

NORFOLK PLANNING & ZONING COMMISSION
Regular Meeting
Town Hall
January 9, 2024 @ 6:30 p.m.
Draft Minutes



Present: Tom Fahsbender-Chair, Christopher Schaut, Wiley Wood, Jonathan Sanoff, Jordan Stern, Edward Barron (alternate)
Marinell Crippen-recording secretary

Also Present: ZEO Michael Halloran

1. **Call to Order**-6:30pm
2. **Roll Call** -Edward Barron will sit for Marion Felton
3. **Agenda Review**-Mike Halloran asked to add as #6E filling the 7th seat on the Commission.
Chris Schaut made a motion to add to 6E the nomination of a member to fill the vacant seat that was Kevin Gundlach's, seconded by Wiley Wood and approved unanimously.
4. **Approval of Minutes**-Edward Barron made a motion to approve minutes as amended, seconded by Jordan Stern and approved unanimously.
5. **Public Comment**- none
6. **New Business**-
 - A. **Public Hearing; 6:45pm 23-040 Application for subdivision of land at 305 Mountain Road. The agent is Allied Engineering Associates, Inc. for the applicant Carlene Laughlin.**
Tom Fahsbender read the public notice. George Johannesen from Allied Engineering stated that he had forgotten the certified mail receipts which show that he sent letters to the abutting neighbors. Mike Halloran said that a public hearing cannot be started without it and Mr. Johannesen said that he could get them from Canaan and it was decided to postpone this public hearing to the end of the other public hearings.
A motion to delay #23-040 to after public hearings for the fire department was made by Chris Schaut, seconded by Edward Barron and approved unanimously.

B. Application 23-045 Modification of a special permit for City Meadow parcel 7-12/152. Commission to determine the significance of the lot line adjustment.

Wiley Wood stated that it is not just a lot line revision, but use will also change for City Meadow since some of the Fire Department's equipment (generator and transformers) will still be on City Meadow property. Mr. Fahsbender explained that it is the Commission's job to determine if this is significant enough for a public hearing. The Norfolk Fire Station is parcel 7-12/151 and City Meadow is parcel 7-12/152.

Jordan Stern moved to reject the application for acceptance and advise the applicant to amend it so that it either reflects the City Meadow lot in the application itself or both lots and reflects the change of use for City Meadow because it is not in the application. Mr. Halloran said that you cannot reject an application, but you need to accept it and ask them to make the changes. Jordan Stern withdrew his motion, and he expressed how the application needs to show the change in use of City Meadow which it currently doesn't. Mr. Fahsbender said that there were multiple applications and public hearings for special permits for City Meadow and this is the first time we are receiving an application for change in use and lot line revisions, which was initially requested on November 17, 2023.

Matt Riiska said since there are many more steps to take in the process to approve the firehouse, he will withdraw the application made by the town of Norfolk for the special permit and he will change the verbiage to include change of use. Michael Halloran said that if the application is withdrawn then the Commission cannot close the public hearing on a separate application for the firehouse for building, use and facilities because they want part of the land, so it is necessary to keep them in the current order. Mr. Halloran said that they can accept the application and schedule a public hearing and ask for the application to be modified. Wiley Wood said that maybe no one is interested in the change of use of City Meadow but that a public hearing should happen so that the public can be included.

Wiley Wood made a motion that modification to parcel 7-12/152 is significant enough that a Public Hearing be held next month on February 13th, 2024 regular meeting at 6:45pm to discuss modification to be made and accept application and ask Matt Riiska to make application reflect specific changes of use to City Meadow, seconded by Jonathan Sanoff and approved unanimously.

Matt Riiska asked for a copy of a special permit from City Meadow to use to write this special permit.

C. Continuation of Public Hearing following; 23-036 Buildings, Uses, and Facilities of the Town of Norfolk, new firehouse at 20 Shepard Road. Possible deliberation and vote.

