

NORFOLK PLANNING & ZONING COMMISSION
Regular Meeting
September 13, 2022 @ 6:30 p.m.
Draft Minutes



Present: Tom Fahsbender-Chair, Christopher Schaut, Paul Madore, Melissa Renkert, Jonathan Sanoff, Marion Felton, Kevin Gundlach, Wiley Wood (alternate), Edward Barron (alternate)

Also Present: ZEO Michael Halloran

1. **Call to Order-6:30 pm**
2. **Roll Call**
3. **Agenda Review-**A motion to move #6C to 7B was made by Christopher Schaut, seconded by Paul Madore, and approved unanimously.
4. **Approval of Minutes-**A motion to approve the minutes as amended for the Special Meeting on August 9, 2022 was made by Christopher Schaut, seconded by Jonathan Sanoff and approved unanimously.
5. **Public Comment-**A motion was made to move Public Hearing for application #22-020 6B to become 6A by Christopher Schaut, seconded by Marion Felton, and approved unanimously.
6. **Old Business-**
(6 B) 6:45 pm Public Hearing #22-020 Home Enterprise 3.05C from Lisa Ludwig 8 Westside Road for Custom Bakery/Home Bakery. Tom read legal notice for the Public Hearing. Michael confirmed that seven legal notices had been sent. Lisa Ludwig who resides at 8 West Side Road was present with her husband. She is applying for a home enterprise out of her residence which is a custom order bakery that people will pick up or she will drop off. People will park in the driveway. She has applied for a cottage food license from the state of Connecticut and in order to do that she must have approval from her local P&Z Commission. A discussion was had. There was no written correspondence, Michael only received verbal support from an abutting property owner..
A motion to close the Public Hearing was made by Jonathan Sanoff, seconded by Christopher Schaut and approved unanimously.
It was noted that Section 2.1 of POCD supports home based businesses so this is consistent with that goal.

A motion was made to approve the application for a special permit of a custom home bakery with conditions that there be no retail, which is consistent with 2.1 of home based businesses, was made by Melissa Renkert, seconded by Marion Felton, and approved unanimously.

A motion was made to move application #22-025 out of order for the convenience of the applicant and address it immediately, by Christopher Schaut, seconded by Melissa Renkert, and approved unanimously.

22-025 Ralph Prisco 32 Grant St. application for special permit 3.05C Home Enterprise

Ralph Prisco, mechanical engineer, introduced himself and explained his plan to create an engineering design prototyping studio under Home Enterprising regulations in the garage which is existing. No change to the site. Ralph also sent in a sheet requesting seven waivers to the application process, which were approved by the Commission. Christopher says that according to 305C12 Ralph has met all the requirements for an application: site plan, floor plan, and business and activity plan.

A motion to accept application for a Public Hearing on application #22-025 for the next regularly scheduled meeting October 11, 2022 at 6:45 was made by Christopher Schaut, seconded by Paul Madore and approved unanimously.

- (6A) **Old Business-7:15 Continuation of Public Hearing to consider proposed changes to the Zoning Regulations, initiated by the Norfolk Planning and Zoning Commission, and Connecticut Public Acts 21-1, 22-1, 22-103. The Public Hearing will also include discussion of Public Act (PA) 21-29 and opting out of Temporary Healthcare Structures, State provisions regarding parking, and State provisions for Accessory Dwelling Units (ADU)**

Tom read in legal notices. He read the motions as well: Motion to opt out of temporary health care structures, motion to opt out of state provisions regarding parking and motion to opt out of state provisions for accessory dwelling units (ADU). These are attached. They are in the town clerk's office as well.

Susan MacEachron expressed that she thought a lot of people didn't know that cannabis regulations were being discussed. The Commission explained that they had met all noticing criteria to let people know.

A discussion followed, including the different types of Cannabis establishments.

Jonathan Sanoff wanted to state his opposition to ground mounted solar changes.

A motion to close public hearing on regulation changes was made by Christopher Schaut, seconded by Melissa Renkert and approved unanimously.

A motion to close the public hearing at 7:45 on opt out provisions was made by Melissa Renkert, seconded by Marion Felton, and approved unanimously. Deliberations on proposed changes occurred next and the Commission explained why they decided what they did.

