



NORFOLK PLANNING & ZONING COMMISSION

Regular Meeting

Norfolk Town Hall

February 14, 2023 @ 6:30 p.m.

Approved Minutes

Present: Tom Fahsbender-Chair, Chris Schaut, Paul Madore, Melissa Renkert, Jonathan Sanoff, Marion Felton, Kevin Gundlach, Edward Barron (alternate), Steve Landes (alternate)

Also Present: ZEO Michael Halloran

1. **Call to Order-6:30 pm**
2. **Roll Call -.**
3. **Agenda Review-**
 - A. Move #4 approval of minutes to after #6 new business. Chris Schaut made a motion to move #4 to after #6, seconded by Marion Felton, and approved unanimously.
 - B. Move 6B, application 23-004 to before 6A. Chris Schaut made a motion to move 6B to before 6A on the agenda, seconded by Paul Madore, and approved unanimously.
 - C. Remove 6D, discussion of budget 2023-2024 Chris Schaut made a motion to remove 6D from agenda, seconded by Marion Felton, and approved unanimously.
4. **Approval of minutes- moved**
5. **Public Comment-none**
6. **New Business-**
 - B. **Application 23-004 property of Brian and Brenda Lilly, 105 Greenwoods Road East: 3.02-1A2 Two family dwelling in accordance with the provisions of Section 3.05E.**

Brenda Lilly presented a set of drawings for her proposed plans for a two-family house. She explained what she and her husband Brian were proposing. The Lilly's asked for several waivers since the outside structure is not changing, only the inside.

Chris Schaut made a motion that the Commission receive the application 23-004 and schedule a public hearing for 6:45 on March 14th, 2023 which is the next

regular meeting, Melissa Renkert seconded, and it was approved unanimously. Chris Schaut made a motion to waive the requirement of a site development plan, seconded by Jonathan Sanoff, and approved unanimously.

Chris Schaut made a motion to waive the requirement for a utility plan since they are not changing anything, seconded by Jonathan Sanoff, and approved unanimously.

Chris Schaut made a motion to waive the landscaping requirement since there are no changes to that, seconded by Jonathan Sanoff, and approved unanimously.

Chris Schaut made a motion to waive the zoning informational table as there are no changes to the plans, seconded by Jonathan Sanoff, approved unanimously.

Chris Schaut made a motion to waive the requirement for an erosion and sedimentation control plan since there are no site changes, seconded by Jonathan Sanoff, and approved unanimously.

A. Public Hearing 6:45 pm, #23-001 Special Permit Application for Recreational Facility 3.05L, A Dog Park on vacant land on Westside Rd. Lot parcel #7-10/18.

Tom Fahsbender asked the Commission if there were any recusals? Chris Schaut said that his husband is on the board of The Friends of Norfolk Community Dog Park, FNCDP, but that he could be impartial.

Tom read the legal notice into the record.

Michael Halloran stated he had received the nine receipts of mailings that went to the abutting property owners.

Tom the read the roll call. The seven sitting members of the Commission were all seated.

Tom asked the applicant to summarize the application. Joel Howard, a member of FNCDP stated that they have applied for a special permit for a dog park similar to the parks in Salisbury and Egremont. This park would be 500 feet away from any house. It will be funded completely by donations, and they will have a board and membership.

Tom stated that the Commission will ask the applicant questions first and then the public can ask questions.

Edward Barron asked that Mr. Howard answer the questions that he had requested at the last meeting which were: 1) Who will be in charge of the maintenance of the proposed dog park? Snow plowing, mowing, etc. 2) Who will pick up the dog waste? 3) Will the town have any legal responsibility?

Mr. Howard said that they have a service called Shamrock that will pick up the dog poop. Cindy Leffell a FNCDP member, said it is allowed for in the annual budget. She said they have also been working with a contractor who is available to do lawn care and maintain the parking lot.

Mr. Howard said that it is a private non-profit on private land so the town will not be held liable for any fees and FNCDP will have ample insurance.

Chris Schaut asked if any trees would be removed as part of the construction. Mr. Howard said there are a lot of dead trees that would come down, but they want to leave a lot of trees in the park.

Tom Fahsbender asked what materials would be used for the parking lot and Mr. Howard stated that it would be gravel. Mr. Howard also said that the facility is on 2 acres but the plot is 58 acres. Ms. Leffell said they will not be putting up any lighting and would be posting signs that it would be open dawn to dusk. The Commission decided that all correspondences would be read into the record. A total of 45 correspondence were read.

After the letters were read which took a significant amount of time, Mr. Fahsbender opened discussion to the public.

