

**NAUGATUCK ZONING COMMISSION  
REGULAR MEETING  
February 16, 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 - Absent  
Shanita Santiago, Alternate

**OTHERS:**

Ed Carter, ZEO  
Lori Rotella, Town Planner  
Jim Stewart, PE & Naugatuck Director of Public Works  
Attorney Ned Fitzpatrick-in person until 7:30pm  
Michelle Healy  
Fran Dambowsky  
Public - 9

Due to the extenuating circumstances with the COVID-19 CORONAVIRUS, members of the commission, staff and applicants were present at the Town Hall, 229 Church Street and the public was present for the meeting 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 the January 19, 2022 Meeting Minutes and the secretary will sign previously approved minutes.

**VOTED: Unanimously** on a motion by Eileen Bronko and seconded by Tom Kiernen to **APPROVE** the minutes of the January 19, 2022 Zoning Commission Meeting minutes.

Rick Cool introduced the new Alternate Zoning Commissioner, Shanita Santiago and welcomed her on to the commission.

**3. OLD BUSINESS:**

- A. Commission discussion to revise the Livestock/Poultry regulations in the Naugatuck Zoning Regulations, Applicant; Borough of Naugatuck.

Ed Carter, ZEO read the proposed updated regulation that was discussed at the January 19, 2022 meeting as requested by the commissioners. Lori Rotella, Town Planner explained that all areas in the regulations will be updated that pertain to this change. It was renamed as regulation 25.13 Accessory Use Regulation for Backyard Poultry. A brief discussion on if the amount of cubic yards of waste needs to be added in took place, it was decided it would be necessary.

**VOTED: 4-1-0** on a motion by AJ Bordas and seconded by Neil Mascola to create section 25.13 Accessory Use for Backyard Poultry and **APPROVE** the draft text change as presented at the February 16, 2022 Zoning Commission Meeting for the accessory use of backyard poultry for a residential property of at least ½ acre in size in

the Borough of Naugatuck with an effective date of March 7th, 2022, Applicant;  
Borough of Naugatuck.

**FOR**

Attila (AJ) Bordas  
Neil Mascola  
Rick Cool  
Tom Kiernen

**AGAINST**

Eileen Bronko

**ABSTAIN**

- B.** Commission discussion/decision for the Special Permit Application for the proposed One-Megawatt Solar Panel Facility for the property located at 0 Bosco Drive (Acct# 016-9188), Applicant; Tritec Americas, LLC.

Rick Cool gave an update of all of the referrals and approvals received by the other commissions. Ed Carter, ZEO explained to the commission that Jim Stewart, PE & Naugatuck Director of Public Works has provided a Certification of the Soil and Erosion Plan dated February 16, 2022. Jim Stewart went on to explain to the commission that he watched the recording of the last meeting and reviewed the concerns from Steve Trinkus. First, the level spreaders could be eliminated but keeping them will add additional retainage of water and slow it down. He suggested they add cut off walls, as done when they install sewers, this would be a good solution with the level spreaders. This system is based off a grass surface even though it had to be designed as an impervious surface as per requirements. Also discussed were the swales around the site, the pitching of the road towards the swale as designed will work. In his opinion if the neighbors currently get runoff and water from the site, it will be improved with this system in place because it will stop the runoff from the site. Jim also spoke to dam safety regarding hazard level; DEEP will look at this and determine all construction standards are met. He also reviewed the sedimentation erosion control plan and has given them a certification; they have met all requirements. They will still need to go to DEEP because the project coverage is over 5 acres. Jim explained in his opinion the rendering of the view from the neighboring yard is inaccurate because the grade going uphill to the Bosco Property and the plantings will need to mature for better coverage. Discussion on the swales took place as to if they will sustain a 100 years storm, they have been redesigned so if it overflows it goes into the detention pond and there is a spillway. Attorney Fitzpatrick asked Jim Stewart about the planting. Blue Spruces are proposed and will grow up to 25 feet, there will be lower ground coverage as well. The landscaping plan can be found on page LL1 of the plans. It was questioned whether more landscaping should be added. Elevation was also discussed from the neighbor's property to the panels. There will be approximately a 30-foot elevation change and it all depends on the location you are looking at the solar panel from. Underground power lines were also discussed in detail as to if they would be a better solution for newly added lines. They will be connecting to existing above ground power lines. Power lines can be underground and aboveground. A detailed discussion on the existing power lines and the distance of new lines that are needed, as well as the possible easements that would be needed crossing through properties not owned by the applicant took place. Ed Carter showed each member the satellite overview from the file, which helped to clarify the location of where the new lines are proposed. Ed explained if they look at page SP-1 on the plans it should be clear as to the location. It was explained that a condition could be put in place requesting they put in underground power lines if feasibly possible. The legal wording was discussed with Attorney Fitzpatrick on if they were to add this as a condition. The wording they decided on if approved would be #11 on the conditions. Wells were also discussed as to protection to residents if there are well water issues. Attorney Fitzpatrick explained to the commission that there are statutory remedies for someone who contaminates another person's groundwater and

