

NORFOLK PLANNING & ZONING COMMISSION

Regular Meeting

Norfolk Town Hall

December 12, 2023 @ 6:30 p.m.

Minutes

Present: Tom Fahsbender-Chair, Jonathan Sanoff, Wiley Wood, Jordan Stern, Edward Barron (alternate)

Also Present: ZEO Michael Halloran

1. **Call to Order**-6:32 pm

2. **Roll Call**

3. **Agenda Review**-none

4. **Public Comment**-none

5. **Approval of Minutes-**

Jonathan Sanoff made a motion to approve November 14, 2023 minutes as amended, seconded by Wiley Wood, and approved by all with the exception of Jordan Stern and Edward Barren who abstained because they were not present at that meeting.

A motion was made to move #9 to after #5 by Wiley Wood, seconded by Jonathan Sanoff and approved unanimously.

9. **ZEO report-**

Michael Halloran said that he issued three permits in November and four in December so far. He said that he has received 44 permits this year so far which is more than the busiest year he has had since he started in 2010. He has also done 31 Wetlands permits. He has done 75 permits in total for Wetlands and P&Z combined. He had a complaint for a nonpermitted structure on 524 Winchester Road. He did a site visit and issued a permit and ex post facto fee of \$250 because a barn was built before a permit was obtained. He also sent a letter to a resident at Greenwoods Road East for a non-permitted landscaping business. He received several calls from a next-door neighbor who believed a business was going on next door to them. Halloran sent the owner a letter.

Mr. Halloran passed out 2024 Calendars and a list of members information.

6. **New Business-**

A. Public Hearing 6:45 pm, text amendments to the Norfolk Zoning Regulations regarding laws on zoning for licensed family and group child care homes located in residences, and initiated by CT Public Act 23-142.

- 1) There were no recusals and the legal notice was read. The roll call of members were seated, with Edward Barron sitting for Marion Felton
- 2) Michael Halloran sent a request to Northwest Hills Council of Governments (NHCOG) and he received a referral response and a letter from them and found no conflict with goals and polices.
- 3) He also sent an email to 5 town clerks-Colebrook, North Canaan, Falls Village, Goshen and Winchester according to statute Section 8-7df which requires him to notice clerks in adjoining municipalities. There were no responses.

Tom Fahsbender said that the state of Connecticut requires the Commission to adjust the zoning regulations related to CT Public Act 23-142. Glenn Chalder, the town planner, had given his proposed amendments for the P&Z to review. There have been no responses or concerns from the public. There were no questions from the public.

Jonathan Sanoff moved to close the public hearing at 6:54 pm on the approval to the planned changes to the regulations, Jordan Stern seconded, and it was approved unanimously.

Jonathan Sanoff moved to add to P&Z zoning regulations the childcare changes proposed by Glenn Chalder to conform to Connecticut Statute which takes effect January 1st, 2024, Wiley Wood seconded, and it was approved unanimously.

Michael Halloran said that he will send a letter to Matt Riiska reminding Mr. Riiska that he needs to let the state know that they have added the regulations for childcare changes.

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

Edward Barron recused himself because he is an abutting neighbor. Seated were Wiley Wood, Jonathan Sanoff, Jordan Stern and Tom Fahsbender.

Will Walter, professional engineer with Alfred Benesch and Company, spoke. Mr. Walter said at the last hearing they were asked to submit an earth excavation permit which they did, and they submitted another set of plans with those. He said there was to be a 3rd party review since this was in the historical district and they received it yesterday from Glenn Chalder at Planimetrics. He said essentially there were 8 items Mr. Chalder reviewed for compatibility with the Village District regulations, 8.09.N.4. Mr. Walter went through the review and then when there was something Mr. Chalder said was potentially compatible and not outright compatible, David Stein, architect from Silver Petrocelli, addressed them. Mr. Chalder thought that 2 colors would be better for the building and Mr. Stein planned on having 3

colors to break up any dominant color. He noted that Infinity Hall and other buildings in the Village District have 3 or more colors. Mr. Stein believes it is a subjective comment. Mr. Chalder did not think the design of the shed having a flat roof was complementary to the main building and Mr. Stein said that the design was purposefully done to make it look simple with a shed roof and maybe use solar on the roof later. Mr. Stein said it was made simple on purpose as not to take away from the main building. He thinks this comment is subjective as well but also offered that they could make revisions if necessary. Tom Fahsbender said that he believed that Mr. Chalder was objecting to the roof on the shed as it pertains to the view from City Meadow and Mr. Fahsbender said he thinks it ends up looking very blocky. Mr. Stein thinks the shed blends into the landscape instead of a gabled roof like the main building, making the main building the priority. Mr. Stein said that it is not a mandate in a Village District for everything to have a pitched roof and it is common to have outbuildings and utilitarian buildings having flat roofs. Mr. Stein believes that because it is in the meadows having a more horizontal building than one with verticality blends well. Mr. Stein said it will meet all the requirements that the main building must meet.

