

NORFOLK PLANNING & ZONING COMMISSION

Regular Meeting

July 12, 2016 @ 6:30 p.m.

Minutes - Draft

Present: Michele Sloane – Chair, Schuyler Thomson, Tom Fahsbender, Byron Tucker, Betsy Little, Marion Felton (alternate) and Paul Madore (alternate).

Also Present: Mike Halloran ZEO and West Lowe, assistant ZEO

1. Call to Order

2. Roll Call

A. Marion Felton sitting for Larry Freedman and Paul Madore sitting for Vint Lawrence

3. Agenda Review: none

4. Approval of Minutes:

A motion made by Byron Tucker, seconded by Marion Felton, to approve the June 14, 2016 minutes as amended was approved unanimously.

5. Public Comment:

A. none

6. New Business:

A. P&Z vacancy appointments

a. The Democratic Town Committee has recommended that Paul Madore fill Vint Lawrence's position on the commission until November 19, 2016. Michele noted that there will be two alternate positions to fill and West Lowe has agreed to step up to the plate.

A motion made by Tom Fahsbender, seconded by Schuyler Thomson, to appoint Paul Madore to fill Vint Lawrence's position on the commission until November 19, 2016 was approved unanimously.

A motion made by Betsy Little, seconded by Byron Tucker, to appoint West Lowe to fill an alternate position was approved unanimously.

A motion made by Paul Madore, seconded by Schuyler Thomson, to amend the agenda and move to #8.C. Bills and Correspondence was approved unanimously.

7. Bills and Correspondence:

A. Invoice #76126 from Howd, Lavieri and Finch for \$360.00

A motion made by Betsy Little, seconded by Tom Fahsbender, to pay invoice #76126 from Howd, Lavieri and Finch for \$360.00 was approved unanimously.

B. Receipt of Economic Development Commission minutes dated 6/9/16

C. Receipt of Conservation Commission minutes dated 5/18/16

D. Receipt of Fiber Optic in Northwest Corner Summary Status

8. New Business – continued:

- A. Public Hearing at 6:45 p.m. for applications # 16-010 and 16-012 for Site Plan approval / Special Permit for Village District Review for a Convenience Store/Deli, as per Section 4.03-1A.1 of the Regulations, to be located at #6 Station Place as submitted by Four Wind Endeavors.
1. Michele Sloane recused herself from the public hearing.
 2. Schuyler Thomson, Chair, read the legal notice into the record.
 3. Commission members seated for the hearing: Schuyler Thomson, Tom Fahsbender, Byron Tucker, Betsy Little, Marion Felton and Paul Madore. Also present: Mike Halloran, ZEO and West Lowe, assistant ZEO.
 4. Mike Halloran noted that 10 receipts had been returned of the 11 certified mailings sent out.
 5. Schuyler Thomson reminded those present that the original application and all related materials from that application are not made part of this application as this is a new application.
 6. Samuel A. “Pete” Anderson, president of the Norfolk Foundation which is the owner of #6 Station Place, stated that Ryan Craig will be the operator of the proposed deli/convenience store. As owner of the building, the Foundation has had conversations with the neighbors and as a result of these conversations Pete Anderson handed out 2 sheets to be used as substitution information on the site plan. Pete Anderson stated that the changes to the site plan had been made in response to requests from Joe Stannard to move the propane tanks for safety reasons, to relocate the exhaust fan and to redesign the trash enclosure so the trash is hidden and shaded from the sun.
 7. Ryan Craig summed up the application for the convenience store/deli and explained that he has no plans or desire to rent out the kitchen.
 8. Schuyler Thomson asked if commission members had questions.
 9. Byron Tucker asked why a commercial kitchen is necessary. Ryan Craig responded that the Torrington Area Health Department has strict regulations about food preparation and he needs freezer space, storage space and refrigeration space.
 10. Paul Madore asked how large the trees will be that are to shield the propane tanks. Pete Anderson said there will be a hedge of fast growing cedar trees.

11. Mike Halloran asked what is meant by the “outside” items in the business plan. Ryan Craig explained that they are not items to be out of doors, they are items like books and information pamphlets about the area that will all be kept indoors.
 12. West Lowe asked if the exterior lights would be shielded. Ryan Craig said yes they would.
 13. Mike Halloran asked if the lights could be turned off at night. Ryan Craig said sure they could.
 14. Mike Halloran asked if it would be possible to have garbage pick-up more than once a week especially in the summertime. Ryan said that the garbage collectors have a schedule that brings them to Norfolk only once a week. He also said that he will handle the trash appropriately so it doesn’t smell by washing food cans etc. and that the proposed pergola roof over the trash bins will shield the heat from the heat of the sun.
 15. Schuyler Thomson opened up the hearing to comments from the public.
 16. Tom McDermott, attorney for Joe Stannard, requested a continuation of the public hearing because he has not had enough time to review the substituted pages that were submitted by Pete Anderson.
 17. Mark Burke, member of the Norfolk Foundation, requested that these pages be removed from the application.
- A motion made by Marion Felton, seconded by Tom Fahsbender, to remove these 2 pages from the application was approved unanimously.
18. Bill Brown told those assembled that, as a member of the Economic Development Commission whose mission it is to enliven the town, he was charged with the task of identifying a qualified operator for a deli/convenience store who would be compatible with the personality of the town. He stated that Ryan Craig is creative and is willing to do what it takes to make the convenience store/deli a success. He also said he has spoken to many people in town who are enthusiastic about the idea of a convenience store/deli, so much so that he has gotten commitments of \$155,000 to support the project.
 19. Michael Dinsmore who owns the Wood Creek Bar and Grill said that everyone in town wants a convenience store/deli. He said it would be nice to have one, but he fears it will fail.

