

**ZONING COMMISSION
PUBLIC HEARINGS
December 17, 2014**

William Stopper opened the Public Hearing with the following in attendance:

MEMBERS:

William Stopper, Chair
Sally Brouillet, Vice Chair
Richard Cool
April Slauson, Secretary
Kathy Donovan
Matthew DeBarber, Alternate, Absent
Neil Mascola, Alternate
Wendy Fowler, Alternate

OTHERS:

Wayne Zirolli, Borough Engineer
Sue Goggin, AZEO

Public - 2

6:15 P.M. CONTINUED PUBLIC HEARING – for special permit for removal of oil tanks and proposed propane facility at 406 Rubber Avenue, Applicant: Thurston Energy

Carl LeFevre, representing Thurston Energy, said their plan is to dismantle and decommission 5 oil tanks and install one propane tank in its place. Carl explained the new plan stamped December 1, 2014. Wayne read his memo dated December 16, 2014 to the commission. Sally asked Carl if he will be granting the proposed easement to the Borough. Carl said yes. There was a discussion over the sidewalks and the requested waiver. There was a discussion over the planter and its location. Bill asked Attorney Fitzpatrick if the commission has the ability to waive sidewalks. Attorney Fitzpatrick said they can waive sidewalks and landscaping plans. Carl said they would like to refinish the planter rather than move it. Bill asked if they still intended to put a gated fence. Carl said he thought it would look funny along Rubber Avenue. Carl said he will be installing required fencing around the propane tank. It was clarified that black fencing was suggested around the propane tank. Bill summarized the project to this point. The commission would like the storage area shown on the plan, as well as details and sample material for the planter. The commission requested that the dumpster be moved on the plan. There was no public comment. Carl granted an extension of the public hearing until the January 21, 2015 meeting at 6:15 P.M.

**NAUGATUCK ZONING COMMISSION
REGULAR MEETING
DECEMBER 17, 2014**

William Stopper opened the meeting with the following in attendance:

MEMBERS:

William Stopper, Chair
Sally Brouillet, Vice Chair
Richard Cool
Kathy Donovan
April Slauson, Secretary
Matthew DeBarber, Alternate, Absent
Neil Mascola, Alternate
Wendy Fowler, Alternate

OTHERS:

Wayne Zirolli, Borough Engineer
Sue Goggin, AZEO
Public - 0

1. At 6:00 P.M., Bill Stopper opened the meeting with the Pledge of Allegiance and then took attendance and noted there was a quorum.
2. Executive session with the Borough Attorney and the Zoning Commission. There was no executive session.
3. Approval of the November 19, 2014 Public Hearing and Meeting Minutes. The secretary will sign previously approved minutes.

VOTED: Unanimously on a motion by Sally Brouillet and seconded by April Slauson to **APPROVE** the November 19, 2014 Public Hearing and Meeting Minutes as written.

4. **OLD BUSINESS:**

- A. Commission discussion/decision regarding special permit for removal of oil tanks and proposed propane facility at 406 Rubber Avenue, Applicant: Thurston Energy

There was further discussion.

- B. Commission discussion with Borough Attorney regarding approved activities for Capital Quarry.

Bill noted that a letter dated December 16, 2014 was sent from James Warren to Wayne Zirolli and Sue Goggin. Bill gave a synopsis of the letter. Sue said that she and Wayne got a complaint last week of a breach in the berm that runs along the lower end of the property. Mr. Warren repaired the berm. Wayne and I went to the property to verify that it was repaired. During their inspection, it was noted that there are only remnants of the mulch and salt/sand mix in the storage bins. Sue said Mr. Warren is getting prices to install the bridge for the PDD. Sue noted that he will have to come back before the commission for another extension and it will be up to them to determine the progress that he is making and if they wish to grant another extension. Wayne said he sent Mr. Warren a letter and that he does plan to start construction fairly soon. Attorney

