffic for a daycare center came at certain times, i.e., morning and evening hours.

Atty Vasko concluded the presentation and reserved his rights to further comments during the rebuttal. Ms. Wilson asked if there were any members of the public that wished to speak.

Michelle Maggio, 16 Alden Avenue, spoke on behalf of someone on Rowan Avenue that could not attend the meeting. Since previous businesses in that business were not run 24 hours a day, she said there was some concern about lighting and how that would affect the residents of Rowan Avenue. There was some concern about the noise levels if the building was filled to capacity with dogs and a train went by. She asked whether the landscape islands were going to be on the property or on city property. She also had questions about how the smells would be addressed as well as how the animal feces would be disposed of. She wanted to confirm that there would be no outside area for the dogs. She ended by saying that there was concern about the noise levels and whether the dogs would feed off of one another.

Mr. Sumpter asked whether the disposed waste would be kept inside or outside. Ms. Rutherford explained the process of how the waste would start inside and then be removed to outside of the building in a dumpster. She described where the dumpster would be located at the rear of the building. Mr. White suggested placing a deodorizer in the dumpster since there are restaurants in the area. She said the applicant would consider additional dumpster pick-ups. Mr. O'Reilly thought that this hotel should have special pick-ups but she said that it was not considered any different from disposing waste at a residence. Mr. Sumpter asked where the dumpster was located in relation to the restaurants. Ms. Rutherford said they believed it is far enough from the restaurants.

Mr. White asked if the Health Department would get involved if there was a problem with smells from the dumpster. Mr. Wrinn said that would happen. Mr. O'Reilly wanted to get

information from other doggie hotels owned by the applicant. He was concerned about the noise, smells, etc. because it is a 24 hour operation. Ms. Rutherford reminded him that the dogs were inside, sleeping at night. She also spoke about the lighting on the building. There was no proposed change for this. The windows would have blinds. There were aisles so that the dogs were not up against the windows. Mr. Mushak asked whether the lights would be on all night. She said that there would be emergency lights on for egress. She said the landscaping would be within the parking lot.

Courtney Austin, 145 East Avenue, spoke about her concern for the residents on Rowan Avenue. She did not want to see cars exiting onto Rowan Avenue. Mr. White did not think there was anything that the Zoning Commission could do to prevent that. She was concerned about children on Rowan Avenue if people were exiting from the property. She also wondered how they would check in so many dogs with so little employees.

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

Atty Vasko summed up his presentation. Ms. Wilson closed the public hearing.

d. #9-12R - Zoning Commission - Proposed amendments to establish a new Section 118-1130 Excavation & fill regulations and related technical amendments

Ms. Wilson opened the public hearing. Mr. Greene began the presentation. He explained how the City had an ordinance for excavation and fill regulations which had been enforced by the Department of Public Works ("DPW") but is not valid. Corporation Counsel has advised Mr. Greene and his staff that the State statute said that if the municipality has a Zoning Commission then the ordinance must be part of the Zoning regulations. The procedure would only change the current procedure in that the application process would start with the Zoning Department staff which would then refer it to the DPW. At the end, the Zoning Department staff would issue the permit. They would not need to hire any new staff.

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

There were no comments from the public. Ms. Wilson closed the public hearing.

e. #10-12R - Zoning Commission - Proposed amendments regarding references to bonds, letters of credit or other surety in the Building Zone Regulations

Mr. Greene began the presentation. He stated that the state of Connecticut has changed regulations again this year. The first change is that the Zoning Department cannot use the word "surety" or "bond." It is now known as a financial guaranty. Any financial guaranties that the City and the City's Corporation Counsel will accept, the Zoning Commission must accept. The maintenance bond has been put back into the regulations.

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

There were no comments from the public. Mr. Sumpter asked a question about a bond. Mr. Mushak asked about the Avrick building renovation and murals that were supposed to be a part of it. He remembered releasing the bond. Mr. Greene could not recall so he said he would look it up and get back to him. Public improvements are bonded, not the project. Ms. Wilson closed the public hearing.

f. #10-06SPR/#23-06CAM - Walgreens - 50 West Ave - Revocation of permit due to landscaping issues

Ms. Wilson opened the public hearing. Mr. Strauch began the presentation. He told the commissioners that he had looked at the property the day of the hearing and that the landscaping issues had been resolved. The Zoning Department staff was now recommending to withdraw the revocation of permit. There were no comments from the public.