Edward Barron recused himself. Seated were Tom Fahsbender, Chris Schaut, Jonathan Sanoff, Wiley Wood, and Jordan Stern. For the record Chris Schaut noted that he reviewed the recording and all the records and is comfortable reviewing the application even though he was absent last month. Mr. Fahsbender said that this public hearing cannot be closed until the changes of use and lot lines have been adjusted, which was from the previous application. Wiley Wood said that the map is not accurate on the plans submitted and the Commission will need a correct map.

Richard Zionce of 24 Shepard Road is concerned about the location of the drainage to their barn east of the firehouse. Will Walter, engineer from Benesch Engineering told Mr. Zionce that they will not disturb the current ditch.

Jordan Stern had some questions about lighting on page C-5.0 of the plans, concerning the (12/01/23) Planimetrics report Section 8.09.N5, and asked about the color of the lighting and the kelvins. Mr. Stern stated that in the plans, lumens-brightness was addressed but kelvins-temperature was not addressed. He said the kelvin range runs from 2700 kelvin which is warm white light like incandescent to 6500 which is coldest light which is a blue light. Discussion ensued about lighting. Will Walter said that the lights next to the building are rated at 3000 kelvin and the poles have either a neutral white at 4000 kelvin, cool white at 5000 kelvin and warm white between 2700-3000 and he said he felt confident that they could meet in the middle somewhere and suggested going with 4000 kelvins.

Paul Padua, Norfolk Fire Department, said that they are well aware that they are in a residential area, and they try to be good neighbors. He said that they don't need any lighting more than what is at affordable housing or downtown Norfolk. He said that that the town lights are on all night long and they are fine with what is in town center.

Matt Riiska will get the number from the lights in town for a comparison.

Steven Hutchins, Norfolk Fire Department, said that we understand neighbors do not want bright lights and we will continue to be neighborly, and they also need good lighting to be safe. Tom Fahsbender asked what is the lighting they need to be safe and how much is on all the time?

Steve Hutchins answered and said that the doorway and driveway need adequate lighting and for the cameras to pick up images.

Paul Padua said that he didn't know what exact lighting they need but it won't be any different than the center of town.

Dan Wuori, member of the Fire Department, used to be a neighbor and explained pictures he took at 9pm at the firehouse showing what they currently have.

Justin Zaryicky asked if there was a zoning regulation to how much light you can put out? Mr. Fahsbender explained that the Commission is required to

consider the effect on the neighbors. Jordan Stern then read from the zoning regulations, lighting section 6.09-3.

John Deshazo, member of Norfolk Fire Department and a theater technician, said that all light fixtures put out light differently and OSHA requires brighter lights, so he recommended not going with just the raw numbers.

Will Walter said that the lights are a full cutoff, they don't go up just down and he said that zoning regulations govern their plans as well.

Matt Ludwig from Norfolk Fire Department said that when the trucks pull out, they throw shadows, and it is very dangerous so adequate lighting is important, and Will Walter said they used a lighting engineer.

Talia Byrne a member of the Norfolk Fire Department said that she is not hearing how we can get this application approved. Jonathan Sanoff said that we want this to work and wanted to explain that asking questions is not against the applicant.

Tony Kiser who lives in Norfolk said he thinks it is hard to understand lighting before you see it so why we can't just go ahead in real time and after completion we can see what is happening and adjust what might be too much or too little.

Susan MacEachron, a 30-year resident, expressed that she was grateful to the Fire Department and that safety is first and foremost. She also said that we should consider the look, that Falls Village Firehouse has very cold lighting at night and Millerton's is really attractive and she urged that Zoning consider what the lighting on the building will look like.

