

NAUGATUCK ZONING COMMISSION

Public Hearing December 14, 2022

Rick Cool opened the meeting with the following in attendance:

MEMBERS:

Rick Cool, Chair
Eileen Bronko, Vice-Chair
Neil Mascola, Secretary
Tom Kiernen
Attila (AJ) Bordas
Francis Santana, Alternate - arrived via ZOOM @ 7:25 pm

OTHERS:

Lori Rotella, Town Planner
Jim Stewart, PE. & Naugatuck Director of Public Works
Attorney Ned Fitzpatrick, Borough Attorney
Michelle Healy
Public – 14 in person and *8 on ZOOM

PUBLIC HEARINGS

PUBLIC HEARING: 6:05 P.M. –for the proposed mixed use residential/commercial development for the property located at Parcel B, Old Firehouse Rd., Applicant; Pennrose, LLC.

Public hearing opens 12/14/22. Public Hearing must close by January 17, 2023 unless an extension is granted by applicant.

Rick Cool, Chairman opened the public hearing at 6:36 pm.

Karmen Chueng, P.M. for Pennrose on this project. Tyler Rota, WRT had permission to share the presentation on ZOOM. She introduced several members whom were present at the meeting in person: Geoff from Bohler, Anthony with The Cloud Company, Joe from WRT. Present via ZOOM was Sanford with The Cloud Company, Chas Evans with Bohler, Coren Bombback with WRT and Tyler Rota with WRT. The proposed site plan is before them for Phase 1, this project is looking to add to the revitalization of downtown Naugatuck with connectivity of a midrise building. The building and greenspace have been carefully designed. The entirety of Parcel B will be spread out between 3 phases of 3 midrise buildings that contain residential units, ground floor retail, open space, residential amenities, parking and on site property management. Phase 1 will have 60 residential 1 to 2 bedroom units and approximately 2700 sq. feet of retail and 77 off street parking spaces. There are separate parking spaces for the new train station. This is attractive to people who are less car dependent and want community connectivity. They are hopeful to get a shovel in the ground by the end of 2023 according to their project schedule. Geoff Fitzgerald, PE and Certified Planner with Bohler of 65 LaSalle Rd. in West Hartford spoke in great detail on this project as a brownfield redevelopment and as it is a gateway to downtown and a link to Church Street and the Town Green. Carefully considered was the pedestrian connectivity especially with the new train station. They were able to incorporate the state's plan for the new train station to show the proposed project in full completion. There was some challenge to include the parking for the Train Station, but they were able to dedicate 69 spaces to the residential units. Also shown was the connecting street to be built out by either the state or the town, from the train station to Old Firehouse Road. Storm water and drainage with infiltration was discussed. Joe Healy Architect and Managing Principal with WRT presented the design plan of the building and landscaping. Mr. Healy went into detail on the landscaping plan with the

rain gardens, pollinating gardens, community gathering areas, canopy trees and the opportunity to highlight to existing monument. Also discussed was the building itself as a 60 unit building with either 1 or 2 bedrooms. Also included in the design is community sitting areas, retail areas and a roof top space for the residents. The lobby is a transparent area to see straight through to the train station. The architectural design was reviewed and shown on ZOOM, it was explained as a contemporary design to compliment the downtown area.

A 2 minute break was called at 7:21pm

The meeting was resumed at 7:24 pm

Rick Cool asked for public comment 3 times. There was no public comment.

Ed Carter, ZEO explained he has received the approvals from the following commissions:

Police on November 15, 2022, Fire on December 5, 2022 and a positive referral from Planning on December 5, 2022 with a recommendation to receive a full drainage plan, Inland Wetlands gave an administrative approval and WPCA also gave its approval with conditions. The December 8, 2022 review from Jim Stewart was reviewed in detail, see the review in the file.

Site lighting was reviewed upon request, they shared the lighting plan through ZOOM, the lighting plan can be found in file. The state DOT will be taking care of the train station lighting. Expectations of lighting was spoken of to have it lit for safety. Solar on the roof will take care of approximately 90% of common area site lighting. The land will be sold in phases to Pennrose. Construction will start the day after it is bought. Snow removal was briefly discussed, if there is an issue with large amounts of snow, the management company has had snow hauled off site on other properties if necessary. Noise was discussed as well with proximity to the train for residents. Mr. Healy explained they do have buildings closer to train tracks than this so they are aware of noise. With the energy code alone it allows for a sound buffering.

