

**CITY OF NORWALK  
SPECIAL MEETING OF THE ZONING COMMISSION  
August 26, 2015**

**PRESENT:** Adam Blank, Chair; Linda Kruk; Jill Jacobson; Emily Wilson; Nate Sumpter; Rod Johnson, Doug Stern

**STAFF:** Michael Greene; Mike Wrinn; Frank Strauch; Jim Bova

**OTHERS:** Ron Fortune; Mr. Patel; Atty. Liz Suchy; Holt McCord; Kate Throckmorton; Mike Galante;

**I. CALL TO ORDER**

Adam Blank called the meeting to order at 7:04 p.m.

**II. ROLL CALL**

Mr. Greene called the roll.

**III. PUBLIC HEARINGS**

**a. #10-15SP - Consulting & Design, LLC – 104 Connecticut Avenue – Replacement gas station**

Mr. Blank opened the public hearing. Ron Fortune, who represented the applicant, began the presentation by turning in the certified return, receipt cards evidencing notice of the public hearing. He explained that the tanks were due to be replaced so they were redeveloping the site. He oriented the commissioners as to the location of the property on an aerial map as well as the site plans. He discussed the landscaping and showed the current plans for it. They were reconfiguring the property.

Mr. Blank opened the hearing to the public.

Mr. Patel asked questions about an oil spill that had happened a few years ago. He was concerned that it would happen again. There were no other speakers after Mr. Patel.

A representative of the gas supplier noted that this location was owned by the applicant. Another company is overseeing the cleanup from the oil spill that Mr. Patel spoke about. He addressed Mr. Patel's concerns.

Mr. Blank closed the public hearing and announced that the reports of the Plan Review and Zoning Committees would be heard first and the rebuttal would for Special Properties continued.

**IV. REPORT OF PLAN REVIEW COMMITTEE, JILL JACOBSON, CHAIR**

**a. Action on Items III. a. and b.**

**i. #10-15SP - Consulting & Design, LLC – 104 Connecticut Avenue – Replacement gas station**

**\*\* MS. JACOBSON MOVED: BE IT RESOLVED** that application #10-15SP - Consulting & Design, LLC – 104 Connecticut Avenue – Replacement gas station, and as shown on various site and on the survey, architectural and engineering plans by Consulting & Design, LLC (Lee, MA) dated 4/8/2015 and revised to 6/24/2015 and 8/13/2015 be **APPROVED** with the following conditions:

1. That all required CEAC signoffs are submitted; and
2. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required erosion and sediment controls; and
3. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required improvements; and
4. 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
5. That any additional needed soil and sedimentation controls be installed at the direction of the staff; and
6. That the proposed dumpsters be locked and properly screened; and
7. That cutoff shield on lighting fixtures must be installed as required to prevent any stray light from being emitted off the property; and
8. That the hours of garbage pick-up and any deliveries be no earlier than 7 a.m. and no later than 7 p.m.; and
9. That all signage, existing and proposed, comply with the zoning regulations; and
10. That any changes to the plan be reviewed and approved prior to those changes being implemented; and
11. That a final certified "as-built" will be required to verify the completed project is built in accordance with the Zoning Regulations (height, setback, etc.); and
12. That any graffiti on the site, now or in the future, be removed immediately; and
13. That all HVAC units shall be located in conformance with the applicable zoning setbacks and as per 118-522 B (4) (e); and

**BE IT FURTHER RESOLVED** that the proposal complies with the applicable sections of the Norwalk Building Zone Regulations, specifically Sections 118-522, "Business # 2 Zone" and 118-1450 "Special Permit"; 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 September 4, 2015.

**Ms. Wilson seconded.**

**Emily Wilson; Linda Kruk; Jill Jacobson; Nate Sumpster; Mr. Blank and Rod Johnson voted in favor.**

**No one opposed.**

**Mr. Stern abstained.**

- b. #6-15SPR – Norwalk Medical Ctr. LLC – 71-75 Connecticut Ave – 22,400 sf medical office building - Report & recommended action**

**\*\* MS. JACOBSON MOVED: BE IT RESOLVED** that application #6-15SPR – Norwalk Medical Ctr. LLC – 71-75 Connecticut Ave. – 22,400 square foot medical office building and as shown A-2 Survey and engineering plans done by Tighe & Bond, Shelton, CT dated 7/23/2015 with the revised site layout plan, dated 8/25/2015 and on the architectural plans received by the SLAM Collaborative, Glastonbury, CT be **APPROVED** with the following conditions:

1. That all department sign-offs be submitted to staff; and
2. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required erosion and sediment controls; and
3. That a surety, in an amount to be determined by staff, be submitted prior to a conditional certificate of zoning compliance and prior to the issuance of any tenant fit-up zoning permits, to guarantee the installation of the required improvements; and
4. 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

