

**ZONING COMMISSION
MEETING February 20, 2013**

Diana Raczkowski opened the Regular Meeting at 6:00 P.M. with the following in attendance:

MEMBERS:

Diana Raczkowski, Vice Chair
Neil Mascola
Richard Cool
Sally Brouillet
William Stopper
April Slauson, Alternate, Absent

OTHERS:

Steve Macary, ZEO

REGULAR MEETING

1. At 6:00 P.M., Diana Raczkowski opened the meeting with the Pledge of Allegiance and then took attendance.
2. No Executive Session.
3. Approval of the January 16, 2013 Regular Meeting Minutes.

VOTED: 4-0-1 on a motion by Neil Mascola and seconded by Sally Brouillet to **ACCEPT** the January 16, 2013 Regular Meeting Minutes as written.

<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>
Neil Mascola Sally Brouillet William Stopper Richard Cool		Diana Raczkowski

PUBLIC HEARINGS

6:00 P.M. PUBLIC HEARING – Special Permit for an interior lot located at 68 Arch Street; Applicant: ALX Ventures

Attorney Michael McVerry, 35 Porter Avenue, said he was there on behalf of his client, ALX Ventures, LLC. He showed the commission the affidavit of the certified mailings to the abutters and the minutes with the approvals from the Inland Wetlands, Fire & Police Commissions. The Fire Commission had some conditions which consisted of a 15 foot paved driveway coming into the lot with the balance of it being gravel. The Planning Commission gave a positive referral for the interior lot. Attorney McVerry clarified that he was only there for the interior lot, not the subdivision, yet. He said currently there are 2 deteriorated homes on the lot and that the property overall is rundown. Diana asked if there were any natural buffers between the lots. Attorney McVerry said no. He said the parcel is approximately .93 acres and is situated in an RA-1 zone which requires a minimum lot size of 5,000 square feet. Under the Naugatuck Zoning Regulations, an interior lot is allowed in this zone subject to coming before the Zoning Commission for a Special Permit approval. Subject to zoning approval for the interior lot, his client would like to go before the Planning Commission with a proposed 6 lot subdivision. A discussion ensued regarding having a soil and erosion plan. Diana said she would like to see

some trees planted to buffer the adjacent property. The applicant said there is a fence there now with some shrubs along it. Diana would like to see more screening shrubs planted along the fence on the eastern side. Wayne Zirolli, Borough Engineer, said about 5 or 6 should be an adequate amount. A discussion ensued regarding Wayne's recommended conditions. Diana asked if there was anyone from the public who would like to comment. Elizabeth Solenik, whose parents live at 85 Scott Street, which is the adjoining property on the east side, said there is about a 3 foot difference in height between the properties. If a driveway is put in next to her parent's, it will be about 3 feet lower. She asked how close to the property line the house can be built. Steve said it is a 10 foot setback. Elizabeth said she would like to be sure that there is some type of buffer between the properties. Dave Yourison, of 63 Scott Street, asked if it is going to be six one-family units or multi-family units. He was concerned with the amount of traffic on Scott Street. Diana responded that they are going to be single family homes. Wendy Esposito, said she was there on behalf of herself, her son and his daughter. She said their property is right next to the interior lot. There was a discussion on where a house would be built on the interior lot. Sheri Carda, of 67 Scott Street, said her concern is how densely populated her neighborhood already is. Diana said there is no basis to deny an application simply because there are too many houses in the neighborhood. If the lot meets the requirements then the commission will approve it. Diana said she could go before the Planning Commission and address the rest of the subdivision, but now they are only looking at an application for a one family home. She asked for there to be more of a buffer than a chain link fence. Diana said they are planning to ask to require, on the east and north side of the property, to leave existing vegetation where possible, and where it's not possible, they have to plant non-deciduous greening shrubs or trees 10 feet apart. There was no further public comment. A discussion ensued regarding what trees will come down on the property and specifically what shrubs and trees will be planted. Diana closed the public hearing.