well, there are also legal liabilities for the person or entities who cause it, with severe penalties, but as a zoning commission your regulations don't allow you to, unless volunteered by the applicant, make the applicant issue lifetime guarantees. Distance from the solar panels to the property line and to the fence were discussed as in previous meetings. Questions regarding contaminants coming off the panels were discussed and explained that they are closed units and are cleaned with rain and water and may occasionally need to be wiped down. The decommissioning plan was brought up and how the Planning Commission requested a decommissioning plan be in place with approval. The decommissioning plan needs to be approved by DEEP, a draft was submitted as requested by the Planning Commission. It was explained that the applicant would provide the Borough with all application information they submit to DEEP. Attorney Fitzpatrick explained DEEP has the knowledge and understanding of a decommissioning plan and holds the security of the project but the Borough can request a recommendation any of DEEP's finding and conclusions be submitted to the Borough of Naugatuck including the Decommissioning Plan. It was discussed the Borough require assurance for 25 years from now to keep the applicant responsible financially and environmentally. If this solar array was over 1-meg of power, it would go to the siting council and the Borough would have no say in any of it. The following general conditions that were brought up in the public hearing were discussed.

*Section 33.5 is General Conditions:*

*33.5.1 – Size and intensity of proposed use and the size of the property on which it is located –* Complies with regulations – Discussed and not all in agreement.

*33.5.2 – The effect of development on the Plan of Conservation and Development (POCD) –* Both this and 33.7.3 – Planning Commission sent a positive referral. Borough Attorney Fitzpatrick gave an overview for guidance to the commission of the POCD with an R-30 Zone and the characterization of this project and its use.

*33.5.4 – Effect upon property values and appearance in the neighborhood taking into account topography of the lot and the character, location and height of building and structures and the site plan and landscaping –* There was an expert who spoke out saying this will bring down property values but he did not give any evidence or submit a direct impact study – this was felt to be inconclusive, could possibly bring down values but unknown. There were letters for and against.

*33.5.7 – Drainage and erosion problems –* Jim Stewart spoke on this topic for clarity.

*33.5.12 – Drainage considerations shall include effects on land which the drain way passes through and also the effects on those off-site areas receiving said drainage whether within the development or not –* Jim Stewart spoke on this topic for clarity.

*Section 33.7 is General Standards*

*33.7.2 – Neighborhood: the site plan shall be of a character as to harmonize with the neighborhood to accomplish a transition in character between areas of unlike character to protect property values and to preserve and enhance the appearance and beauty of the community. -* Discussed earlier.

*33.7.3 POCD: The site plan shall be in conformance with the purpose and intent of any POCD adopted by the Planning Commission for the area in which the use is to be located.*

*Section 33.8 is Additional Conditions and Safeguards*

*33.8.2 – Requirement of screening of the property from adjoining premises fences, plantings*

*or other devices as specified by the Zoning Commission - They are willing to put in fencing, landscaping to make it better for the character of the neighborhood and have changed the plans to give more area around the perimeter with a substantial landscaping plan.*

A discussion took place on if the Decommissioning Plan is not approved by DEEP what happens next. The commission cannot have provisional approvals; they may require subsequent submissions and responses from the applicant on DEEP as a condition. You cannot give an approval subject to a condition that is unreasonable. The plantings are part of the landscaping plan. There will be quarterly project reports during construction. Grass and meadow plantings are part of the plan and how this will be monitored was discussed. Jim Stewart stated initially this would be monitored during project construction. The applicant shall investigate the feasibility of underground power lines and install if found to be feasible.