5. That any additional needed soil and sedimentation controls be installed at the direction of the staff; and
6. That the driveway exiting the site shall be a right turn only onto Connecticut Avenue; and
7. That the proposed dumpster be locked and properly screened; and
8. That the hours of garbage pick-up and any deliveries be no earlier than 7 a.m. and no later than 7 p.m.; and
9. That a follow-up traffic study be done within six (6) months of 80% occupancy of the medical office space and presented to the Zoning Commission; and
10. That cutoff shield on lighting fixtures must be installed as required to prevent any stray light from being emitted off the property; and
11. That any changes to the plan be reviewed and approved prior to those changes being implemented; and
12. That a final certified "as-built" will be required to verify the completed project is built in accordance with the Zoning Regulations (height, setback, etc.); and
13. That the stormwater system be maintained per the maintenance plan submitted; and
14. That the combination map be submitted and filed on the Norwalk Land Records prior to the issuance of a zoning permit; and
15. That all signage, existing and proposed, comply with the zoning regulations; and
16. That any graffiti on the site, now or in the future, be removed immediately; and
17. That all HVAC units shall be located in conformance with the applicable zoning setbacks and as per 118-521 B (4) (e); and

**BE IT FURTHER RESOLVED** that the proposal complies with the applicable sections of the Norwalk Building Zone Regulations, specifically Sections 118-521, "Business # 1" and 118-1451 "Site Plan Review"; and

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be September 4, 2015.

Before the vote, Mr. Greene clarified that one of the conditions of the approval was that there would be a right turn only out of the parking lot of the property.

**Ms. Wilson seconded.**

**Emily Wilson; Linda Kruk; Jill Jacobson; Nate Sumpter; Mr. Blank and Rod Johnson voted in favor.**

**No one opposed.**

**Mr. Stern abstained.**

**c. #13-15CAM – 24 Valley Road-RBB, LLC – 24 Valley Road – New single family residence - Report & recommended action**

**\*\* MS. JACOBSON MOVED: BE IT RESOLVED** that application #13-15CAM, construction of a proposed single-family residence for the property 24 Valley Road and as shown on the and on the engineering drawings dated 2/10/2015 and Revised to 8/7/2015 by McChord engineering Associates, Inc., Wilton, CT and on the architectural drawings of 4/28/2014 and Revised to 8/6/2015 by Studio III – Gary Stluka, AIA, Sag Harbor, NY **be approved** subject to the following conditions:

1. That all required soil sedimentation and erosion controls are in place prior to the start of any construction; and
2. That any additional needed soil sedimentation and erosion controls be installed at the direction of the Staff; and

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

**BE IT FURTHER RESOLVED** that the effective date of this approval shall be September 4, 2015.

**Ms. Wilson seconded.  
Emily Wilson; Linda Kruk; Jill Jacobson; Nate Sumpter; Mr. Blank and Rod Johnson voted in favor.  
No one opposed.  
Mr. Stern abstained.**

**V. REPORT OF ZONING COMMITTEE, EMILY WILSON, CHAIR**

**a. #5-15R – Zoning Commission – Proposed amendments to Articles 30 regarding farm stands in AA and AAA Residence zones - Report & recommended action**

**\*\* MS. WILSON MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#5-15R - Zoning Commission – Proposed amendments to Article 30 to permit seasonal farm stands in AA and AAA Residence zones" and dated May 26, 2015, be approved.

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

- 1) To provide residents with access to healthy farm fresh produce; and
- 2) To implement the Plan of Conservation and Development policy to "Limit the social programs and businesses allowed in residential zones" (F.2.2.2, p. 42); and

**BE IT FURTHER RESOLVED** that the effective date of this action be September 4, 2015.

**Mr. Sumpter seconded.  
Emily Wilson; Linda Kruk; Jill Jacobson; Nate Sumpter; Mr. Blank and Rod Johnson voted in favor.  
No one opposed.  
Mr. Stern abstained.**

**#7-15R - Zoning Commission – Proposed amendments to Section 118-1450 to revise criteria for Special Permits, to add a new subsection D. Special Standards for Non-residential uses in residence zones and related technical amendments - Report & recommended action**

**\*\* MS. WILSON MOVED: BE IT RESOLVED** that the proposed amendment to the Building Zone Regulations as shown on a certain document entitled "#7-15R - Zoning Commission – Proposed amendments to Section 118-1450 to revise criteria for Special Permits, to add a new subsection D. Special Standards for Non-residential uses in residence zones and related technical amendments" and dated June 2, 2015, 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
3. To implement the Plan of Conservation and Development to "Review all anomalies and spot zones to conform to regulations, and to encourage reasonable uses" (F.2.1.3, p. 42); and
4. Limit the social programs and businesses allowed in residential zones" (F.2.2.2, p. 42); and

**BE IT FURTHER RESOLVED** that the effective date of this action be September 4, 2015.

**Mr. Sumpter seconded.**

**Emily Wilson; Linda Kruk; Jill Jacobson; Nate Sumpter; Mr. Blank and Rod Johnson voted in favor.**

**No one opposed.**

**Mr. Stern abstained.**

At this point in the meeting, Mr. Blank recused himself and left the meeting.