6:15 P.M. PUBLIC HEARING – Special Permit for solar panels to be installed at 280 Elm Street; Applicant: Chemtura Corporation

Diana asked the applicant if they would be agreeable to holding the hearings simultaneously. The applicant was agreeable to that. Alan Benevides, from Woodard & Curran, said he was there representing the applicant and owner. He also introduced Ken Baldwin, attorney for the project, and Eric Aubrey from Nexamp, and Paul Meyer from Chemtura. He said they were there seeking approval from the Zoning Commission to install a one megawatt solar project at an existing brown field site at the Chemtura property located at 280 Elm Street. He said there are 2 goals to the project. The first is to deliver one megawatt of power to the Chemtura property as part of the Z-Rec program in Connecticut and the other is to remediate a brown field site. They would like to have the project up and running by fall of 2013. He said they have been through Inland Wetlands, Fire, Police and Planning Commissions. Alan gave an overview of the project. He said the entire parcel is 58 acres, the portion to be remediated is about 9.2 acres and the solar panels make up about 5 acres. He explained the first step is to clear the site. They will be excavating a few small areas where the levels in the soil are such that they should be removed from the site. This amount will be less than 350 yards of material. Diana said she was concerned with airborne particles. Alan said the work will be done under the work of a Licensed Environmental Professional. There will be an on-site representative at all times, responsible for health and safety monitoring. Next they will be grading the

site. A discussion ensued regarding the plantings for the project. They will be bringing in about 9,000 yards of material for ground cover. It was clarified that there would be no crushing of the stone on the site. Once the stone is put down the landscaping will take place. He said the second portion of the project will be the installation of the solar panels. Alan went on to discuss the drainage design. He also discussed the traffic routes. He said the Police Commission approved it with the condition that the trucks not go right on Scott Street. There was a discussion regarding the truck routes. Diana asked if the panels make noise. Alan said the panels do not make noise. There is an inverter which does make noise when the sun is out and they are generating power. As soon as it gets dark, it stops running. Diana asked how loud it is. Alan replied that it is about as loud as a house fan. The inverter is such a distance away from residential properties that the noise will not bother them. Alan also explained that there is no need to use any cleaning products on the solar panels. He said there are no environmental issues, no noise associated with it, no processing or blasting, no topsoil removal, no impact on surface water or ground water, no grading within 15 feet of the property line, all work between 8-5, minimum 30' buffer to be maintained. He said they did provide the soil erosion and sediment control plan and it will also be going through the DEEP to look for more of a remediation, making sure hot spots are identified. He said the power is going to be sent to the Chemtura property to offset the energy use that they've currently got. Diana asked Wayne if they should require a soil and erosion bond because of the contaminated soil. Wayne said that the soil and erosion controls that they have in place are adequate and that there is no need to bond it. Diana reviewed Wayne's report dated February 15, 2013. A discussion ensued regarding conditions for the permit. Diana asked if there was any public comment. No one came forward for public comment. Diana asked that Lineweber's trucks be taken off the property, as was supposed to be done by March 15, 2012. Mr. Paul Meyer said he would refer that to Chemtura's facilities director, who is in charge of getting Lineweber off the site in two weeks. Paul said Stephen Colhayes(?) is the facilities director and he would make sure that the work gets done. Diana asked for Steve Macary to be notified when the trucks are removed. Diana closed the public hearing.

6:30 P.M. PUBLIC HEARING – Special Permit application for excavation of more than 350 yards of earth material located at 280 Elm Street; Applicant: Chemtura Corporation

This item was discussed above.

4. OLD BUSINESS:

- A.** Commission Discussion on revising the zoning regulations regarding playhouses, playscapes, gazebos and tree houses.

Diana would like to have a brief discussion on this topic at the workshop set for Wednesday February 27th.

- B.** Commission Discussion regarding Sign Regulations, Adopt a Spot, Giuseppe's, New Haven Road observations.

The commission set a date of February 27, 2013 at 5:00 PM for a workshop on signs in the Land Use office.

There was a discussion regarding Guisepppe's sign. The commission agreed to give them until May to get rid of the sign. Steve needs to contact Attorney Fitzpatrick to find out the best way to handle this.

- C. Commission review/discussion and schedule public hearing for amendment of Section 42, Naugatuck Zoning Regulations.

This item was tabled until the March 20th meeting.

- D. Commission discussion/decision for a Special Permit for an interior lot located at 68 Arch Street; Applicant: ALX Ventures

Diana asked the commission if they had any questions. Diana read the conditions which would apply if approved:

1. A soil and erosion bond shall be set on this application subject to the approval of the Borough Engineer and Attorney.
2. If blasting is required, the blasting conditions that were used on Warren Avenue will apply.
3. Any conditions that the Wetlands and Fire Commissions have requested shall be part of these conditions, and one of them will be that they return to the Wetlands Commission before they begin.
4. The Water Pollution Control Board has not voted on this yet, so approval shall be subject to any conditions requested by the WPCB on this application
5. Any conditions made by the Planning Commission shall be part of this approval and this approval is subject to approval of the subdivision by the Planning Commission.
6. Regarding the boundaries of this interior lot, along the entire east side and the entire north side of the property, any dangerous trees shall be removed, there shall be screening of non-deciduous trees to be approved by the Borough Engineer. They shall be spaced a minimum of 10 feet apart along those borders and be a minimum of 6 feet high. The plantings shall be approved by the Engineer as to type.
7. The subdivision soil and erosion plan applies to the entire interior lot and shall be in conformance with the CT Soil and Erosion handbook, as amended.
8. The minimum building area is to be depicted on the plans and subject to the Engineer's approval before any activity has commenced.

