

NORFOLK PLANNING & ZONING COMMISSION

Regular Meeting
Norfolk Town Hall

Tuesday, November 9th, 2021 @ 6:30 p.m.

Approved Minutes

Present: Tom Fahsbender-Chair, Christopher Schaut, Lawrence Freedman, Paul Madore, Melissa Renkert, Marion Felton, Edward Barron, West Lowe (alternate), Jonathan Sanoff (alternate)

Also Present: ZEO Michael Halloran

1. **Call to Order**-6:33pm
2. **Roll Call**- Full Commission present.
3. **Agenda Review**-Michael Halloran asked to add under New Business, the housing steering committee plan discussion
Motion to add discussion to New Business (C), was made by Christopher Schaut, seconded by Melissa Renkert and approved unanimously.
4. **Approval of Minutes**-A motion to approve minutes as amended for the October 12, 2021 Regular Meeting was made by Melissa Renkert, seconded by Paul Madore, and approved unanimously.
A motion to approve minutes as amended for the October 26, 2021 Special Meeting was made by Lawrence Freedman, seconded by Paul Madore and approved unanimously.
5. **Public Comment**- None.
6. **Old Business**-
Deliberation and vote on application #21-009 from the Foundation for Norfolk Living for a re-subdivision of property at Haystack Woods, Old Colony Road, including a proposal for a new town road.
The Commission discussed the motion for approval of subdivision waivers and discussed in length the issue of bonding. There was a question of getting bonding estimate numbers before approval or after. It was decided to get them after since Kate Johnson, president of the Foundation for Norfolk Living, stated that they needed the approval before they could secure the funding. West Lowe then read into the minutes the MOTION FOR APPROVAL OF SUBDIVISION WAIVERS for Haystack Woods, as follows;

I move that the following waivers and modifications to the subdivision standards be provided in accordance with Section 1.05.3 of the Subdivision Regulations on the grounds that:

- a. conditions exist which affect the subject land and are not generally applicable to other land in the area: namely, this subdivision development has been specifically designed to meet the singular requirements of Section 5.04 of the Zoning Regulations and to fulfill the important State and Town objectives of providing additional affordable housing in Norfolk:
- b. the modification or waiver of the following standards will not have a significant adverse effect on public health and safety, and the modifications have been reviewed and approved by the Public Works Supervisor:
- c. the modification or waiver of these standards will not have a significant adverse effect on adjacent property; and
- d. the modification or waiver of these standards will not hinder implementation of the Plan of Conservation and Development, and will help enhance the Plan's goal of providing additional affordable housing.

Waivers and Modifications

1. The requirements of Appendix B 1.b are modified to allow the use of a 1"=100' map scale, rather than a 1"=40' map scale, in the formal application.
2. Appendix B 4.b, requiring identification of areas with 20" or less of consolidated till above bedrock is waived because the applicant's engineer has represented that the area being developed does not contain surficial or shallow bedrock.
3. The requirements of Article 4.01.4.b are modified to allow the minimum horizontal roadway curve radii at the east end of Lot #2 to be reduced from one-hundred fifty (150) feet to forty-five (45) feet.
4. The requirements of Article 4.01.4.b are further modified to allow the use of a 3/8-inch-per-foot roadway cross-slope in lieu of a 1/4-inch-per-foot roadway cross-slope to enhance conveyance of stormwater sheet flow from the travel way.
5. The requirements of Article 4.01.6, requiring street lines to be connected by a minimum curve radius of 25 feet, are waived to allow a zero street-line intersection radius because (a) existing property on each side of Haystack Woods Road at its intersection with Old Colony Road is private property owned by others and, therefore, is not within the available project area: and (b) the actual paved roadway intersection at Old Colony Road will have twenty-five (25) foot radii on both sides.
6. The requirements of Article 4.01.8a, requiring a permanent dead-end road to terminate in a turnaround right-of-way that is at least 100 feet in width with the outer edges of the travel way at least 80 feet apart, are waived to allow a hammerhead design.

After this was read, Lawrence Freedman noted that under “b” he thought “and waivers” should be added and it should say “the modification or waiver of the following standards will not have a significant adverse effect on public health and safety, and the modifications (and waivers) have been reviewed and approved by the Public Works Supervisor”. Michael Zizka agreed with this change.

A motion to approve the Motion for Approval of Subdivision Waivers as amended was made by West Lowe, seconded by Christopher Schaut, and approved unanimously.