Will Walter noted that he gave the Commission new site plans showing more bushes and air condensers.

Mr. Chalder said lighting 8.09.N.5 is potentially compatible. Mr. Chalder was referring to the brightness of the lighting. Mr. Walter then explained that most municipalities require no trespass across the property line which means that the lighting should not shine outside the property. Mr. Walter said they have done that with "0" at the property line. All the lights are shining down. Mr. Chalder stated that there is significant brightness specifically in the southwest corner. Mr. Walter said the brightness is coming from the wall packs over the shed. He said they could remove a few from 5 to 3. The Fire Department needs light to navigate safely around the building. The lights will be on a timer or motion detector.

Brian Hutchins, Fire Chief of the Norfolk Fire Department and Norfolk resident for 42 years spoke and said he would like to clarify the lighting. He said that some light will need to be on full time for security purposes. Tom Fahsbender said that the highest intensity is at 7 or 8 and wanted to know how bright that is and Mr. Walter said that at the desk he was sitting at it was 35.

Dan Wouri, member of the Fire Department and the closest neighbor to the Fire House said there is always a light on now in the front and the back for the past 50 years and believes these are brighter than the new ones that will be shining down.

Mr. Walter said that Mr. Chalder recommended a warm white light and Mr. Stein said that a white bright light is necessary, 5000 lumen rating is best practice.

Mr. Chalder asked where the wall pack fixtures were and Mr. Walter pointed them out to the Commission. The lights are cut off, so they don't shine above, only below.

lights at the sign are not bright lights

Matt Riiska had to go to a board of finance meeting and let everyone know that they currently have attorneys combining the properties.

The next area Mr. Chalder talked about was the refuse area, questioning if there was adequate screening. 8.09.N. Mr. Walter said that there is a retaining wall around the dumpster that is 4.5' tall with a fence that is 6' tall. There will be a chain link fence with privacy slats which provide screening.

Mechanical Equipment

A Transformer-NW corner of the building is the transformer and generator.

Mr. Walter said he has shifted it back and put evergreen shrubs to help screen it and that was Mr. Chalder's recommendation.

Generator-Mr. Chalder was worried about noise echoing off the building.

Mr. Walter said that the mechanical room is there, so it needs to be next to it. Mr. Walter added a couple of shrubs. The generator must be tested once a week. They can move it back, but it is more costly and less efficient.

Fuel is in the belly of the generator. The placement of the generator is for delivery and serviceability, to have it as close to the building as possible. The generator and the transformer are on the second parcel.

Mr. Chalder was asking about the location of the condenser units and Mr. Walter said that 2 of them are tucked behind the building. It is #2 diesel fuel for the generator, which is in a metal tank that holds about 500 gallons.

Mr. Walter said that Mr. Chalder had questioned 4 out of the 8 items which Mr. Walter addressed.

Signage-Mr. Halloran stated that the regulations approve of 20 square feet of signage and there are currently no dimensions on their sign. Mr. Walter said that they can make it a condition upon approval.

Wiley Wood said that there is an issue that they want to build on a piece of land partially that was approved for a different use than a Firehouse, which is City Meadow. There needs to be a request for modification of a special permit before any building is done which the Commission asked Matt Riiska to complete.

Tom Fahsbender said that it is hard for him to understand how they will have the room to build a new firehouse while the other one exists since they are in such close proximity.

Michael Halloran questioned where people would park if there was a fire call and all of the construction trucks and equipment were on the property, he thinks there would be no room. Mr. Stein said that it is common in urban areas that you would build buildings around existing buildings, and this has been taken into consideration. He then showed where they would park and said the outbuilding would be built last.

Will Walter showed where the new fire alarm is going with a note on the new plans and it is required by ISO which rates all fire departments and brings down insurance cost and they must have 2 ways of alerting members to an emergency, 1-paging, 2-siren. If these two are in place, then we get a lower rating from ISO which means lower insurance costs, Brian Hutchins said. Michael Halloran asked if the siren needed to go off every day at noon and Mr. Hutchins said it did not but they were testing it.

Public-Paul Padua, President of Norfolk Fire Department, addressed the lighting in town and said that there were 28 lights that were on 24 hours a day, or dusk to dawn. He said that it shouldn't be an issue for the Fire Department to have lights like the center of town.

Dan Wouri stated that the library has 15 lights on at present.

Tom Fahsbender said there were a couple of things that were requested one being a set of sample building materials, another being the written description of changes of proposed access to City Meadow that the Commission did not get and there were a couple of things up to the town being a lot line adjustment. City Meadow was approved in 2017 for 3.93-acre lot and since then there have been 3 modifications and all 3 times they have come back to the Commission for a modification of their special permit and public hearing. The regulations say that anytime you modify a special permit you must hold a public hearing if the Commission thinks the change is not minor. If they feel it is minor, then no public hearing is required. The amount of land being modified is about a little over half of an acre. Wiley Wood believes that for City Meadow the building is a significant change to Shepard Rd and the people that put their time and money into City Meadow deserve a public hearing. The town of Norfolk applies for the modification. A lot line adjustment can happen after a request for a special permit has been applied for.