There was no further discussion.

VOTED: Unanimously on a motion by Neil Mascola and seconded by William Stopper to **APPROVE** the Special Permit for an interior lot located at 68 Arch Street, subject to the conditions read by Diana.

- E. Commission discussion/decision for a Special Permit application for solar panels to be installed at 280 Elm Street; Applicant: Chemtura Corporation

There was no discussion by the commission on this item. Diana read all the conditions at once, of which, some apply to the sand and gravel and some apply to the solar panels. The conditions of approval would be that:

1. Disturbance of contaminated soil is to be in compliance with all state and federal regulations, guidelines and permit requirements.
2. Removal and disposal of contaminated soils is to meet all state and federal guidelines.
3. An on-site environmental professional will be on-site during the earthwork portion of the project.
4. The truck route for transport of construction and earth materials shall be limited to Route 8, Elm Street, Route 63, and Rubber Avenue. However, if an alternate route is required, the applicant may come back to the commission for a revision of this condition
5. The remediation completion report is to be submitted to the Borough Engineer and the ZEO when it is received by the applicant.
6. If any blasting is required, our standard blasting conditions shall apply, which the applicant has a copy of.
7. The Borough Engineer and the ZEO are to be notified prior to the start date of the project.
8. A landscaping bond to be set by the Borough Engineer and approved by the Borough Attorney for all tree and plantings. The trees shall be guaranteed for one full growing season and any dead or dying plants shall be replaced by the applicant.
9. Six inches of screened topsoil to be placed in all areas of disturbance that are not to be paved or graveled, but seeded and planted.

VOTED: Unanimously on a motion by Neil Mascola and seconded by Sally Brouillet to **ACCEPT** a Special Permit application for solar panels to be installed at 280 Elm Street, Applicant: Chemtura Corporation, with the conditions that Diana stated.

- F.** Commission discussion/decision for a Special Permit application for excavation of more than 350 yards of earth material located at 280 Elm Street; Applicant: Chemtura Corporation

VOTED: Unanimously on a motion by Neil Mascola and seconded by Rick Cool to **APPROVE** the Special Permit application for excavation of more than 350 yards of earth materials located at 280 Elm Street, Applicant: Chemtura Corporation, with the same conditions Diana stated previously for the solar panels.

5. NEW BUSINESS:

- A.** Accept application, refer to Planning Commission, set Public Hearing for a text change to Section 42 (topsoil, sand and gravel) of the Naugatuck Zoning Regulations; Applicant: Naugatuck Zoning Commission

This item was tabled until the March 20th meeting.

- B.** Accept application, refer to Planning Commission, set Public Hearing for a text change to Section 27 (signs) of the Naugatuck Zoning Regulations; Applicant: Naugatuck Zoning Commission

VOTED: Unanimously on a motion by Diana Raczkowski and seconded by Sally Brouillet to **ACCEPT** the application, refer to Planning Commission, set Public Hearing for a text change to Section 27 (signs) of the Naugatuck Zoning Regulations for April 17; Applicant: Naugatuck Zoning Commission

Diana noted for the record that Neil Mascola left the meeting at 8:30 PM.

6. Commission discussion for Change of Use applications.

There were no Change of Use applications.

7. Commission discussion/ ZEO permits and various complaints.

There was no discussion on this topic.

8. Chairman Report

Diana asked Steve about the tent on May Street. Steve said he got a permit and is going to move it, but can't due to the snow.

Diana said the commission would like a map showing the properties that need to be changed from Industrial uses according to the old POCD. Keith prepared a list, but there are no addresses for the properties. She would like a blown up map that's in the POCD showing the industrial properties that are recommended to be taken out of industrial. Diana asked Steve to also bring the POCD book to the next meeting. This item was continued until the March 20th meeting.

A discussion ensued regarding the wording of Section 23.1 in the regulations regarding a business on the bottom and residences on the top.

9. Adjournment

VOTED: Unanimously on a motion by Rick Cool and seconded by William Stopper to adjourn the meeting at 8:52 P.M.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary/sg