Ms. Wilson closed the public hearing.

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

a. Action on Items III. a. and f.

i. #4-12SP - Mary T. Fawcett - 329 & 335 Chestnut Hill Rd - 9 unit conservation development

**** MS.JACOBSON MOVED:BE IT FURTHER RESOLVED** that application #4-12SP, submitted Mary T. Fawcett, for an nine (9) unit conservation development and as shown on various site plans by McChord Engineering Associates, Wilton, CT (3/26/12, Rev. to 9/27/12) and the landscape plan by Environmental Land Solutions, LLC (6/15/12, Rev. to 9/24/12) and architectural plans by Cugno Architecture (12/5/11, Rev. to 8/1/12), Norwalk, CT be **APPROVED** with the following conditions:

1. That a surety, in an amount to be determined by staff, shall be submitted to guarantee the installation of the required improvements; and
2. 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
3. That any additional needed soil and sedimentation controls be installed at the direction of the staff ; and
4. That the conservation area be clearly marked along all edges where it abuts private development including the 10 unit conservation development itself; and
5. That any and all HVAC units shall be located in conformance with the applicable zoning setbacks; and
6. That all signage, existing and proposed, comply with the zoning regulations; and
7. That any graffiti on the site, now or in the future, be removed immediately; and
8. That the proposed stormwater facilities maintenance plan provided be executed after the issuance of the final Certificate of Occupancy; and

BE IT FURTHER RESOLVED THAT the reason for this approval is that the proposed project complies with the Norwalk Building Zone Regulations, 118-410 - Conservation Developments and Section 118-1450, Special Permits; 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 October 26, 2012.

**** MR. MUSHAK SECONDED.**

Before the vote, there was a brief discussion. Mr. Mushak wanted to put a condition on the

resolution. He wanted full, public access be maintained without obstruction. He suggested a hedge be planted. Mr. Greene said that because this is a conservation area, the owner would have to request permission from the Zoning Commission before making any changes. Mr. Mushak asked that the resolution include the name of the hydrogeology firm that prepared a report about the eight wells for this application. The commissioners agreed that was appropriate.

**** MOTION PASSED UNANIMOUSLY**

ii. #10-06SPR/#23-06CAM - Walgreens - 50 West Ave - Revocation of permit due to landscaping issues

**** MS. JACOBSON MOVED:BE IT RESOLVED** that the permittee, #10-06SPR/#23-06CAM - Walgreens - 50 West Ave - Revocation of permit due to landscaping issues **now complies** with the Building Zone Regulations and their original coastal area management / site plan review; and

BE IT FURTHER RESOLVED that this revocation of permit be **WITHDRAWN**, effective October 26, 2012.

**** MR. MUSHAK SECONDED.**

**** MOTION PASSED UNANIMOUSLY**

b. #3-05SPR - Merritt River Partners - Glover Av - 82,700 sf. office bldg - Request for extension of approval time - Report & recommended action

**** MS.JACOBSON MOVED:BE IT RESOLVED** that the request for a one year extension of time for site plan application **#3-05SPR** - Merritt River Partners, LLC for 82,700 square foot office building and related site improvements on Glover Avenue (south lot) as shown on a certain set of plans by Perkins Eastman Architects, dated September 2, 2005, by Redniss & Mead, dated September 1, 2005, and related site plans and drawings as revised to October 19, 2005, be **APPROVED**, subject to the following conditions:

1. That property taxes be kept current for the duration of the extension period; and
2. That the original conditions of approval remain in effect; and
3. That the new approval deadline for obtaining permits will be **October 28, 2013** and

BE IT FURTHER RESOLVED that the effective date of this action be October 26, 2012.