Tony Kiser wondered why the application for the modification of a special permit was not done first. Matt Riiska would need to have gotten the modification and Michael Halloran spoke to him twice about it 2 months ago reflected in the October minutes. Tom Fahsbender stated that the issue is if this project is going to change the use of a piece of property that the commission has already approved the use for in a public hearing, that use must be changed before an approval can be done for this project. Mr. Fahsbender said that it is a procedure that must be done. Michael Halloran said that as far as the timing, there is time.

Edward Barron, neighbor on Shepard Road, said that the turning plan on drawing C7.0 only accounts for 2 bays and there are 3 bays facing Shepard. Will Walter said that the vehicles back in off Shepard Road and that if needed, they could make an overlay showing that. Mr. Fahsbender said that a lot line adjustment can be contingent but they need

an application for modification to the special permit for City Meadow. Matt Riiska returned, and Mr. Fahsbender let him know that they really need the application for modification to the special permit for City Meadow before anything else can happen because they cannot approve a new use without an application for that change. They have had 3 public hearings for City Meadow already. Mr. Halloran said that if they have the application for the modification next month everything else can continue and Matt Riiska needs to grant to the Commission a 21-day extension for the Village District and buildings uses and facilities and the 35 days is about to run out for the public hearing. The extension would go to January 9, 2024. Next month would be a continuation of the public hearing, a new public hearing for earth excavation, and application for modification to the special permit for City Meadow and the Commission would determine that night if they want a public hearing for the modification. Tom Fahsbender said that for the next meeting they would like to see a turning radius plan for Shepard Road as an overlay to the map, and that the signage met the requirements.

A motion to extend the public hearing to January 9th, 2024 regular meeting at 6:45 was made by Jonathan Sanoff, seconded by Wiley Wood and approved unanimously.

Matt Riiska will send Michael Halloran a granting of a 21-day extension by mail.

C. 23-043 special permit application for earth excavation for Town of Norfolk at 20 Shepard Road. (Accepted)

This is referring to accessors' maps 7-12 for lots 151 and 152, owners Town of Norfolk which was filed because they exceeded the numbers for earth excavation. The Commission decided that the applicant needs to notify the abutters of both parcels.

Wiley Wood made a motion to accept application and schedule a public hearing on January 9th, 2023 with the condition that the applicant send abutter notifications for both lots 151 and 152, seconded by Jonathan Sanoff and approved unanimously.

Edward Barron returned as a voting member at 8:55 pm.

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

The Commission discussed the application.

Jordan Stern made a motion to accept the application for a public hearing on January 9th, 2023 immediately following acceptance of modification of special permit with the condition that they add 1-per regulation 3.05 in subdivision regulation to address any solar or alternative energy source and 2-a map showing there is no concern with DEEP, the natural diversity database, seconded by Wiley Wood and approved unanimously.

7. **Old Business-** There is an issue with a Commission member concerning nonattendance. Kevin Gundlach has not been at any of the last 6 meetings, and he contacted Mr. Fahsbender and said that because of work requirements he was unable to be at the meeting and was considering resigning. Michael Halloran read section 2 of the vacancies that says if a member missed 3 consecutive meetings of the regular or special meetings, at the next following meeting of the NPZC that member may be removed from office with a majority vote. Tom Fahsbender made a motion that according to the Commission's bylaws Article 3 Section 2 Part B if a member misses 3 consecutive meetings that he/she may be removed by majority vote and based on Mr. Fahsbenders communication and lack of communication with him and his lack of attendance at the meetings it is in the best interest to the Commission and the town of Norfolk that Kevin Gundlach is removed from office so at the next meeting the position may be filled, seconded by Wiley Wood and approved by Tom Fahsbender, Wiley Wood and Jordan Stern, abstained by Edward Barron and opposed by Jonathan Sanoff.
8. **Bills and Correspondence-**none
9. **ZEO report-**moved to before #6
10. **Action items and responsibilities**
- 1) Tom Fahsbender with speak with Kevin Gundlach regarding removal from the Commission
 - 2) Michael Halloran should receive via email an extention to the public hearing on the Firehouse from Matt Riiska
 - 3) Michael Halloran will order 20 new P&Z books.
- Alan Drapach was introduced to the Commission as the new ZEO. Mr. Drapach spoke and gave his history. Mr. Drapach and Mr. Halloran made a schedule for Mr. Halloran to work with him the following week. The Commission introduced themselves.
11. **Adjournment-**A motion to adjourn was made at 9:38 by Jonathan Sanoff, seconded by Wiley Wood and approved unanimously.

Respectfully submitted,


Marinell Crippen, Secretary