Wiley Wood had questions about the construction access road. Will Walter said that they are not going to prepare a specific phasing plan for that because a contractor might have a better plan, he then showed on the map where the road might go. This public hearing cannot be closed until the lot line and change of use is approved. The commission also got the siren information which they received because a member of the public at the last meeting asked if the siren was necessary and the Fire Department chief said that yes they do need to test it and because they do test it, it keeps the cost of their insurance down. Brian Hutchins from the Fire Department said that the two circuits are necessary and pointed to sections in the material regarding pagers and sirens and you must keep both if they want to keep the ISO rating down which keeps their insurance rate down.

Richard Zionce said that he thinks the siren is a health hazard because he is next door and he said it can make you dizzy.

Edward Barron, Shepard Road, said that in the ISO report states, jurisdictions that receive less than 730 alarms per year, and there was testimony that our Fire Station only receives 200 some odd a year, that a second dispatch circuit is not needed, and it says that the secondary circuit, the siren, are not taken into consideration for insurance purposes. Mr. Hutchins said he could try to

have the ISO rep come and speak if that is what is holding up the building process, but he emphasized that they do get points for it.

Paul Padua asked if the P&Z has a regulation about the siren? Michael Halloran said there was no sound ordinance regulation. Mr. Padua asked if P&Z can not approve application because of the siren and Mr. Halloran said no.

Talia Byrne said the ISO rating is a 4-star review and they are 3 pts away from a class 3 rating.

Paul Padua said that they do consider the neighbors and that the siren used to be 2 minutes and now it is only 1 minute.

Mr. Halloran then said that at the next meeting the Commission would like Matt Riiska to tell the Commission what the lumens lighting are outside of Town Hall. Chris Schaut stated that most towns that have noise ordinances have exemptions for public safety devices and things revolving around that. Edward Barron spoke and said that at the last meeting the Fire Chief spoke and said that they might be able to reduce the number of days that the siren goes off so he would like them to come to the next meeting with some kind of proposal. He also said the turning movement the Commission said was provided but it wasn't, concerning the north facing three bays that go out on Shepard Road. He would like that to be provided for the next meeting.

Jonathan Sanoff asked for a letter from an ISO rep stating how the siren affects the rating. He then expressed that the Commission asking questions is not a negative for the Fire Department, it's what they do.

Mr. Hutchins said that he would get the Commission a letter from ISO.

Jonathan Sanoff made a motion to extend the public hearing for 23-036 Buildings, Uses, and Facilities of the Town of Norfolk, new firehouse at 20 Shepard Road to February 13, 2024 regular meeting immediately following the City Meadow application, seconded by Chris Schaut and approved unanimously.

Michael Halloran asked Matt Riiska for a 35 day extension.

D. Public Hearing: 23-043 special permit application for earth excavation for Town of Norfolk at 20 Shepard Road

Edward Barron is still recused. Tom Fahsbender read the public notice into the record and then he did roll call. All Commission members except for Mr. Barron sat.

This application needs to be deferred because Michael Halloran has no receipts for certified mail.

Chris Schaut made a motion to delay 23-043 special permit application for earth excavation for Town of Norfolk at 20 Shepard Road to February 13, 2024 regular meeting immediately following 23-036, seconded by Jonathan Sanoff and approved unanimously.

A. Public Hearing, 23-040 Application for subdivision of land at 305 Mountain Road. Applicant is Allied Engineering Associates, Inc. for the applicant Carlene Laughlin.

Opened at 9:09pm.

Tom Fahsbender read the legal notice into the record.

Edward Barron sat for Marion Felton. All six members were present.

George Johannesen from Allied Engineering Associates (AEA), representing Carlene Laughlin in her request for subdivision of two new lots to be deeded to family members. The property now consists of 53.329 acres. One new lot will be 7.493 acres and the other one will be 6.895 acres. Ms. Laughlin will retain the remaining land. Wetlands were flagged in the field by AEA and located by Mathias Kiefer land surveyors who also did the A2 survey. Mr. Johannesen had given the Commission a report from Dave Beers which was for best practices for the forest. He had soil testing done and the septic design was approved by Torrington Health District.