**** MR. SUMPTER SECONDED.**

**** MOTION PASSED UNANIMOUSLY**

c. #7-11SPR/#20-11CAM - Norwalk West, LLC/NW MFP Norwalk Town Ctr I, LLC - 15 Merwin St -145,951 sq ft mixed use development - Request for extension of approval time - Report & recommended action

**** MS. JACOBSON MOVED: BE IT RESOLVED** that the request for a one year extension of approval time for site plan application **#7-11SPR** and coastal site plan application **#20-11CAM**- NW MFP Norwalk Town Ctr III, LLC - 2, 10, 15, 16 & 18 Merwin St/467, 501, 507, 509, 523 & 525 West Avenue/7, 9, 11, 15, 19, 21, 23, 25, 27 & 33 Orchard St/17 Butler St entitled Waypointe Phase II for a 145,951 square foot mixed use development with 95 residential units (54 one bedroom& 41 2 bedroom), 11,566 square feet retail, 1,600 square feet restaurant; 16,686 sq ft storage and a 152 space parking garage with a 15 space surface lot within a Design District Development Park as shown on a set of plans entitled "Zoning Site Plan depicting 15 Merwin Street Norwalk, CT" prepared for NW MFP Norwalk Town Center III, LLC

by Redniss and Mead Engineers; Gooding Architecture, LLP and Didona Landscape and dated October 31, 2011, be approved, subject to the following conditions:

1. That property taxes be kept current for the duration of the extension period; and
2. That the original conditions of approval remain in effect; and
3. That the new approval deadline for obtaining permits will be **November 25, 2013** and

BE IT FURTHER RESOLVED that the effective date of this action be October 26, 2012.

**** MR. MUSHAK SECONDED.**

**** MOTION PASSED UNANIMOUSLY**

d. #20-12CAM - All in Hookah - 23 Leonard St - Expansion of existing retail use - Report & recommended action

**** MS. JACOBSON MOVED: BE IT RESOLVED** that Coastal Area Management #20-12CAM - All in Hookah - 22 Leonard St - Expansion of existing retail use and as shown on the hatched architectural drawing received by the applicant and redrawn (for clarity) by the Planning & Zoning Department on October 4, 2012 be **APPROVED** subject to the following conditions:

1. That there be no live music (DJ or live band); and
2. That any graffiti on the site, now or in the future, be removed immediately; and
3. That all needed permits from the applicable City agencies be obtained; and
4. That all signage, existing and proposed, comply with the zoning regulations; and
5. That any graffiti on the site, now or in the future, be removed immediately; and

BE IT FURTHER RESOLVED that the proposal complies with all applicable coastal resource and use policies; and

BE IT FURTHER RESOLVED that the effective date of this approval shall be October 26, 2012.

**** MR. SUMPTER SECONDED.**

**** MOTION PASSED UNANIMOUSLY**

V. REPORT OF ZONING COMMITTEE, MIKE MUSHAK, ACTING AS CHAIR

a. Action on Items III. b., c., d. and e.

b. #4-12R - Petco - Proposed amendments to Section 118-700 to revise distance for animal care centers allowed by special permit in Industrial #1 zone; and

**** MR. MUSHAK MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#4-12R - Petco - Proposed amendments to Section 118-700 to revise distance for animal care centers allowed by special permit in Industrial #1 zones" and dated May 24, 2012, be **APPROVED**.

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

- 1) To implement the Plan of Conservation and Development goal to "Encourage diversity in commerce and industry (A.1.1.2, p. 10); and
- 2) To implement the Plan of Conservation and Development goal to "Examine and modify existing zoning where necessary to achieve the goals of this plan" (F.2.1, p. 42) and

BE IT FURTHER RESOLVED that the effective date of this action be October 26, 2012.

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

iii. #2-12SP - Petco - 230 East Av/Rowan St - 15,593 sf, 150 suite Pooch Hotel with 45 dog daycare & grooming

**** MR. MUSHAK MOVED: BE IT RESOLVED** that Special Permit application **#2-12SP**as shown on a certain set of plans entitled "Proposed Pooch Hotel 230 East Avenue Norwalk, Connecticut" by Vanasse Hangen Brustlin, Inc. and dated revised to October 11, 2012, and by Harris Architect. LLC of Tabernacle New Jersey and dated revised to September 24, 2012, be **APPROVED** subject to the following conditions:

1. That the staff revised landscape plan showing one additional tree, 36 additional shrubs and new ground cover be made a part of this approval; and
2. That the use is fully enclosed within a structure and operated entirely within the building and that adequate provisions are made to control noise and odors emanating from the facility
3. That a certificate of special permit and mylar of the approved site plan be filed on the Norwalk Land Records; and
4. That all soil and erosion controls be installed and maintained prior to the start of any construction or site work; that silt sacks be installed in all existing and proposed catch basins, and that additional controls be installed at the direction of the Commission's staff, as needed; and
5. That any graffiti on the site, now or in the future, be immediately removed; and
6. That any new HVAC units shall be located in conformance with the applicable zoning setbacks; and
7. That all signage, existing and proposed, shall comply with the zoning regulations; and

BE IT FURTHER RESOLVED that the effective date of this action be October 26, 2012.