Rick Cool closed this public hearing at 7:51 pm.

PUBLIC HEARING: 6:10 P.M. – for proposed creation of Section 44A Cannabis Regulations in the Borough of Naugatuck Land Use Regulations., Applicant; Borough of Naugatuck.

Public hearing opens 12/14/22. No closing date as it is a Borough of Naugatuck Application.

Rick Cool opened the public hearing at 8:07 pm.

Ed Carter explained there was a positive referral from the Planning Commission with one recommendation to allow a hybrid (to include medical) retailer in the New Haven Road Design District with a special permit. Also a correction in section 44A to say Borough of Naugatuck not Town. Change the wording in section 44A.3 that the commission may request an applicant to include an odor management plan with best management practices. Rick Cool opened it up to public comment.

Patrick Scalisi of 40 Sheffield Lane spoke, out in support to allow the sale of cannabis since it is legal for recreational use and he believes the commission needs to look to the future and urges them to approve sales and production for the benefit of the town.

Attorney Fitzpatrick explained the Burgess are looking at ordinances from other towns and reviewing what ordinances they would adopt for Naugatuck. The Zoning Commission will work on regulations. A detailed discussion took place on the differences between ordinances and regulations. Fitzpatrick prefers to see ordinances in place prior to regulations being put in place.

Commissioner Eileen Bronko had made some changes to the regulations that were presented to them. Copies were made and given to all the commissioners and staff. A detailed discussion took place on the proposed changes regarding hybrid uses, odor control regulations, not allowing multiple facilities in same location such as a plaza, transporters and permitting, relevance to location with daycare and house of worship, public and private schools, simplifying the standards of measurement, hours of operation, signage and prohibited uses, security measures added, Prospect St. and New Haven Road as accepted locations. Lori researched odor control standards and could not find any, Eileen will find where she read information on odor control and give information to staff. See copy in file of changes discussed.

Herman Sanchez of 88 Moonlight Circle spoke out in favor of Cannabis and wanted to clarify some facts since he works in the industry. He explained retailer must hire a transporter, licensed with the state, like an armor truck. Not many growers want to deal with the retail part of it, need licensing. There is a rigorous safety protocols in place to enter a store to buy, must show ID and or medical ID and card for medical. Security guards are on premises. An ID is shown again to actually buy. Not allowed to open on premises. Suggested the commissioner's drive to Springfield Massachusetts to see a store and you will never even realize what type a store it is. He believes New Haven Road would be a better location for a retailer.

Rick Cool continued the public hearing to 6:05 pm on January 18, 2022.

Cont'd PUBLIC HEARING: 6:15 P.M. –for potential amendments to Accessory Dwelling Unit Regulations Sec. 25 in the Borough of Naugatuck Land Use Regulations., Applicant; Borough of Naugatuck.

Public hearing opens 11/9/22. No closing date as it is a Borough of Naugatuck Application.

Ed Carter, ZEO suggested withdrawing this application and revisit it in the spring to amend the current regulations. The Board of Mayor and Burgess has ratified the OPT OUT decision of the State Regulations on ADUs.

Rick Cool asked if there was any public comment, there was no public comment.
Ed Carter **WITHDREW** the application.

Rick Cool closed the public hearing at 7:54pm

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MEMBERS:

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Members of the commission, staff and applicants as well as public had the option to be present at the Town Hall, 229 Church Street or via ZOOM.

* Present for the meeting via ZOOM

1. Rick Cool opened the meeting at 6:00 PM with the Pledge of Allegiance, took attendance and noted there was a quorum.
2. Approval of the November 9, 2022 and November 16, 2022 Meeting Minutes and the secretary will sign previously approved minutes.

VOTED: Unanimously on a motion by Eileen Bronko and seconded by Tom Kiernan to **APPROVE** the minutes of the November 9, 2022 Zoning Commission Meeting.

VOTED: Unanimously on a motion by Eileen Bronko and seconded by Neil Mascola to **APPROVE** the minutes of the November 16, 2022 Zoning Commission Meeting.

