

**ZONING COMMISSION  
PUBLIC HEARING  
May 21, 2014**

Bill 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

**OTHERS:**

Steve Macary, ZEO  
Sue Goggin, AZEO  
Public - 1

Attorney Dominick Thomas, 315 Main Street, Bridgeport, representing first Hartford Realty and Cumberland Farms, spoke to the commission to give background on the application for Cumberland Farms North Main Street property with intention of purchasing adjacent property, and proceeding from there to put in a new signature store involving upgrading and re-design of property. Upon research of zoning rules and regulations, the first thing that came to his attention creating an issue is, that 5.4 of the Zoning Regulations requires that there be an additional, mandatory, nondiscretionary rear set back when commercial property abuts residential property. This property is located in the B-2 zone that abuts an RA-1 zone. The proposal requires that they take a 1900 plus sq. ft. old gas station converted into a store, and to build a 4500 sq. ft. building of which 2200 sq. ft. is patron area and the rest is storage. Attorney Thomas took a look at it and there were a couple of options that were presented to him. One option was to actually take the B-2 zone drop it down into your New Haven Avenue design district plan and Rubber Avenue design district plan of which, gives your zoning commission pretty much total discretion to look at each site for parking. However, Attorney Thomas said not wanting to reduce it by that much in the proposal; he proposed that for one space for every 150 sq. ft. of patron area. Second, is the issue that we propose a text change. Attorney Thomas mentions that when you propose a text change, it applies across the board. A copy of text change application with the language and cover letter was reviewed and discussed with commission. Attorney Thomas then speaks on changes that had to be made on the 24.4.10 because in 24.4.10 prohibits fences 6ft or over than the regulations allow. Attorney Thomas states with respect to the setbacks, which applies to designed district zone, it allows the Zoning Commission to go up to a level of double buffer zone where deem appropriate, and where it is not deemed appropriate for natural conditions, we leave it up to the applicant to file the appropriate application with the commission. The intent would be to move the zone line to the back. The site plan existing shows there are total of 13 spaces plus the pump spaces. Attorney Fitzpatrick suggested for Zoning Commission listening to the Planning Commission comments, and then explained to the commission the history/background on this type of proposal.

**Zoning Commission Public Hearing continued to June meeting of June 18, 2014 for 6:45PM.**

**NAUGATUCK ZONING COMMISSION  
REGULAR MEETING  
May 21, 2014**

Bill 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  
Neil Mascola, Alternate

**OTHERS:**

Steve Macary, ZEO  
Sue Goggin, AZEO  
Attorney Edward Fitzpatrick  
Public - 1

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 April 16, 2014 Meeting Minutes.

**VOTED:** Unanimously on a motion by Kathy Donovan and seconded by April Slauson to **APPROVE** the April 16, 2014 Meeting Minutes. The secretary will sign previously approved minutes.

4. **OLD BUSINESS:**

- A. Commission discussion/decision for text amendments to sections 24, 24.1 schedules B line 5.4, section 24.4.10, and section 26.5.8, additional language added to section 24.4.3A Applicant: Attorney Dominick Thomas

There was no discussion.

5. **NEW BUSINESS:**

- A. Commission discussion for a restaurant (site plan) located at 451 North Main St. and 24 Golden Ct. Applicant: Remzi Nasufi and Vesel Nasufi.

No discussion.

- B. Commission discussion decision for a site plan located on City Hill St. (Active Adult Community) to reduce the number of units. Applicant: Attorney Kevin McSherry.

Attorney McSherry of 38 Fairview Avenue, Naugatuck representing the applicant for Special Permit that was granted by Zoning Commission back in

2005 for an over 55 Active Adult Community proposing in original plan to include 9 units. Three units have been built, and then project stopped. Attorney McSherry states the bank took back this project from the developer, and Naugatuck Valley Savings & Loan owns the property. Attorney McSherry comes before the commission with a proposal to remove 1 unit to allow some infrastructure to be eliminated in the project for the approval and to reduce the density by a unit. Attorney McSherry stated he will forward to the commission a copy of the special permit, a copy of the wetlands report indicating that there were never any wetlands on the property.

