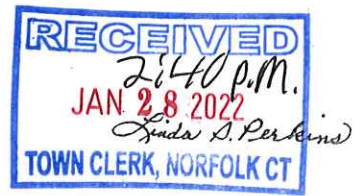


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NORFOLK PLANNING & ZONING COMMISSION
 Regular Meeting
 Norfolk Town Hall
 December 14th, 2021 @ 6:30 p.m.
Approved Minutes

Present: Tom Fahsbender-Chairman, Christopher Schaut-Vice Chairman, Paul Madore, Melissa Renkert, Jonathan Sanoff, Marion Felton, Kevin Gundlach, Wiley Wood (alternate)

Also Present: ZEO Michael Halloran

Michael Halloran as ZEO stated that the election of a chairman and Vice Chairman was necessary.

Christopher Schaut nominated Tom Fahsbender as Chairman, Melissa Renkert seconded, and it was approved unanimously.

Paul Madore nominated Christopher Schaut as Vice Chairman, Jonathan Sanoff seconded, and it was approved unanimously.

Tom Fahsbender then made a motion that 10.B "Election of alternate member" be move to before public comment. This was seconded by Christopher Schaut. Tom Fahsbender then called the meeting to order.

1. **Call to Order-6:33 pm**
2. **Roll Call -Full Commission present.**
 10.B. Christopher Schaut made a motion to vote for the election of an alternate member, Marion Felton seconded and it was approved unanimously.
 Edward Barron agreed to be an alternate.
 Marion Felton nominated Edward Barron as an alternate, Melissa Renkert seconded and it was approve unanimously.
 Edward Barron was then sworn in by Attorney Mike Zizka who administered the oath.
3. **Agenda Review**
 Inland Wetlands minutes of their regular meeting December 6, 2021 to be handed out
4. **Public Comment-none**
5. **Old Business-**

- A. Continuation of Public Hearing 6:30 pm #21-030 amended application for 599 Greenwoods Rd. East, Building, Uses, and Facilities for the Town of Norfolk. Section 4.03-1F1 processing and storage of earth materials.

Michael Halloran received a letter of waivers as required, from Matt Riiska. Tom Fahsbender ask if there were any questions from the Commission. It was also noted that Wetlands had not yet made a decision so the Commission can discuss but cannot close the hearing. Matt Riiska asked for a 28 day extension. A discussion ensued.

A motion to approve the three waivers as well as a sign requested, in a letter dated December 14, 2021 from Riiska was made by Melissa Renkert, and seconded by Paul Madore was approved unanimously.

Tom Fahsbender then asked if there were any questions from the public. There were none. The Town consented to a 28 day extension. The public hearing was extended to next regularly scheduled meeting of January 11th, 2022.

- B. Application #21-033 for Site Plan Approval by the Foundation for Norfolk Living (FNL) for 10 new homes off Old Colony Road.

Melissa Renkert recused herself. Edward Barron was seated for Melissa Renkert. Tom Fahsbender asked if Kate Johnson, President of FNL, if she had anything to say. She did not.

Christopher Schaut noted that on MOTION FOR APPROVAL OF SITE PLAN APPLICATION under number 1. Line 5, there are thirteen sheets and not "fourteen sheets". Mike Zizka agreed. Tom then asked the Commission if they had any questions. They did not.

Edward Barron made the MOTION FOR APPROVAL OF SITE PLAN APPLICATION

I move that Application No. 21-033 for Site Plan Approval, submitted by The Foundation for Norfolk Living, Inc, be conditionally approved, in accordance with Sections 5.04 and 8.03.E of the Zoning Regulations, with the following conditions:

1. This approval is based upon the modified set of Site Development Plans entitled "Haystack Woods Site Development Plans Prepared For The Foundation For Norfolk Living Old Colony Road Norfolk, Connecticut," prepared by Hrica Associates LLC Engineers Surveyors, dated March 08, 2019, and revised through November 09, 2021 (hereinafter referred to as the "Plans"), which Plans comprise thirteen sheets including: a cover page; Sheet C1 Resubdivison Map, dated 03/01/2021, revised through 11/09/21; Sheet C2 Existing Conditions Map, dated 03/08/2019, revised through 07/22/21; Sheet C3 Site Grading Plan, dated 04/24/2021, revised through 11/09/21; Sheet C4 Site Utility Plan, dated 04/24/2021, revised

through 11/09/21; Sheet C5 Roadway Plan & Profile, dated 10/14/20, revised through 07/22/21; Sheet C6 Roadway Plan & Profile, dated 10/14/20, revised through 07/22/21; Sheet C7 Construction Notes & Details, dated 03/08/2019, revised through 11/09/21; Sheet C8 Construction Notes & Details, dated 03/08/2019, revised through 11/09/21; Sheet C9 Construction Notes & Details, dated 03/08/2019, revised through 09/01/21; Sheet C10 Erosion & Sediment Control Plan, dated 02/10/2019, revised through 11/09/21; Sheet C11 Sedimentation & Erosion Control Narrative, dated 03/08/2019 and as presented to the Commission on November 9, 2021; and Sheet C12 Wetland Mitigation Plan dated 08/21/2021.