FOR

Eileen Bronko
Francis Santana
Rick Cool

AGAINST

ABSTAIN

Neil Mascola

3. OLD BUSINESS:

- A. Commission discussion/decision for the proposed Special Permit Application for a mixed use residential/commercial development for the property located at Parcel B, Old Firehouse Rd, Applicant; Pennrose, LLC.

There was a detailed discussion on the process of approval going to the Board of Mayor and Burgess for approval but ultimately the final approval rests with the Zoning Commission as the Architectural Review Board. The final Architectural plan must be submitted for review. Commissioner Bronko feels the business of the building does not fit in with the downtown.

VOTED: 4-1-0 on a motion by AJ Bordas and seconded by Neil Mascola to **APPROVE** the draft architectural drawings with the condition that the final architectural drawings must be approved by the Board of Mayor and Burgesses with input from the NEDC for final submission of the architectural drawings to the Zoning Commission approval for Phase 1 of the project located at Parcel B Old Firehouse Rd., Applicant; Pennrose, LLC.

FOR

AJ Bordas
Neil Mascola
Rick Cool
Tom Keirnan

AGAINST

Eileen Bronko

ABSTAIN

VOTED: Unanimously on a motion by Eileen Bronko and seconded by Neil Mascola to **APPROVE** the Landscaping, Storm water Quality and Sediment and Erosion Control Bond as presented and agreed to on the applicant signed **Bond Estimate** Form to be **\$234,000.00** and approved in an acceptable manner by the Borough of Naugatuck Attorney for the Phase 1 Residential Commercial Development for the property located at Parcel B Old Firehouse Rd., Applicant; Pennrose, LLC.

VOTED: Unanimously on a motion by Eileen Bronko and seconded by Neil Mascola to **APPROVE** the Special Permit Application for Phase 1 residential commercial development project for the property located at Parcel B Old Firehouse Rd., Applicant; Pennrose, LLC, with the following conditions:

1. The applicant shall accommodate any modifications required by the DOT regarding the Train Station relocation including the platform, roadway and parking. If there are any significant changes required to the site plan, the revisions shall be approved by the Zoning Commission.
2. The applicant shall provide a Landscaping, Stormwater Quality and Sediment and Erosion Control bond to zoning commission in the amount of \$234,000.00 in a form approved by the Borough Attorney.
3. The applicant shall submit a more detailed Landscaping plan showing individual plantings and quantities. Also provide plant schedule for the proposed Rain Garden. Additional Evergreen screening plantings shall be installed along the fence line with the existing properties along Maple Street.
4. The applicant shall submit a supplemental drainage report approved by the Borough Engineer, supporting the letter dated 11/9/22 from Bohler documenting compliance with the 2004 Connecticut Stormwater Quality Manual, Zero increase in Peak runoff requirement as well as stormwater water quality requirements.
5. The applicant shall submit a detailed traffic impact study approved by the Borough Engineer supporting the December 9th 2022 Traffic Impact Review for Phase 1. The study shall meet the standards described in the UCONN School of Engineering Tech Brief 2021-3. The study shall address future phases including other planned developments in the area. The applicant shall be responsible to complete any

recommended on and off-site improvements related to this development phase, as determined by the Borough Engineer.

6. The applicant shall submit a photometric study of the site lighting and modify the lighting plan as required to meet the Illuminating Engineering Society recommended light levels and standards as determined by the Borough Engineer.
 7. The applicant shall obtain additional sign permits for the project as required by the Zoning Enforcement Officer.
 8. The applicant shall provide details of the proposed trash enclosure as approved by the Zoning Enforcement Officer.
 9. The site design, construction and materials used shall meet the Borough of Naugatuck Engineering standards as well as the Streetscape and Sidewalk Amenity Standards.
 10. The applicant, contractor and applicants engineer shall attend a preconstruction meeting with the Borough Land Use and Engineering staff prior to the start of Construction.
- B.** Commission discussion/decision in regard to potential Cannabis regulations in the Borough of Naugatuck Land Use Regulations.

Public Hearing continued to January 18, 2023 at 6:05 pm.

- C.** Commission discussion/decision in regard to potential amending Accessory Dwelling Unit Regulations Sec. 25 in the Borough of Naugatuck Land Use Regulations, Applicant; Borough of Naugatuck, CT.
See Public Hearing for discussion.