The plans are for 2 four-bedroom homes with driveway and garage. There are no house plans currently. Erosion control measure will be implemented downhill when construction starts. The lots all meet zoning requirements. Aquarian water is in the road and utility poles along the road where they will be able to pull electricity. There is no open space proposed for, according to section 304.7-A of the subdivision regulations. AEA submitted erosion control estimate and solar report. Wetlands had approved the project already and AEA submitted the Natural Diversity Database map. The frontage on Mountain Road for parcel A is 617', B is 377.4' and C is 398.5'. Mr. Johannesen described the amount of ledge on the property and the plans submitted and approved by TAHD. For septic installations, the health code states that as long as there is 24" of native material it is a buildable lot however for a subdivision you have to bring in fill for the septic system to show that there is 48" of soil. This meets the requirements of Article 5 of subdivision regulations.

Jonathan Sanoff made a motion to close the public hearing, Jordan Stern seconded, and it was approved unanimously.

This conforms with Plan of Conservation and Development (POCD), section 5-1A, which is increasing housing options in the town that have access to city sewer and water. It is consistent with the POCD.

Michael Halloran said that Mr. Johannesen has agreed to a bond in the amount of \$13,388.00. Mr. Johannesen said that the bond was to make sure that the erosion control gets done and this amount was an estimate of what it will cost. Mr. Halloran said that at the last subdivision application a bond was not asked for although there was a bond for Haystack. Mr. Fahsbender found in subdivision regulations that said "prior to the commencement of any construction the Commission or the Public Works supervisor may require the posting of a cash bond or equivalent for erosion and

sedimentation control." Mr. Johannsen gave an estimate what the amount might be.

Jonathan Sanoff made a motion that we approve application 23-040 for subdivision of land at 305 Mountain Road, seconded by Chris Schaut and approved unanimously.

The Commission needs a set of finished plans.

6E. Nomination for Kevin Gundlach's seat

Tom Fahsbender said that Kevin Gundlach was unable to attend meetings and should resign. Mr. Fahsbender received an email from Mr. Gundlach stating that he intended to resign. Mr. Fahsbender asked if there were any nominations to fill the open position. Wiley Wood nominated Edward Barron, who is currently an alternate, and said that he was detailed and well informed and would make a great addition. Tom Fahsbender said that he also has stellar attendance and he is a minority rep, a Republican and he qualifies. Jordan Stern seconded.

Mr. Fahsbender took a vote for Edward Barron to become a full member instead of an alternate and the voting was as follows:

Thom Fahsbender, Wiley Wood and Jordan Stern voted in favor

Jonathan Sanoff and Chris Schaut abstained

The Commission needs to find an alternate to fill Mr. Barron's space left unoccupied as an alternate.

7. Old Business-None

8. Bills & Correspondence

Wetlands minutes of December 4, 2023, and the annual wetlands report were handed out.

Michael Halloran did 79 permits this year between Wetlands, Zoning and ZBA. Mike Zizka, attorney for P&Z, contacted Attorney Ebersol regarding Mr. Shiff at 24 Greenwood Road West and let Ebersol know that he should file the necessary paperwork in superior court.

9. ZEO Report

Matt Riiska hired a new ZEO but he never showed up to learn with Michael Halloran. Michael Halloran said he would work to find someone and Matt Riiska said that that was not necessary and that he and Barbara would take care of it. Discussion ensued.

10. Action Items and Responsibilities

Tom Fahsbender will investigate job description and look with list serve through U Conn to find a planning commissioner. CAZEO is a non-profit organization that does certification for zoning officers and might also be a good place to look for an officer. Mr. Fahsbender will email and post in the Lakeville Journal.

11. Adjournment

Jonathan Sanoff made a motion to adjourn at 10:07, Chris Schaut seconded and adjournment was approved unanimously.

Respectfully submitted,



Marinell Crippen, Secretary