A motion was made to approve the regulation changes with an effective date of October 7th, 2022, seconded by Paul Madore and approved unanimously.

The opt out provisions need to be voted on separately.

Jonathan Sanoff read each of the opt out provisions. (included)

Jonathan Sanoff made a motion regarding PA 21-29, to opt out of Temporary Healthcare

Structures, seconded by Christopher Schaut and approved unanimously.

Jonathan Sanoff made a motion regarding PA 21-29, to opt out of state provisions regarding parking requirements, seconded by Christopher Schaut and approved unanimously.

Jonathan Sanoff made a motion regarding PA 21-29, to opt out of state provisions for accessory dwelling units (ADU), seconded by Christopher Schaut and approved unanimously.

7. New Business

A. Norfolk Land Trust letter of support for Lovers Lane land sale.

Discussion of a letter of support for the sale.

A motion was made for the Commission to write a letter of support for the Lovers Lane land sale by Jonathan Sanoff, seconded by Marion Felton and the votes are as follows:

In favor: Tom Fahsbender, Melissa Renkert, Jonathan Sanoff, Marion Felton

Opposed: Kevin Gundlach, Paul Madore

Abstained: Christopher Schaut

It was decided that Tom will write a letter in support of the sale and send Wiley a copy to review.

8. Bills and Correspondence

A. Tom received a correspondence from Matt Riiska which was a notice dated September 6th of a bridge replacement on Mountain Road over Spaulding brook by the State of Connecticut.

Tom read the correspondence.

9. ZEO Report

A. Sheet attached.

B. Michael wrote a letter to Ben Shiff from 24-32 Greenwoods Road.

He received a response from their attorney. Michael talked to P&Z attorney Mike Zizka and he said the letter doesn't address the issues. The Commission told Michael to continue with his enforcement.

- C. Brian Lilly owner of a property at 105 Greenwoods Road East, was asking for clarification of the regulations regarding accessory apartments in a single-family residence versus a two-family dwelling. The consensus of the Commission is that an accessory apartment only is allowed with a single-family residence,

10. Action items and responsibilities-

- A. Tom will write a letter supporting the sale of the Lovers Lane land and send a draft to Wiley.
- B. Michael will send an enforcement order to 24 Greenwoods Road West.

11. Adjournment-A motion to adjourn was made at 8:53 by Melissa Renkert, seconded by Marion Felton, and approved unanimously.

Respectfully submitted,

Marinell Crippen, Secretary

Motion To Opt Out Of Temporary Healthcare Structures

Public Act 21-29 updated statutory provisions originally enacted in 2017 regarding Temporary Healthcare Structures (CGS Section 8-1bb). The Planning and Zoning Commission and the Board of Selectman opted out of those provisions in 2018 as provided in that legislation. The Commission hereby decides to opt out again because the Town does not have the resources necessary to effect compliance with the legislation and because it believes that regulations on accessory apartments will be a simpler way for the Town and a prospective applicant to address a need for such a structure.

Motion To Opt Out Of State Provisions Regarding Parking

Public Act 21-29 enacted maximum parking requirements for studio and one-bedroom residential units). The Commission finds that such maximum parking regulations may be appropriate in urban areas where transit is available or services are available within walking distance but are not likely to provide sufficient parking in a more rural area such as Norfolk. The Commission hereby decides to opt out of such state provisions, but is in the process of modifying the Norfolk Zoning Regulations to allow for potential waivers or modifications to the parking requirements in Section 6.02 based on information submitted by an applicant .

Motion To Opt Out Of State Provisions For Accessory Dwelling Units (ADU)

Public Act 21-29 enacted state-wide provisions regarding accessory dwelling units (ADUs). The Commission feels that some of the state-wide provisions may not be appropriate in Norfolk without further evaluation. However, the Public Act provides that a community must opt by January 2023 or it will not be able to opt out in the future and will be subject to any further state modification of accessory dwelling units. The Commission hereby decides to opt out of the state provided regulations, but is in the process of modifying the Norfolk Zoning Regulations, including Section 3.05, to allow for additional housing opportunities with regard to accessory dwelling units.