Tom Fahsbender then asked if there were any questions on Motion for Approval of Subdivision with Modifications. There were none. Tom Fahsbender then read into the minutes the MOTION FOR APPROVAL OF SUBDIVISION WITH MODIFICATIONS

I move that the subdivision proposed in Application No. 21-009, submitted by The Foundation for Norfolk Living, Inc., be conditionally approved, in accordance with Section 6.02.6 of the Subdivision Regulations, with the following stipulations and modifications:

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 September 01, 2021 (hereinafter referred to as the “Plans”), which Plans comprise fourteen sheets including: a cover page: Sheet C1 Re-subdivision Map, dated 03/01/20121, revised through 07/22/21; 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 09/01/21; Sheet C4 Site Utility Plan, dated 04/24/2021, revised through 07/22/21; 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 09/01/21; Sheet C8 Construction Notes &Details, dated 03/08/2019, revised through 07/06/21; 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 07/22/21; Sheet C11 Sedimentation & Erosion Control Narrative, dated 03/08/2019; and Sheet C12 Wetland Mitigation Plan dated 08/21/2021.
2. The bottom note on Sheet C1 Re-subdivision Map shall be revised to state as follows: “Maintenance of the Water Quality Basin #1, as shown on Sheet C5, shall be the responsibility of The Foundation for Norfolk Living, Inc. and its successors and assigns.”

3. The contract/clearing limit line shall be shown on Sheets C3, C4, and C10 and labelled as such. A prominent text box shall be added to each of those sheets with the following text: "NO GRADING OR EARTH REMOVAL IS PERMITTED OUTSIDE THE CONTRACT/CLEARING LIMITS SHOWN ON THIS SITE GRADING PLAN."
4. A legend shall be added to Sheet C10 Erosion and Sediment Control Plan to explain the patterns and acronyms shown on that sheet.
5. The Plans shall be revised to show detail for an access gate to be installed to control vehicular access to the recreation area.
6. 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 Section 6.05 of the Subdivision 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.
7. 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, for those purposes 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."
8. 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.

9. 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.
10. 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 10.
11. The applicant or its successors or assigns may apply for, and the Commission may approve, the conversion of this conditional subdivision approval to a final approval as financial security for all Work remaining, including repair or remediation of any unacceptable Work, in a form and amount acceptable to the Commission. The approval of any such conversion shall not be deemed to extend the expiration date of this approval, but the applicant may seek any extension of time to complete the Work to the extent authorized by state law.
12. The Commission 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. Jonathan Sanoff brought to Michael Zizka's attention that he thought in number 11, that instead of "financial security for all Work remaining" it should say "financial security for all legally bondable Work remaining". Michael Zizka agreed.

A MOTION FOR APPROVAL OF SUBDIVISION WITH MODIFICATIONS as read this evening with modification mentioned

was made by Paul Madore, seconded by West Lowe, and approved unanimously.

Melissa Renkert returned to the table as a voting member.

7. **New Business-**

- A.** Public Hearing for #21-030 an amended application for 599 Greenwoods Rd. East, Buildings, Uses, and Facilities for the Town of Norfolk. This application includes Section 4.03-1F1 processing and storage of earth materials. Tom Fahsbender asked if there were any recusals and there were none. Michael Halloran verified that all seven of the certified letters had been sent. Matt Riiska, representing the Town for this discussion, had to go to a board of Finance meeting. Lawrence Freedman then stated that there is a pending Wetlands Application so the Commission could not approve this application this evening.

A motion to continue the public hearing for application #21-030 to December 14, 2021 was made by Christopher Schaut, seconded by Paul Madore, and approved unanimously.

- B.** Application #21-033 for Site Plan Approval by Foundation for Norfolk Living Section 8.03 for ten new homes.

Kate Johnson brought new site plans and she dropped off a check yesterday for the application.

A discussion about bonding and the amount and when the amount will be presented was had. Ken Hrica, engineer for FNL, said that generally you don't submit amount of bond with site plan. He then showed the new site plan with modifications that the Commission had asked for. Tom asked if there were any further questions for FNL. There were none.

Christopher Schaut made a motion to accept application but to continue discussion until next meeting on December 14th, 2021, Edward Barron seconded, and it was approved by all.

Matt Riiska returned, and Tom Fahsbender told him that the Public Hearing was tabled until December 14th, 2021 meeting. It was then decided that because of conflict, the Commission would put approving minutes at the end so they could hold the public hearing and Matt Riiska would be able to attend.

- C.** Housing Steering Committee Plan discussion. Tom told the Commission that his plan was to bring recommendations to the Housing Plan Steering Committee from the packet distributed. A discussion was had. Tom stated that the Committee meeting was for November 17th, 2021 if anyone would like to attend.

8. **Bills & Correspondence-**

- A. Invoice from Howd, Lavieri, and Finch LLC for approval of payment of \$2,310.00. Lawrence Freedman abstained from the vote to approve payment.
- B. Invoice from Planimetrics to be paid by FNL
- C. Quarterly newsletter from the CT Federation of Planning and Zoning Agencies.

9. **ZEO Monthly report-**

10. **Action Items-**

Schedule of meetings 2022, completed.

Tom thanked Lawrence and West for their years of service to the Commission and Town of Norfolk.

11. **Adjournment-**A motion to adjourn was made at 9:16 pm by West Lowe, seconded by Lawrence Freedman, and approved unanimously.

Respectfully submitted,

Marinell Crippen, Secretary