



NORFOLK PLANNING & ZONING COMMISSION  
Regular Meeting  
Norfolk Town Hall  
Tuesday September 14, 2021 @ 6:30 p.m.  
Revised Minutes

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

**Also Present:** ZEO Michael Halloran

1. **Call to Order-6:31pm**
2. **Roll Call**-Jonathan Sanoff was seated for Tom Fahsbender, West Lowe was seated for Marion Felton
3. **Agenda Review**- Michael Halloran asked to add an invoice for review, from Halloran and Sage, to Bills & Correspondence. A motion to add the invoice to Bills & Correspondence was made by West Lowe, seconded by Paul Madore and approved unanimously.
4. **Approval of Minutes**-A motion to approve minutes as amended for the August 10, 2021 regular meeting was made by Edward Barron, seconded by Paul Madore, and approved unanimously.
5. **Public Comment**- Christopher Schaut asked if there was anyone who wished to speak in regard to anything that was not on the agenda. There was no public comment.
6. **New Business**-
  - A. 6:40 pm. A Public Hearing for application #21-025, was opened for Ground Mount Solar Panels Section 6.10. The applicant is Litchfield Hills Solar for owner Nash Pradhan, Ginger Creek Nursery at 764 North St. Nash Pradhan discussed with the Commission his application and offered to plant a vegetative buffer of 4' arborvitaes to eventually screen the panels from view. He handed out a printed photo of the buffer plan. Christopher Schaut asked if the solar array was 30' from the property line and Nash said it was. Michael Halloran read a letter, from neighbors Eli and Tracy Hattem, expressing concerns over the proposed arrays. Included were several photos. Mr Hattem's letter stated that the photos were taken from his car on North

Street, "directly in front of my property." Mr. Pradhan stated that the photos were actually taken from his driveway.

Lawrence Freedman said that a site visit would be helpful and the Commission agreed.

A motion to continue the Public Hearing until the scheduled meeting for October 12, and to schedule a Special Meeting on October 1 at 5:30 pm for a site visit was made by West Lowe, seconded by Melissa Renkert, and approved unanimously.

For the record, Michael Halloran stated that all certified mailings had been sent.

- B. A Public Hearing for application #21-026 was opened for a Home Enterprise Section 3.05C. The applicant was Kelley Groover of 378 Greenwoods Road West. Ms. Groover is proposing a cottage kitchen approval at her home. Michael Halloran stated that all certified mailings had been sent by the applicant.

Ms. Groover stated that the Home Enterprise does not occupy more than one third of the gross floor area, per Section 3.05C7. She also wished to add a sign which is allowed in accordance with Section 6.01 of the Regulations.

Michael Halloran read one email from an abutting neighbor expressing approval of the application and he also received one phone call from another neighbor who approved of this project. Ms. Groover stated that there would be no retail sales from the home, no employees, and no one would come to her home to pick up goods, as she delivers.

Paul Madore made a motion to close public hearing for deliberation and Edward Barron seconded.

The Commission discussed that two conditions need to be met for approval: That there be no retail sales on the property and all products would be delivered to purchaser.

West Lowe made a motion to approve the application for Home Enterprise with the two conditions, Edward Barron seconded and it was approved unanimously.

- C. A Special Permit application #21-030 was submitted by the Town of Norfolk, for Building, Uses, and Facilities of the Town of Norfolk Section 4.03-1F1. Michael Halloran said that a Wetlands Permit would need to be applied for as well. Matt Riiska said he would not do this. Michael Halloran explained why the work being done currently on the site is an expansion of the use which has historically happened at the Town Farm. West Lowe agreed that this would be considered an expansion of the use.

Edward Barron said that this application is incomplete in a number of ways and he explained why. Barron suggested the application be denied as being incomplete. Matt Zizka, counsel for P&Z, stated that the Commission must

accept the application even if it is incomplete and then must schedule public hearing within 65 days.

A motion was made by Lawrence Freedman to accept this application and schedule a Public Hearing for the November 9<sup>th</sup> regular meeting at 6:45 pm. This was seconded by West Lowe, and approved unanimously.

#### 7. Old Business-

**A and B-**Continuation of Public Hearing #21-008, application from Foundation for Norfolk Living (FNL) for text amendment to the Norfolk Zoning Regulations, Section 5.04 Haystack Woods Overlay Zone, for creation of a town road to property located off Old Colony Rd., and #21-009 application from FNL for a re-subdivision of property at Haystack Woods, off Old Colony Rd. including proposal for a new town road.

Melissa Renkert recused herself from discussion.

Christopher Schaut read the legal notice into the minutes.

Kate Johnson, President of the FNL said that it has received approval from Inland Wetlands Agency and that wetlands mitigation will actually create 820 square feet of new high quality wetlands. As a result of that, Wetlands wanted updated drawings which she had already given to P&Z as well.

Todd Parson, of Lenard Engineering, reviewed the changes for the Wetlands Agency and stated in writing that he was satisfied with the latest changes. FNL also has a letter from the cemetery stating they will grant a necessary easement. Kate reintroduced their attorney Chris Smith. Kate stated that FNL is comfortable with Michael Zizka's changes to Glenn Chalder's September 7, 2021 comments. It was noted that P&Z had not seen Mr. Zizka's proposed changes. Michael Halloran then passed them out. Attorney Zizka then explained his changes. Chris Smith, land use attorney for FNL, explained that he and Michael Halloran and Michael Zizka all worked together to bring Wetlands and P&Z comments together. A discussion was then held about the text amendment. Glenn Chalder then went over his report. Michael Zizka went through his proposed changes. There was a lengthy discussion between Glenn Chalder and Chris Smith relating to bonding. Christopher Schaut then asked if there were any further questions from the public.

Susan MacEachron, for Norfolk Now, asked Kate Johnson if taxes will be paid on units if they are rented instead of sold and Kate said they would.

Chris Smith and Kate Johnson thanked all involved. Michael Halloran stated that Road Foreman, Troy LaMere, has signed off on all waiver requests.

A motion to close Public Hearing 21-008 for text amendment was made by West Lowe, seconded by Paul Madore, and approved unanimously at 9:45 pm.

A motion to close Public Hearing 21-009 for re-subdivision application was made by Edward Barron, seconded by West Lowe, and approved unanimously at 9:45 pm.

A motion to commence deliberations for 21-008 and 21-009 at the next regularly scheduled meeting of October 12<sup>th</sup> was made by Lawrence Freedman, seconded by West Lowe, and approve unanimously.

**8. Bills & Correspondence-**

- A. Minutes for the August 2, 2021 regular meeting of the Inland Wetlands Agency had been received
- B. Minutes for the August 30, 2021 special meeting of the Inland Wetlands Agency had been received
- C. Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter had been received
- D. Invoice from Planimetrics for work on Haystack Woods 2021 revisions #1805 for \$2,100.00, and an invoice from Halloran and Sage for \$150.00 for a telephone conference with Michael Halloran were both to be paid by FNL.

**9. ZEO Monthly report- see attached**

**10. Action Items-**

- 1-Each member to read and study the opting out for state mandated accessory apartments statute.
- 2-Attorney Zizka will draft documents and conditions for all to consider regarding FNL project.

**11. Adjournment-**A motion to adjourn was made at 10:05 by West Lowe, seconded by Paul Madore, and approved unanimously.

Respectfully submitted,

Marinell Crippen, Secretary