**** MS. JACOBSON SECONDED.**

The commissioners had a brief discussion on conditions. Two that they thought were necessary were about the waste removal. It would have to be done during daylight hours. The other condition was that the application was still waiting for a sign-off from WPCA.

**** MOTION PASSED UNANIMOUSLY**

iii. #9-12R - Zoning Commission - Proposed amendments to establish a new Section 118-1130 Excavation & fill regulations and related technical amendments

***** MR. MUSHAK MOVED: BE IT RESOLVED** that the proposed amendments to the Building Zone Regulations to establish new excavation and fill requirements in the zoning regulations as shown on a certain document entitled"#9-12R - Zoning Commission - Proposed amendments to establish a new Section 118-1130 Excavation and fill regulations and related technical amendments" and dated September 26, 2012,be **approved:**

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

1. To implement the Plan of Conservation and Development goal to "Establish and maintain an effective program of zoning enforcement" (F.6.1.1, p.45); and

2. To implement the Plan of Conservation and Development goal to “Provide stability in land use and zoning” (F.2.1.2, p.42); and
3. To revise and update the zoning regulations to be consistent with the Connecticut General Statutes; and

BE IT FURTHER RESOLVED that the effective date of this action be October 26, 2012.

iv. #10-12R - Zoning Commission - Proposed amendments regarding references to bonds, letters of credit or other surety in the Building Zone Regulations

***** MR. MUSHAK MOVED: BE IT RESOLVED** that the proposed amendments to the Building Zone Regulations to revise the surety requirements in the zoning regulations as shown on a certain document entitled “#10-12R - Zoning Commission - Proposed amendments regarding references to bonds, letters of credit or other surety in the Building Zone Regulations” and dated September 6, 2012, be **APPROVED:**

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

1. To implement the Plan of Conservation and Development goal to “Establish and maintain an effective program of zoning enforcement” (F.6.1.1, p.45); and
2. To implement the Plan of Conservation and Development goal to “Provide stability in land use and zoning” (F.2.1.2, p.42); and
3. To revise and update the zoning regulations to be consistent with the Connecticut General Statutes; and

BE IT FURTHER RESOLVED that the effective date of this action be October 26, 2012.

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

VI. APPROVAL OF MINUTES: September 19, 2012

MR. MUSHAK MADE A MOTION TO APPROVE THE MINUTES OF THE SEPTEMBER 19, 2012.

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

VII. REPORT OF NOMINATING COMMITTEE: Election of officers

Ms. Jacobson reported that she was making recommendations as follows for the election of officers:

Emily Wilson, Chairperson
Joe Santo, Vice Chairman
Jill Jacobson, Secretary
Jill Jacobson, Plan Review Committee Chairperson
Adam Blank, Zoning Committee Chairman

MS. JACOBSON MOVED to nominate Emily Wilson as Chairperson, Joseph Santo, as Vice Chairman, Jill Jacobson, as Secretary, Jill Jacobson, Plan Review Committee Chairperson and Adam Blank, Zoning Committee Chairman.

Ms. Wilson asked if there were any other nominations. There were none.

MR. WHITE SECONDED

MOTION PASSED UNIMOUSLY.

VIII. COMMENTS OF DIRECTOR

Mr. Greene asked the commissioners for times they would be available to meet with Corporation Counsel about the mosque application. The times that were available for Corporation Counsel were not available to the commissioners. They set a tentative date but Mr. Greene had to check with Corporation Counsel to confirm.

IX. COMMENTS OF COMMISSIONERS

Mr. Mushak noticed that a tree was cut down at the Norwalk Inn. According to the permit, it was not to be taken down. He was disappointed because that was not supposed to happen.

X. ADJOURNMENT

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

The meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Diana Palmentiero