Avis Meehan, 390 West Side Road, spoke first. She has 2 terriers that she walks on a regular basis on West Side Road. She and her spouse did not submit a letter in advance. She and her spouse have a lot of concerns about this project. She thinks the parking lot will be a nuisance and had a few questions: Will people park there 24/7 if there is no gate? And if there is a gate who will open and close? And who will monitor the dog, are they vaccinated etc.?

John Funt, 97 Golf Drive, said that he abuts the Hellerman property on the south side and he believes he will be disturbed by the sounds of the barking dogs at 7 am on a Sunday morning. He says that all the letters say let's have a dog park but don't say that is a perfect location for a dog park, also, he is not opposed to a dog park just the location of this dog park.

Albert Banta, 55 Golf Drive, stated that he recently purchased his home, and he is worried about the effect on wildlife and also noise.

Roger Miller said that his wife who just died, was a member of the dog park committee. He said that she spent a great deal of time researching locations and she thought that this location was the only one that made sense. Mr. Miller objected to the worry about it being an animal crossing area because he has deer scat all over his lawn and he has seen bear on his property. He doesn't think the wildlife will be frightened of the dog park and the notion of noise is not to be worried about because his son Ian Miller, in one of the letters read, stated in his opinion, decibel levels and the dogs would not be heard from any neighbors' houses.

Holly Gill, 172 West Side Road, had a question concerning whether it would be town dogs only and if so, how would that be enforced or monitored? And do the regulations require a 20-acre parcel for a recreational facility?

Mr. Fahsbender replied and stated that in the regulations a minimum for some recreational facilities is 5 acres like a tennis court or swimming pool and for all other the minimum lot area would be 20 acres. Michael Halloran said that if approved it could be with approved conditions.

Jill Vantine, a real estate agent, said that the 58 acres could be several houses because instead of a dog park as there is quite a bit of road frontage. She said

that she would be in support of the dog park and thinks that it is a nice location since it is close to the ballpark.

Charles Miller spoke and wanted to address some information in one of the emails. He said he lives a stones throw from a dog park in Egremont and doesn't hear the dogs but does hear coyotes at night and he also said that one of the reasons he moved to Egremont is all the protected and preserved land and the dog park in no way takes away from the bucolic nature of the area or diminishes the property values.

Cindy Leffell said that one of the letters opposing the dog park said it went against the plan of conservation and development but she cited 3.2 of the plan states that it does support it as well as 3.3 of the plan and 3.5 of the plan also.

Joel Howard wanted to address the clearing of trees. He said that it is already a clearing and only dead or dying trees will come down because they want trees and they will put in a French drain as well. It is 600 feet from the corner of Mountain and West Side Roads and is not at the corner. The fencing will be black vinyl coating, so it won't rust. The line of trees along the road will stay. Access to the park might be with a QR code as they are testing at the Egremont park currently. The dog parks in Salisbury and Egremont are at the edge of existing parks but they are closer to an existing home than this park will be, 400 feet in Salisbury and 575 feet in Egremont. Mr. Howard visited these two parks at least 30 times and there was very little dog barking. The yearly budget of the park will be around \$23,000. For the parking they have put in 11 spaces including one handicap space, and he has never seen all of the parking spots full at either park. He also stated that he has never heard of a dog being abandoned at either park. The budget is \$103,000.

Cindy Leffell addressed the issue of crime at the park so she contacted state trooper Pat Malloy and had a discussion with him about crime in Norfolk. He did not think that this would be a magnet for crime.

Patricia Coffey shared the belief that there is significant crime in Norfolk. She then asked how many acres are required for recreational use. Chris Schaut explained that a minimum lot area would need to be 20 acres but even though it is only 2 acres it is within a 20-acre lot.

Anita Holmes on Aetna Lane enjoys the way West Side Road is now and thinks that this is an inappropriate place for the dog park and wants to lend her support to the people that are opposed to the dog park.

Nancy Kriegle from Laurel Way thinks that the dog park is a valuable resource and would be a great place for socialization for dogs and for people.

Donald Black from 248 West Side Road stated that he thinks this will increase traffic. He said that he doesn't believe anyone there is opposed to a dog park just the location of it. He thinks it will have a negative impact on property values for those on West Side Road and will disrupt the wildlife corridor. He also thinks that there is probably not anyone from West Side Road on the board of the dog park.

Russell Guthrie on 55 Golf Drive had a question for the commission which was how often do we make exceptions for recreational facilities in residential zones? Mr. Fahsbender then explained that it was not an exception it was a Special Permit Application and that the purpose of this special hearing is to decide when to use a Special Permit.