Fitzpatrick clarified that the commission can place conditions on further extensions. Francisco Gomes, with the consulting firm FHI, explained that Attorney Fitzpatrick asked them to review the file and understand a little more about the non-conforming use and the history of the site. He said they reviewed the file from Land Use as well as some historical topo maps. He said the aerials they have from the 1930's show the area as farmland. He said the next aerial they have is from the 1950's and shows the area under operation as a sand and gravel pit. He explained the definition of a sand and gravel operation. He explained that the use is allowed to continue as a non-conforming use. He said the commission has the right to regulate non-conforming uses. He said that the area had been approved as a Planned Development District. What this did was to show that there was some intent to abandon the non-conforming use. He said there will be a time in the future when the development reaches a certain threshold whereby the sand and gravel operation will have been abandoned. He said from Wayne and Sue's reports it appears as though there is progress being made toward the PDD. He said one of the issues that have come up in the past year is that the applicant has sought to bring in materials from Waterbury to the site and that is not consistent with the non-conforming use. He said non-conforming uses are allowed as long as they are not detrimental to the community around it. He said that the Borough can regulate if there are activities that are detrimental to the well-being of the community around it. Attorney Fitzpatrick said the commission can regulate the truck traffic, hours of operation, volume and the scope of the operation. He said the applicant and his Attorney should be notified if the commission chooses to regulate these items. There was a discussion regarding the use and scope of the property at 909 Prospect Street. Attorney Fitzpatrick said the next step may be to engage the property owner. There was a discussion over the PDD approval and intention to abandon the non-conforming use. Bill said he thought a meeting was a good idea. The wording can be "The use of property located at 909 Prospect Street." Attorney Fitzpatrick asked Sue to send him a letter and copy him on it. There was no further discussion.

5. NEW BUSINESS

- A. Commission discussion/decision regarding ratification of Change of Use for 384 North Main Street, Applicant: Peter Chrzanowski, Jr.

Sue explained that this was a complete application. She said according to the regulations under section 32.8, this applicant met all the parameters. They have been issued an administrative approval pending ratification of the permit. It was determined that there will be no changes to the outside of the building. There was a discussion over past uses of the building. Sue clarified that they will have to come in to get a permit for their sign.

VOTED: Unanimously on a motion by Kathleen Donovan and seconded by April Slauson to **RATIFY** the Change of Use for 384 North Main Street, Applicant: Peter Chrzanowski, Jr.

- B. Commission discussion/decision regarding amendments to Sections 24.4.12 and 25.12.1 of the Naugatuck Zoning Regulations.

Sue explained that the current regulations regarding decks and pools are not very clear. Attorney Fitzpatrick explained this is an attempt to clarify the wording for staff. The consultants, staff and Attorney Fitzpatrick came up with revised wording to address this. Sue said they clarified for pools, previous regulations used 576 sf as a dividing point and they are proposing using the diameter and shape. One of the primary issues is whether or not a deck is a structure. There was a discussion over current and proposed regulations.

VOTED: Unanimously on a motion by Rick Cool and seconded by Sally Brouillet to **ACCEPT** the application, **REFER** to the Planning Commission and **SET** the public hearing for January 21, 2015 at 6:30 P.M.

- C. Commission discussion over proposed zone map changes to adhere to the 2013 Plan of Conservation and Development.

Sue explained that this is nothing that has to be acted on right away. She said there is a portion of South Main Street near DeCarlo's Cleaners that is zoned RA-1. In this area it is a mix of residential and commercial. A property owner wanted to open a business in that area and was told no. After consultation with the Borough Attorney, it was determined that it was a pre-existing use. It appears as though the zone should have been changed to the NHRDD. According to the 2013 POCD, it should be a mixed use zone. It was decided that this will be put on hold for the time being.

- D. Preliminary discussion regarding proposed development on Parcel A (GDC Building).

Joseph Migani, with O'Riordan and Migani Architects, explained the proposed plan for the property known as Parcel A, where the GDC building currently stands. He said he has been working with the Borough for about 6 months. He explained a history of the area and what they are proposing for the property.

- E. Additional items require a 2/3 vote of the Commission.

Sue explained that this was regarding a modification to the plan for Vinnie's Pizza on Prospect Street.

VOTED: 3-2-0 on a motion by Sally Brouillet and seconded by Neil Mascola to **ADD** to the December 17, 2014 agenda discussion regarding revisions to Vinnie's Pizza special permit. Motion was denied.

Kathleen Donovan left the meeting at 8:30 P.M.

- 6. Chairman Report
There was none.
- 7. ZEO Report
There was none.
- 8. Public Comment
There was none.

9. Adjournment

VOTED: Unanimously on a motion by Sally Brouillet and seconded by April Slauson to **ADJOURN** the meeting at 9:07 PM.

RESPECTFULLY SUBMITTED:

April Slauson, Secretary/sg