

**COMMISSION ON THE CITY PLAN
TUESDAY, DECEMBER 15, 2020, 7:00 PM
Virtual/Remote Meeting
NORWICH, CT
REGULAR MEETING**

Assistant City Planner Daniel Daniska read information pertaining to virtual meetings and clearly stated that the meeting, including video, would be recorded.

A. CALL TO ORDER: Vice Chair Les King called the meeting to order at 7:01 PM.

B. ROLL CALL AND SEATING OF ALTERNATES:

Present: Vice Chairman Les King, Jason Courter, Michael Lahan and Swarnjit Singh Bhatia

Absent: Chairman Frank Manfredi and Kathy Warzecha

Others Present: City Planner Deanna Rhodes, Assistant City Planner Dan Daniska, Recording Secretary Melinda Wilson, Andy Stevens, Jonathan Chappell, Margaret Green, Mathew, Brandon Handfield and Alexander Gebbie

C. APPROVAL OF MINUTES: November 17, 2020 Meeting Minutes

On a motion by Jason Courter, seconded by Michael Lahan, Commission on the City Plan (CCP) unanimously approved the meeting minutes of the November 17, 2020, as presented.

D. COMMUNICATIONS: City Planner Deanna Rhodes noted there were no communications for this meeting.

E. NEW BUSINESS:

SDP #1041(M2): 2 Westledge Drive. Request for a Modification to the Site Plan approval for SDP #1041(M) to amend integral instructions #1 & #3 relative to the timing for completion of required recreational amenities. Application and Property of Westledge Apartments, LLC. Assessor's Map 117, Block 1, Lot #14, Zone MF.

Brandon Handfield of Yantic River Consulting, engineer for the project, reviewed the progress of the development. He noted that Alex Gebbie was also in the meeting and able to answer questions. Mr. Handfield discussed the changes in the planned amenities and potential changes to the construction timeline. There is no longer a planned dog park. It has been replaced with a pool and pool house. The timeline has changed since original approval in February 2020. The conditions of approval in February may potentially inhibit the planned new construction timeline.

Discussion ensued on the references being made to the buildings in the plans versus their order of construction. In order to facilitate clarity in the discussion, the following was cross reference was ascertained and agreed upon by all.

Building C was also referred to as Building 1. Building D was also called Building 2. Building A on the plan was referred to as Building 3 when speaking of the construction phases. Building B was also referenced as Building 4.

Mr. Daniska requested a waiver of reading of his entire memo, as it had been made available to the applicant and CCP members in advance of the meeting.

Mr. Handfield responded to the recreation director's comments and agreed on the importance of the development's amenities. He noted that recreational spaces would be ready along with the first two built buildings. This area would be separated from construction of last two buildings. This would allow approximately

1/2 acre of open space to be available and safely accessible to residents of the first two buildings while construction of other two buildings occurred. Mr. Handfield also responded positively to the zoning comments and agreed, on behalf of the applicant, to comply with all safety measures.

Extensive discussion ensued concerning the timing of construction, permitting and availability of amenities to residents. Mr. Lahan questioned the construction schedule and noted that if they were all being constructed at the same time, it should be possible that the pool and pool house be open before the occupancy of the third apartment building. City Planner Deanna Rhodes clarified several items throughout the discussion including advising the commission that they could approve the modification request, table the application for more information, deny the request, or ask the applicant whether they would agree to a compromise that would allow them to get permits to construct the next two buildings but ensure the amenities were a priority to be constructed and opened for resident's use before the complex was completed. Alex Gebbie then conceded on the timeframe for construction of the recreational amenities, including the pool and pool house.

Michael Lahan made a motion to approve SDP #1041(M2) with the following conditions:

- Permits may be issued for all buildings, including pool house, however, no Certificate of Occupancy shall be issued for the third building (A or B) until the pool house, pool, and playground have been completed and/or issued a Certificate of Occupancy.
- All conditions from the previous approval of SDP #1041 and SDP #1041M except for the removal of condition #16 from the approval of SDP #1041 (10/16/2018) and condition #3 from the approval of SDP #1041M (02/18/2020) and stated above shall remain in effect and are to be considered part of this approval.
- That the approval of this modification does not extend the previously set timeline from SDP #1041, it will expire in 5 years from the original approval date 10/16/2018 unless an extension has been granted by the Commission in accordance with ZR Section 7.5.10.2.
- A new zoning permit shall be issued prior to any activities associated with this modified application commencing on the site.
- That any modifications to the approved proposal shall be reviewed by the Zoning Enforcement Officer prior to occurring and may require additional review and approval by the Commission.
- That all proposed improvements associated with this application are to be completed according to the approved plan prior to the issuance of the required Certificate of Zoning Compliance or a performance bond will be required in accordance with Sections 7.5.7.3 and 8.9 of the Zoning Regulations.