Tom Hodgkins on Emerson Street asked Mr. Howard why this particular place was chosen? Mr. Howard then replied that he went to Town Hall and found vacant properties and a lot of the properties were very small and steep or Wetlands and he visited 10 or 12 places and they also had someone from Old Spaulding offering to donate some land but there was a house right across the street. The parks in Cromwell and Bristol have homes directly across the street but they didn't want homes that close.

They looked at land on Ashpotag and land around Botelle but it was a wildlife protected area, and all the land trust properties would not work because it didn't fit in their mission statement. He said they look at over 30 properties in town. Barbara Roberts on West Side Road believes the French drain proposed for the dog park will drain into the Wetlands and the problems are parking, animals and people.

Michael Halloran wanted to let the public know that there are no Wetlands on the property and the Wetlands Agency did not feel that there was any issue.

John Funt asked about the planned Gazebo and additional parking mentioned in the application. Mr. Howard stated the Gazebo was no longer in the plan and that the parking lot is now only for 10 cars.

Mary Roff asked if this dog park would be open to anyone or just Norfolk residents? Mr. Howard told he that he wasn't sure yet.

Avis Meehan asked if the gate would be for the parking lot and the answer is no, it is for the dog area only. And she would also like a clear management plan.

The distance from the park to the closest house is 490'. The funding is \$105,000 to build and \$20,000-\$23,000 is put aside annually for operating. The sidewalk will be gravel. They will look for more money from grants and private donations. Chris Schaut brought to Mr. Howard's attention that the measurements are inaccurate on the drawing.

The Commission would like an accurate map from the FNCDP for the next public hearing. They would also like to have a management plan and QR codes and gates if they are using.

Holly Gill wondered if the gravel would be a problem for wheelchairs. Inside the park is all grass, where the dogs are running.

More discussion took place, and it was then decided by the Commission to continue the Public Hearing.

Marion Felton made a motion to continue the Public Hearing until March 14, 2023 after the 6:45 Public Hearing, seconded by Melissa Renkert and approved unanimously.

C. Discussion of the word Customary in Sections 3.03-1F1 and 2.

A brief discussion was held regarding the use of the word customary, between the Commission, the ZEO, and Kate Johnson. Mrs. Johnson felt the Commission and Mr. Halloran misunderstood the interpretation of Sections 3.03-1F1 and 2. The Commission affirmed that a decision was made last month by the Commission of the wording "not customary".

4. Approval of Minutes from the regular meeting of January 10, 2023.

A motion to approve minutes as amended for the January 10, 2023 meeting was made by Chris Schaut, seconded by Jonathan Sanoff, and approved unanimously.

7. Old Business- none.

8. Bills & Correspondence-

- A. The Commission was given the CFPZA Quarterly Newsletter
- B. The Commission was given the minutes to the Wetlands meeting of January 9, 2023
- C. CFPZA Annual Dinner-If anyone would like to go let Michael know.
- D. A reminder was given that all members need to have 4 hours of education every two years with an hour of that covering affordable housing.

9. ZEO Monthly report-

A. A few permits this month.

B. Kate Johnson discussed the need for the crushing of stones on the property at Haystack Woods development and using them on the property, which was not part of the approval. Troy LeMere, the Town Road Superintendent, wrote an email to Michael stating that they would like approval for crushing the stones to use on the property for using as a road base. There are two options the Commission has for approving the onsite processing of earth materials, A) issuance of Special Permit by Commission or B) prior authorization of the Zoning Enforcement Officer. This is a one or two day operation and 500-800 yards of material. The Commission decided that Mr. Halloran can give Kate Johnson the approval and then Mr. Halloran proceeded to give Ms. Johnson the approval.

Kate Johnson also let the Commission know that the Foundation is having a meeting every Friday with the site excavator and Mr. Halloran is invited for the first ten minutes to receive an update.

10. Action Items-

A) Mr. Halloran asked for the Commission members to let him know how many hours any member has spent on Educational Learning.

B) On January 12, 2023 Mr. Halloran issued Love Simply LLC and Benjamin Schiff of 24 Greenwoods Road West a Citation for Zoning Violations. He did this with the help of attorney Mike Zizka and now are at the end of the violation timeline and fines will now start accruing.

11. Adjournment-A motion to adjourn was made at 10:15 by Jonathan Sanoff, seconded by Paul Madore and approved unanimously.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Marinell Crippen". The signature is written in a cursive, somewhat stylized font.

Marinell Crippen, Secretary