Ed Carter, ZEO **WITHDREW** the application to amend the regulations on ADUs.
See Public Hearing for information.

4. NEW BUSINESS

- A.** Bond reduction request for 58 Maple St Parcel C Development, Applicant; Heritage Downtown, LLC.

Mr. Rob Oris, one of the principals of 58 Maple Street, was present to request a bond reduction or release of the bond for 58 Maple Street. Mr. Oris reviewed items to be completed and stated 3 of the 4 items are completed: the left turn signal has been fixed, the warranty information has been provided, the as built has been provided and the easement is in process of being drafted by SLR. Mr. Oris requested the letter from SLR from Darien Overtin stating all work on the light is completed and in his opinion there should be a significant reduction or a release of the bond be stated as part of the record. He received a letter from Mr. Stewart stating they will reduce the bond to \$50,000.00 but he does not feel it is reasonable. Jim Stewart spoke in response and explained he believes the Borough has been very generous and Mr. Oris was able to receive a C/O to

occupy the building without having the signal light up for at least a year. Mr. Oris was sent a punch list of items to be completed in December of 2021 with all the items that needed to be completed. Another letter was sent in May requesting completion of the items discussed, another letter was sent in August. In the August request it stated the fact that the left bulb was out and needed to be replaced. There was another correspondence a couple of months ago which stated the Borough would take care of it, but Mr. Oris stated they would be taking care of the replacement. It has not been completed until this request for a bond reduction or release came through that he completed these items. The reason to hold the amount is to make sure the easement is completed for the Borough to have access to care for the light, safety issues. Mr. Oris was having issues with the contractor to address the items. Unfortunately the Borough of Naugatuck cannot do any work on the traffic light because the easement has not been submitted, approved and filed. Attorney Fitzpatrick spoke to the commission explaining the purpose of a bond. He also explained it is commonly know that many times contractors leave a smaller bond and do not return to complete the work. An easement for the light is required to allow the Borough to complete work on the light if a bulb goes out, an important safety issue. The importance of the easement was further discussed by the commissioners. Rick Cool asked Mr. Oris when he will be submitting the easement, it is currently in process of being written by SLR. The commission agreed to give the Borough Attorney, Ned Fitzpatrick, permission to release the bond in full after he and Jim Stewart receive and review and approve the easement documentation. The commission also agreed to reduce the bond to \$50,000.00 immediately.

VOTED: Unanimously on a motion by Eileen Bronko and seconded by AJ Bordas to **APPROVE** for a Bond Reduction to \$50,000.00 for the 58 Maple Street Parcel C project, Applicant; Heritage Downtown, LLC. The bond will be further reduced in its entirety upon receipt of the easement in a recordable form as approved by the Borough Engineer and the Borough Attorney.

Attorney Fitzpatrick requested Mr. Oris have Darien Overtin from SLR submit the easement to Jim Stewart with the referenced map for approval and when the applicant records it on land records they be recorded together.

B. Bond reduction request for 661-665 Rubber Ave Development, Applicant; Garrett Homes, LLC.

Ed Carter spoke for the applicant requesting the bond reduction. This has been an agreed upon amount by all parties. This includes the invasive species removal as well. Commission AJ Bordas requested some clarification on the bond amount requested and the types of bond. A detailed discussion took place on bond types and what needs to be completed on this project. Jim Stewart gave details on the work to be completed and some time frames.

VOTED: Unanimously on a motion by Eileen Bronko and seconded by AJ Bordas to **APPROVE** a Bond reduction to **\$21,083.00** for the Dollar General project at 661-665 Rubber Ave, Applicant; Garrett Homes, LLC.

5. Chairman Report and Commissioner Comments

6. ZEO Report

Ed gave the commissioners some details on the trainings and let them know there will be a required 4 hours of training to be completed by January 1, 2024. This will be required yearly. There is a full day online training available Saturday March 11, 2022 which is very informative, they were asked to consider this training. A large book will sent to you. This training will cover all training except fair housing. Information will be sent out when it is received on this training for March.

7. Public Comment - There was none.

8. Executive Session for pending litigation for Oren vs Naugatuck Zoning Commission.

9. Adjournment

VOTED: Unanimously on a motion by Neil Mascola and seconded by AJ Bordas to **ADJOURN** the meeting at 9:00 P.M.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary/mlh