

Norfolk Planning & Zoning Commission  
Regular Meeting  
March 27, 2019 @ 6:30 p.m.  
Draft Minutes

**Present:** Michele Sloane – Chair, Lawrence Freedman, Marion Felton, Paul Madore, Tom Fahsbender, West Lowe

Also Present: ZEO Michael Halloran; Glenn Chalder, P&Z Consultant

1. **Call to Order:** 6:30 p.m.
2. **Roll Call** – West Lowe sitting for Schuyler Thomson

Paul Madore did not attend the March 7, 2019 meeting, but he did review the recording and minutes.

3. **Approval of Minutes** – Motion to approve the amended minutes of February 19, 2019 made by Lawrence Freedman, seconded by Tom Fahsbender and approved unanimously. Motion to approve the amended minutes of March 7, 2019 was made by Lawrence Freedman, seconded by Tom Fahsbender and approved unanimously.

4. **Continuance of February 19<sup>th</sup> Public Hearing**

Application for Text Amendment and Zone Change for property located on Old Colony Road submitted by Kate Johnson on behalf of the Foundation for Norfolk Living. Kate Johnson (FNL) spoke about the proposed changes made on the text amendment for the Haystack Woods Overlay Zone. Although it was agreed that Glenn's amended proposal format would be the one reviewed, Kate submitted an updated version of her format that had previously been used. The Commission took time to review both formats and content.

Glenn Chalder indicated that he revised the format to adhere to current regulations.

Kate Johnson reviewed the changes they would like to make to the format.

3.a. remove “in the sole discretion of the Commission”.

3.b. – strike “sole discretion”.

4. Maximum building coverage – change to “minimum 50% of original parcel to be designated for conservation purposes”.

Glenn Chalder felt that the Development Plan 2a. be changed to the Plan shows open space and conservation space. Language will be drafted for this change by Glenn Chalder.

4. Sitework/Landscaping – the following was proposed to be added by Glenn Chalder “Notwithstanding Section 6.04, earth excavation removal, and grading shall be permitted in accordance with the General Plan of Development. The addition of this Language would result in FNL not having to obtain a Special Permit for excavation. Glenn Chalder felt that the issue of the Special Permit could be reviewed later, after the Site Plan and Text Amendment approval.

Tom Fahsbender read into the record the definition of earth excavation from the Regulations.

Glenn Chalder suggested deleting the bullet point in regard to natural vegetation and the issue could be addressed during the Site Plan review. A conservation restriction could also be placed on the Site Plan.

5b. Delete the words “by the Commission”.

5. Affordability – Kate Johnson asked that the language be changed to 30 years, not 40 and remove the language regarding automatically renewed for successive 10 year periods. Much discussion was held on the subject. Kate Johnson indicated that she would accept the 40 years, but not the renewal clause. Kate felt that after 30 years, the houses would need to be updated and the turnover would be needed from affordable to market rate.

Public Comment came from Jennifer Almquist that due to the appearance of her house, she lost her homeowner’s insurance.

6fiii. Kate Johnson inquired about the wording of this paragraph. Glenn Chalder indicated that this came directly from the Connecticut Housing Authority.

6fii The wording on rentals should be changed to accessory apartment rental rates.

6fiii The wording on rentals should be change to accessory apartment rental rates.

Kate Johnson read a letter from Fire Marshal Daryl Byrne regarding the Fire Prevention Code in regards to the separation between buildings (Exhibit 17 ).

Kate Johnson read a letter from David Wagner, Project Architect, Schadler Selnau Associates PC, regarding minimum fire separation requirements. (Exhibit 18).

The following are discussion points for changes:

The first issue is 3a and 3b – it was agreed to delete the words sole discretion.

Maximum Building Coverage – Glenn suggested the addition of “the General plan of development shall show open space for conservation areas and the remainder of the parcel shall be considered non open space for the purposes of this Regulation” to Section 2a.

Maximum Building Coverage should read 10 percent of “the” non-open space area of parcel.

Driveways/Parking should read “Driveway grades shall ‘not’ be steeper than 10 percent or flatter than 1 percent”.

Sitework/Landscaping – Discussion was held on whether this matter could be handled during the Site Plan approval which would need to have the specifics about the amount of cut and fill excavation, hours of operation, etc. added to ensure compliance. Kate Johnson and Julie Scharnberg discussed their preference that another public hearing not be required. Glenn Chalder indicated that the wording be changed to read “shall be permitted in accordance with Section 6.04.” See Regulations b, c and d to require compliance with the regulation but not require a public hearing.

The bullet point on natural vegetation shall be taken out of the Regulations and added as a notation on the Site Plan.

6b In the third line, the word apartments shall be changed to “apartment”. The fifth line shall be changed to “in” the Haystack Woods Overlay Zone.

- 6c. The effective date for the affordability requirements was discussed. It was suggested that the length be changed to 40 years from the initial date the deed is recorded in the land records of the Town for each affordable unit. No automatic renewal terminology will be included.
- 6d. In the second line, apartments should be changed to “apartment”. The third line should be changed to sell as “an” affordable “unit” with “a deed ...” The fourth line should be changed to dwelling “unit”. The fifth line should be changed to “will preserve the unit”.
- 6fii The wording on rentals should be changed to sales prices and “accessory apartment rental rates.
- 6fiii. In the second line remove the word “future” and change to sales prices and “accessory apartment” rental rates and remove the last “in the future”.
- 6g. The word “future” will be removed from this paragraph.

Motion was made to close the Public Hearing at 8:30 pm by Tom Fahsbender, seconded by Marion Felton and unanimously approved.

**6. Deliberations/Vote (if applicable)**

For the record, West Lowe could participate in the Public Hearing but cannot deliberate or vote as he was not present at the last meeting and has not reviewed the record. West Lowe left the table to sit in the audience.

Due to the final revisions, it was decided that deliberations and a vote will be held at the April 9, 2019 meeting for the Text Change Amendment and Map Change. Kate Johnson agreed to present a letter requesting an extension to the Site Plan Approval to avoid denial and refileing.

- 7. Motion made to adjourn at 8:45 pm. by Lawrence Freedman, seconded by Paul Madore and unanimously approved.

Respectfully Submitted,



Angela Bollard, Secretary.

**Exhibits**

- 17. 3/26/19 email from Daryl Byrne, Fire Marshal
- 18. 3/27/19 Letter from Dave Wagner, Schadler Selnau Associates re: fire separation requirements