2. The position of the Soil Erosion and Sediment Control Legend on Sheet C11 shall be moved to the left so that the entire legend appears on the page.
3. All work, including but not limited to excavation, filling, grading, and installation of the roadway, structures, buildings, drainage system, sewerage facilities and other improvements (hereinafter referred to as the "Work"), shall be conducted solely in accordance with the Plans. No changes may be made to the Work as shown on the Plans unless such change is requested in writing and is either (a) approved by the Planning and Zoning Commission pursuant to Sections 5.04 and 8.03.E of the Zoning Regulations, or (b) approved in writing by the duly authorized agent of the Commission as a minor modification to the Work. A modification may be deemed to be minor if it does not involve a change in the location of any structure, building or drainage facility and does not require significant changes in grading, excavation or filling.
4. The applicant provided a letter dated July 6, 2021, from the Norfolk Center Cemetery Association, an owner of adjoining land, indicating the Association's willingness to provide an easement of access for the construction of the proposed roadway retaining wall. This approval is conditioned upon the submission by the applicant to this Commission, prior to the commencement of any Work, of a legally sufficient easement, satisfactory to the Commission, from the Norfolk Center Cemetery Association or its successors or assigns, allowing access to the applicant or its successors or assigns for the construction of the proposed roadway retaining wall in the area identified on Sheet C1, as referenced in paragraph 1 of this approval, as "Proposed 15' Temporary Construction, and Permanent Retaining Wall Maintenance Easement."
5. The applicant provided a letter dated July 1, 2021, from Aquarion Water Company to First Selectman Matt Riiska stating that Aquarion has sufficient water supply to meet the estimated residential water demand at the site. However, the letter also stated that the service commitment is valid for only 12 months from the date of issuance (July 1, 2021) and that if

the project is not under construction or ready for water service (intended usage) within those 12 months, Aquarion's ability to serve the project would have to be reevaluated. Therefore, in the event the project is not under construction or ready for water service (intended usage) by June 30, 2022, the applicant must provide the Commission with written confirmation of the continuing ability and willingness of Aquarion or its successor to provide water meeting the estimated residential demand at the site. The Commission reserves the right to terminate or modify this approval, after providing due notice and a hearing to the applicant, if it finds that adequate public water service has become unavailable for use at the property.

6. The installation of the retaining wall shall be overseen on site by a qualified professional engineer. Prior to such installation, the applicant shall notify the Commission of the names, addresses, telephone numbers, and email addresses of the qualified professional engineers hired to oversee the installation. The Commission may reject any proposed person or company that it may find lacks proper qualifications to oversee such installation.
7. The applicant shall post financial security for sediment and erosion control before commencing any Work. The amount and form of the security must be approved by the Commission. Such security may be used by the Commission at any time to mitigate any failure of sedimentation or erosion controls, provided the applicant has been given reasonable notice and a reasonable opportunity to cure. If the Commission has been required to use money from the security to perform any such tasks, it may require the applicant to promptly replenish the full amount of the security and may, after a hearing, order the Work to be suspended until the security has been fully replenished. The applicant may seek a reduction of the security at such time as the cost of the total amount of secured Work remaining to be accomplished under this approval would be less than the amount required to be posted under this paragraph 7.
8. This approval is subject to all requirements set forth in Section 5.04 of the Zoning Regulations.
9. The Commission finds that, subject to the foregoing conditions, the application satisfies the requirements of the Zoning Regulations. The Commission also finds that each of these conditions of approval are essential to the approval. If any court having jurisdiction over this approval should hold that any of these conditions are invalid, the approval shall be deemed to be invalidated in its entirety.

Christopher Schaut seconded and the MOTION FOR APPROVAL OF SITE PLAN APPLICATION was approved unanimously. Melissa Renkert returned to the table as a voting member.

6. New Business-

- A. A letter from West Lowe regarding possible text amendments to ground mounted solar collectors was discussed. Also discussed were possible changes to the text regarding marijuana regulations and opting out of auxiliary apartments. It was decided to add further discussion of regulation changes to the January 11th 2022 regular meeting.
- B. Tom Fahsbender then introduced Steve Landis as a potential for a third alternate position. Steve then introduced himself and answered questions. Marion Felton also mentioned that Phyllis Bernard ran for alternate as well. It was then decided that Phyllis would be asked if she was still interested before any decisions were made.
- C. Discussion of FOIA. Michael Halloran passed out FOIA packets. Christopher Schaut then suggested for all about the need to be careful about emails and texts for they could be considered a meeting if it is a quorum. This was then discussed.

7. Approval of Minutes-

A motion to approve minutes as amended for the November 9, 2021 regular meeting was made by Christopher Schaut and seconded by Marion Felton, and approved unanimously.

8. Bills & Correspondence-

- A. Schedule of meetings 2022. It was noticed that November 8th is election day so the meeting was changed to Wednesday November 9th 2022.
- B. Inland Wetlands regular meeting minutes November 1, 2021 were included in the packet.

9. ZEO report-See attached

10. Action items and responsibilities

- C. Section 5.04 revisions were passed out to the Commission members for their books.

11. Adjournment-

A motion to adjourn was made at 8:35 pm by Christopher Schaut, seconded by Paul Madore, and approved unanimously.

Respectfully submitted,
Marinell Crippen, Secretary