**b. #5-15SP – Special Properties II, LLC – 78 Cranbury Road/440 Newtown Ave – 15 unit Conservation development – *Continue public hearing for Rebuttal ONLY***

Ms. Kruk opened the public hearing and said that this portion of the hearing was for rebuttal only.

Atty Suchy began the rebuttal by reminding the commissioners of the facts of the application. She described the conservation areas. She went over the list of speakers that would also address the commissioners during the rebuttal. She then submitted her reply memorandum to the intervenors memorandum to the commissioners. She then also handed them several handouts which included a map of the conservation easement, the Zoning regulations, and the conservation easement. She provided a list of all the other conservation areas in Norwalk.

Holt McCord continued the presentation by handing out his rebuttal report which addressed the questions that were asked at the previous meeting. He then briefly went over the report which included flooding; and the designs for the 100 year system. He showed them the plans for the current system. There was a discussion about the paved areas. He also discussed sewer lines and how they were protected. He also discussed the roof elements and what would be done with run-off water. He also made some remarks about ground water. He finished his presentation by stating that he thought this was a good plan which would be the property, the neighbors and the environment.

Kate Throckmorton, the landscape architect for the project, continued the presentation by handing out her rebuttal letter. She then summarized the letter. She discussed the landscape improvements. She showed the commissioners the plans with existing improvements on the site. She also handed out several publications that showed that utility lines can exist in conservation areas. She read from one of them. She discussed the evergreen plantings. She said that the Zoning regulations were not clear on how far the units had to be from the wetlands. There was a discussion about the ingress and egress for utility truck access. She said that it would not change from the current situation. She said that they believed the changes would improve the property.

Holt McCord continued the presentation by answering the questions about how many parking spaces each house would have. He said there would be 1 parking space per unit. There was also a discussion about the rainfall. The new theory is to put the rain where it falls.

Mike Galante continued the presentation by handing out his rebuttal letter to the commissioners. He addressed some of the comments that were made at the public hearing including truck deliveries, and stop signs to be added.

Chris Caron continued the presentation by handing out his rebuttal letter to the commissioners. He went over the proposed tax revenues that the project could generate annually. He also said that the conservation development would not have a negative impact on property values. He then discussed how he arrived at his analysis.

Atty Suchy introduced Atty Lesley Acedo, who continued the presentation. She discussed the utility easement as well as her discussions with EverSource. She said that EverSource did not have a problem with the conservation easement as long as their easement was respected. She said that there was precedent for similar situations to this. She also went over some of the comments from the public hearing previously held, in the week prior. There was a discussion of the utility lines which are on the property. Since the applicant has owned the property EverSource has not had to access the property.

She ended by handing out briefs to the commissioners.

Atty Suchy continued the presentation by rebutting the arguments of the speakers at the public hearing. She explained that the easement was on the survey which someone said it was not. She also showed the plans from other conservation developments throughout Norwalk. She discussed the history of the project after talks with Council members. While she discussed this, she handed out correspondence related to the discussion. There had been concerns about the number of houses which were eventually reduced to the number they are requesting on the application, 15. There was then a subsequent letter from a few Council members which requested the number of units be reduced even further to 13. This letter was received only a few hours before the public hearing. She then rebutted a report that there had been shotguns damaging transformers. She could find no evidence of this. She rebutted some of the remarks of Dr. Danzer. She also noted that although he had mentioned his resume before he began his presentation, he never mentioned that he had been the Sr. Environmental Officer for the City of Norwalk. She noted that he had said that the city's regulations were insufficient but had not done anything to change them. She described the use of trails in the conservation area. She reminded them that there were so many other permitted uses that could be constructed on this property, uses that might not make the neighbors happy at all. She also noted that the project met all the City's regulations. She said that they spoke with many neighbors who did support the application. She said that they had tried to speak with some legislators who did not reach out to them. She addressed issues of light and noise pollution. She read several letters of support into the record. She then addressed the public's comments about how Connecticut legislation recently passed applied to this application. Atty Suchy did not think it did. She reminded the commissioners that they did not have architectural review as Mr. Mushak had suggested. Mr. Mushak spoke out at that moment but was told by Ms. Kruk that he was not allowed. She then discussed the Plan of Conservation and Development. She reminded the commissioners that all the necessary approvals were in the file and there were no violations on the property.

**VI. COMMENTS OF DIRECTOR**

Mr. Greene had no comments.

**VII. COMMENTS OF COMMISSIONERS**

There were no comments from the commissioners.

**VIII. ADJOURNMENT**

**Ms. Wilson made a motion to adjourn.**

**Mr. Sumpter seconded.**

**Emily Wilson; Linda Kruk; Jill Jacobson; Nate Sumpter; Mr. Stern and Rod Johnson voted in favor.**

**No one opposed.**

**No one abstained.**

The meeting was adjourned at 9:04 p.m.

Respectfully submitted,

Diana Palmentiero