\*Attorney Fitzpatrick had to leave in person and joined via ZOOM at 7:30 pm

**VOTED: 4-1-0** on a motion by AJ Bordas and seconded by Neil Mascola to **APPROVE** the Special Permit Application for a One Mega-watt or less Solar Farm Array for the property located at 0 Bosco Dr. Account Number 016-9188, Applicant; Tritec Americas, LLC with the following conditions:

1. The applicant shall submit to the DEEP a general permit registration for the discharge of storm water and dewatering from construction activities as required by DEEP. The required inspection reports shall be submitted to the Land Use Office.
2. The applicant shall attend a Pre-Application meeting with the DEEP regarding the purposed detention ponds and shall submit the DEEP required applications to the Naugatuck Land Use Office to have on file.
3. The Applicant shall place a signature box as depicted in Section 36.3 of the Naugatuck Zoning Regulations for certification by the Borough Engineer as required by section 32.4 of the said Zoning Regulations on the sediment and erosion control plan.
4. The applicant shall provide the Borough of Naugatuck a Sediment and Erosion Control and Landscaping Bond as approved by the Acting Town Engineer and the Borough of Naugatuck Zoning Commission.
5. The applicant, contractor and engineer shall attend a pre-construction meeting with the Borough Land Use and Engineering Staff prior to the start of any construction for the project.
6. The Applicant shall submit quarterly project progress reports to the Borough Land Use Office until the project has been deemed completed by the Naugatuck Land Use Office Staff.
7. The galvanized fencing surrounding the property shall be black in color as to blend in with the landscaping of the project.
8. A final as-built plan must be submitted to the Naugatuck Land Use Office for review, acceptance and closure of the construction process.
9. Special Permit Approval Form must be recorded on the Land Records in the Naugatuck Town Clerk's Office within 90 Days of the Zoning Commission Approval Vote.
10. The DEEP approved decommission plan shall be submitted to the Naugatuck Land Use Office prior to construction together with the scope and amount of decommissioning bond determined by the DEEP or the Borough of Naugatuck.
11. Applicant shall investigate the feasibility of underground power lines from the utility equipment area to the new pole located near the gate and installed if found feasible.

**FOR**  
Attila (AJ) Bordas  
Neil Mascola  
Rick Cool  
Tom Kiernen

**AGAINST**  
Eileen Bronko

**ABSTAIN**

\*Attorney Fitzpatrick left the meeting at 7:41 PM

#### 4. NEW BUSINESS:

##### A. Commission discussion for Parcel B Revitalization Project.

Mayor “Pete” Hess gave a detailed overview of the plan for the Revitalization of Downtown Naugatuck and the Overlay Zone for Downtown Naugatuck. He included information on the RFP (Request for Proposal) that has been sent out for Parcel B and the TOD (Transit Oriented Development) and spoke about Parcel A (The Naugatuck Event Center) and Parcels Y and Z. He informed the commission that there are now 22 trains a day, making a real commuter line also the building of 2 new ballfields, one is almost complete. There is a plan for the Greenway to be extended eventually. The plan for Rubber Avenue redesign was discussed as well as all of the streets that will be included in the Complete Street Design with landscaping, new pavements, no wires, larger sidewalks and bike paths to enhance downtown. The round-a-bout should be underway within the next year for the intersection of Meadow Street and Rubber Avenue. The RFP is out until late April and there will be a committee to help decide on the project that will be accepted as well as to help develop the regulations for the Overlay Zone. There are funds such as grants and infrastructure funds allocated for some of the work already. Timelines were discussed and projects are anticipated to be starting within 1 to 4 years.

##### B. Accept the Special Permit Application, refer to Planning Commission and set a Public Hearing date for 6:05 PM on March 16, 2022 for a 4 Family unit located at 550 High St, Applicant: Ruth Realty, LLC.

Ed Carter gave a quick overview of the proposed project.

**VOTED: Unanimously** on a motion by Eileen Bronko and seconded by Neil Mascola to **ACCEPT** the Special Permit Application and **REFER** to Planning and **SET** a Public Hearing Date for March 16, 2022 at 6:05 PM for a 4 Unit Residential Building for the property located at 550 High Street, Applicant; Ruth Realty, LLC.

##### C. Additional items require a 2/3 vote of the Commission.

#### 5. Chairman Report and Commissioner Comments

#### 6. ZEO Report

The new zoning regulations that are taking affect in the state were briefly discussed. It was explained that some of the new regulations require the town to opt in or out, which is being worked on by the Board of Mayor and Burgess. Lori Rotella gave some information on some of the new regulations. Cannabis needs to be discussed and regulations will need to be written. Some of the items that will need to be looked into are as follows: how far from churches or schools, times of operation and signage are some examples. If there are no regulations in place in a town it would follow liquor licenses and regulations. Commissioner training was also discussed for the future. Commissioners will need 4 hours of training every other year. There will be more information to follow on training.

7. Public Comment – There was none

8. Adjournment

**VOTED: Unanimously** on a motion by Eileen Bronko and seconded by AJ Bordas to **ADJOURN** the meeting at 8:48 P.M.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary/mlh