Attorney McSherry introduces Engineer Matthew DuShea of Milone & MacBroom to speak before the commission. Matthew DuShea, Registered Professional Engineer with Milone & MacBroom, Inc., located at 99 Realty, Cheshire. Matthew DuShea reiterates what Attorney McSherry spoke about. Matthew DuShea states the previously approved plan includes 9 units, and the modification seeking from the commission pertains to mainly the southern portion of the property, units 6-9. The area now contains 3 units number 6-8 with 1 unit removed in order to facilitate the ability to grade out the slope located along the western boundaries. The old plan having a retaining wall extending approximately 150 linear feet along the western boundary and ranged in height of anywhere from a couple feet and up to 10 feet, would be an expensive infrastructure cost. The old plan shows that we slid forward the unit enabling to grade out the slope to eliminate the retaining wall along the western boundary. If visiting the site, the maturity excavation has taken place at this time, and now it's just a matter of constructing the wall along the southern boundaries to occur to create the building pads for 7 and 8. The open space/common area will be a 2-1 graded grassed hydro seeded slope. Attorney Fitzpatrick asked if this was approved before the borough adopted senior housing regulations, and was this approved as a PDD.

Attorney McSherry explained this was the Active Adult Community resolution with the text change made in section 58 and section 58 was the model that followed the text application. After more discussion, Attorney Fitzpatrick suggested to look into the record, vote of resolution, and approved minutes to be reviewed by staff in order to get the history, so the commission can decide on the next step to take in entertaining such proposed modification.

Sue Goggin will be email the minutes to the commission. Also Attorney Fitzpatrick mentioned to have the staff look at the modified plan and proposal. The commission is free to do individual site walks. This item is continued to the June 18, 2014 Zoning Commission meeting.

**C. Land Use work session with the Borough Attorney.**

Borough Attorney Fitzpatrick held an informational workshop.

**6. Additional items require a 2/3 vote of the Commission.**

**VOTED:** Unanimously on a motion by Richard Cool and seconded by Sally Brouillet to **ADD** 46 Prospect Street to the agenda.

Attorney McVerry of 35 Porter Avenue, Naugatuck on behalf of Remzi Nasufi and Vesel Nasufi owners of 42, 46, 48 Prospect Street with the contractual purchasers of

O Golden Hill Street of St. Hedwig Church requesting a special permit for a retail commercial retail gasoline sales and donut shop with regard to the residential component with regard to 48 Prospect Street and 0 Golden Hill of St. Hedwig Church. The property consists of a multi-family house at 42, Vinnie's Pizza at 46, parking lot at 48 with St. Hedwig Church property brings the parcel being a total of .81 acres for a retail gas sales and donut shop in that sight, and asking to accept the application, refer to Planning Commission to schedule for public hearing. **Zoning Commission Public Hearing set for July 16, 2014 for 6:15PM.**

**VOTED:** Unanimously on a motion by Kathy Donovan and seconded by Sally Brouillet to **ACCEPT** the application, **REFER** to Planning Commission, set the Public Hearing for July 16, 2014 at 6:15PM for a Special Permit.

Comment was requested to be in minutes that at the July meeting to set site walk.

## 7. Chairman Report

Chairman Stopper encouraged all the members of commission to attend COG seminars of which are very informative.

The commission took a 5 minute recess at 7:25 P.M.  
The meeting resumed at 7:30 P.M.

Capital Quarry discussion regarding a letter of response to the City of Waterbury. Discussion with the intention of what the commission will need to do to produce letter. Look back into documentation, minutes of 2008, and ask the applicant to come to a meeting to explain what they believe their history is, and scope of their permit. Attorney Fitzpatrick will look back into past minutes, approvals, indication, letter signed with outline of the scope of their approval of permit, speak to their counsel for applicant to see what he believes is the existent of their permit is and report back to the commission his findings.

## 8. Public Comment

There was no public comment.

## 9. Adjournment

**VOTED:** Unanimously on a motion by Kathy Donovan and seconded by April Slauson to adjourn the meeting at 8:47 P.M.

RESPECTFULLY SUBMITTED:

April Slauson, Secretary/jd