Reasons: The proposal conforms to Chapter 1.5 and 7.5 of the Zoning Regulations.

Swarnjit Singh Bhatia seconded the motion. The motion passed unanimously.

F. OLD BUSINESS: None

G. EXTENSION REQUESTS: None

H. BOND REDUCTION / RELEASE REQUESTS: None

I. OTHER BUSINESS: Discuss amending subdivision regulations to increase the fee required for open space to correlate with CT General Statutes

Ms. Rhodes noted that commissioner Kathy Warzecha had raised this issue at the last CCP meeting. She briefly reviewed the state's regulations. She suggested tabling the issue for Ms. Warzecha's attendance for further discussion. Michael Lahan made a motion to table the discussion of amending subdivision regulations. Jason Courter seconded. The motion to table passed unanimously.

J. POCD Plan Implementation Committee (PIC) MEETING UPDATE + REMINDER: 01/13/2021 Virtual Meeting

Ms. Rhodes requested that this meeting be canceled to allow staff adequate time to work on compiling the comments made by the POCD-PIC to date. The next regularly scheduled meeting would be April 14, 2021. On a motion by Jason Courter, seconded by Swarnjit Singh Bhatia, the CCP unanimously canceled the January, 13, 2021 POCD-PIC meeting.

K. STAFF REPORT: Ms. Rhodes presented pictures of clearing in a recently accepted conservation easement on a subdivision known as 612 West Thames Street. This potential violation was brought to her attention by an abutting property owner who was aware of the easement and wondered who was going to clean up the site and the felled trees. Ms. Rhodes introduced Attorney Mathew Greene, representing the property owner. The property owner conceded that they had taken down some trees at the end of Trading Cove at the direction of tree warden but was not aware or responsible for the trees being cut in the easement area.

Ms. Rhodes then introduced Attorney Jonathan Chappell representing Cove View Towers. He mentioned that a copy of the conservation agreement had not been given to the association nor were markers in place to designate the easement area. Ms. Rhodes noted that it is not required to let an abutting property owner know of a conservation easement on an adjacent property as they would have no expectation that a person would trespass and cut trees on property they do not own. A discussion then ensued and Attorney Chappell stated that the condominium association believes that the parcel is still under their common ownership bringing the legality of the subdivision into question.

Jason Courter announced for purposes of full disclosure that he lives on the same street. He also noted that the area of the parcel where the trees were cut is very steep, and erosion and flooding occur. This is a concern.

Ms. Rhodes stated that the slope needs to be stabilized. Her suggestion, based on the recommendation of the tree warden, is that a forester be hired to go out to assess the situation. The cost of the forester should not be at the cost to the city. The value of the trees also need to be taken into consideration. Cove View Towers condominium association is potentially responsible for a remediation plan.

A discussion then ensued between Staff, members of the Commission and the attorneys about the legal issues surrounding the subdivision. Attorney Chappell stated he will look into the parcel ownership issue and report back at the next meeting.

Mathew Lisee spoke for the condominium association. He stated that they will do whatever needs to be done to rectify the situation.

Ms. Rhodes noted that a snow storm was pending making it difficult any time soon for a forester to determine the damage to the conservation area.

Michael Lahan made a motion to table the item of trees cut in a conservation easement and 612 West Thames Street with the conditions that Attorney Chappell look into the parcel ownership issue and Ms. Rhodes handle getting a forester to assess the situation. Jason Courter seconded the motion. The motion passed unanimously.

L: ADJOURNMENT: On a motion by Michael Lahan, seconded by Jason Courter, the CCP unanimously adjourned at 8:23 PM.

*Respectfully submitted,
Melinda Wilson
Recording Secretary*