He asked what anyone in town, including the Planning and Zoning Commission, has done about the parking problem in town. Mike Halloran and West Lowe stated that the EDC is currently developing a parking plan. Michael Dinsmore said his business is suffering because of a lack of parking. He asked if the convenience store/deli fails, what will happen next to #6 Station Place where there will be a commercial kitchen. He said, it would likely become another restaurant and that would not be a good thing for the town.

20. Bob Pallone asked Ryan Craig what happened with his convenience store/deli in Cornwall, did it fail? Ryan Craig answered that the building his business was in was put up for sale. Bob Pallone said he has concerns about the town's liability because of loading and unloading goods which will occur across the sidewalk that is owned by the town.
21. Faye O'Meara said she has owned a house in Norfolk for 24 years. She would love to be able to buy a newspaper in town, but she has been a restaurant owner in the past and thinks a small town cannot afford another restaurant. She said she thinks a small town should support its friends and neighbors.
22. Patricia Coffee said she would like to be able to buy a newspaper in town and reliably be able to get a cup of coffee in the morning. She thinks the in-town parking will work itself out and said it is available for everyone's businesses. She said business is business and how many restaurants there are in town is irrelevant. She noted that trucks unload all the time in Station Place. She said that the spirit of competition is a good thing and that fear of competition is the first step toward failure.
23. Stefanie Gouey stated that it is unfair competition if a not-for-profit is subsidizing the convenience store/deli. She also said that the delivery trucks could block her driveway making it impossible for the ambulance to get to her café in case of an emergency. She believes having a commercial kitchen in the convenience store/deli is a bad idea, the need for more parking is a bad idea, large trucks making deliveries is dangerous and she has concerns about the location of the loading zone.
24. Tom McDermott outlined the ten page brief he submitted to the commission just prior to the public hearing. His concerns have to do with the inappropriateness of a commercial

kitchen in this particular location; the exhaust vent which goes through the roof of the building and will be “in the face of” his client; the exterior machine which will make noise as it replaces the air consumed within the premises; the condensers which will run 24/7 to keep the equipment cold; the 4 new propane tanks that are located as close as they can possibly be to Joe Stannard’s building and are thus dangerous. The plan does not indicate what size these tanks will be. He stated that, although the Planning and Zoning Regulations state that the Commission may modify certain requirements in the Regulations, there are CT Supreme Court cases which show this not to be true.

25. Don Tobias said he thinks a convenience store/deli is a great idea but to allow it would be unjust to the businesses already in town.
26. Michael Dinsmore stated that he has no fear of competition. Parking, he believes, is a major concern that should be addressed before a new business comes to town. He added that it is unfair competition for a non-profit to open up a convenience store/deli across the street from his business.
27. Julie Scharnberg said that in-town property owners should share/rent parking spaces with people who come into town.
28. Bob Pallone stated that Michael Dinsmore has been a tenant of his for 6-7 years and that, although he seems angry, he is not angry. He said that Michael Dinsmore’s restaurant is the best restaurant that has been in his building over the years.
29. Mike Halloran stated that Tom McDermott’s brief has been entered into the list of documents that have been submitted to the commission. He read two letters into the record - one from Judith and Paul Dorphley which related to the previous application and one from Tara Yard in support of the convenience store/deli. Also entered into the record are the Village District Review Report by Planimetrics, an email from Norfolk’s Building Inspector with regard to the propane tanks and a letter from Norfolk’s First Selectman, Sue Dyer, regarding parking. He noted that the Board of Selectmen is currently working on a parking plan for the center of town.
30. Wiley Wood asked if perhaps Ryan Craig would describe the commercial kitchen. Ryan said that Torrington Area Health has requirements for what must be in the kitchen. He remarked that perhaps instead of “commercial kitchen” it

could be called a “Torrington Area Health District requirements met kitchen”.

31. Don Tobias asked Ryan Craig if he would be making prepared dinners. He asked how the Planning and Zoning regulations define things like a deli or a restaurant. Betsy Little said that these are not defined in the Regulations.
32. Schuyler Thomson stated that the Commission can only consider those things that are within our Regulations.
33. Tom McDermott said that the impact of this application on the neighborhood is something the commission has to consider. He asked what is required by Torrington Area Health.
34. West Lowe asked Joe Stannard where he would like the hood to be placed. Joe Stannard answered that he does not want a commercial kitchen in the convenience store/deli.
35. Commission members asked Tom McDermott to read his ten page brief into the record and he did so.
36. A brief discussion was held by the commission.

A motion made by Paul Madore, seconded by Betsy Little, to continue the Public Hearing on Tuesday, July 19th at 6:30 in the Town Hall as approved unanimously.

9. Old Business:

- A. Discussion of two town-owned buildings – tabled.
- B. Discussion of additional parking in the Village Business District – tabled.
- C. Paul Madore gave a brief description of the NHCOC’s 5th Thursday meeting he attended the topic of which was agriculture and what can be done to promote local agriculture in the Northwest Hills with a theme of grow local and eat local.

10. ZEO Monthly Report

- A. Marc Tonan is having a survey done of his property located on Route 44 and Beckley Road.
- B. See monthly report, attached.

A motion made by Tom Fahsbender, seconded by Schuyler Thomson, to invite Glenn Chalder of Planimetrics to attend the continuation of the Public Hearing scheduled for July 19th at 6:30 p.m. was approved unanimously.

11. Adjournment:

A motion made by Betsy Little, seconded by Tom Fahsbender, to adjourn the meeting at 9:30 p.m. was approved unanimously.

Respectfully submitted,

A handwritten signature in black ink that reads "Betsy Little". The signature is written in a cursive style with a large initial "B" and a long, sweeping underline.

Betsy K. Little
Secretary