

**ZONING COMMISSION
PUBLIC HEARINGS
October 15, 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 - 23

6:15 P.M. PUBLIC HEARING – for special permit for two interior lots located on Field Street, Applicant: Anderson Mills, LLC

Attorney Michael McVerry stated there is a proposed subdivision for 11 lots, but they are here tonight to get approval for Lot 11 and Lot 9. He reviewed with the Commission the approvals previously received. He noted it was initially before this board in 2008 and received approval for the special permit, which has since expired. Attorney McVerry reviewed the plans with the Commission. He noted he has submitted a draft conservation easement to staff, which was a Wetland condition. Kathy Donovan asked how they would access Lot 11 from Field Street. Attorney McVerry showed her on the plans. Bill Stopper asked if there would be a driveway on either side of Lot 10. Attorney McVerry answered yes. Mr. McVerry noted they received a report from the consultants which mainly addressed the subdivision, which they were not proposing at this time, and the open space for that subdivision, which, if approval is received, they will ask for fee in lieu of. Paul Benevich, PE noted there is public water and sewer to these lots. He also noted a storm water management plan was submitted and reviewed by the Borough Engineer.

Public Comment:

Tom Sullivan, 122 Field St, noted on the map where his house is. He stated he submitted a letter to the Land Use office yesterday stating his concerns. He said he has a vernal pool adjacent to his property and is concerned about it. He noted he had to curtain drain his property because of the amount of water that flows on his property because of it. He is concerned they will fill it in when they install the driveway for that Lot. He asked if they could re-evaluate that area. Wayne Zirolli stated it will be addressed with the Planning Commission and it will have to be investigated as to whether it is a vernal pool. He noted that Mr. Sullivan has become an intervener and it will be handled properly. John Gaspar, 112 Field Street, stated he is concerned with the storm sewers on Field St. He feels the added homes will add to the few storm sewers that already exist on Field Street.

Steve Illsley, 196 Field Street, stated he doesn't feel the interior lots are in harmony with the surrounding homes and are not in good taste. He stated Lot 9 should be almost unusable because of the existing wetlands. He said the addition of 2 more driveways adds to an already hazardous road. He would like to see up to date traffic studies. He

also felt there needed to be an official ZEO present in the office before these applications could get approval.

Pat Mallane, 109 Field Street, said he is concerned with the water going into the pond. He wanted to know what kind of houses would be built in the subdivision. He is concerned it will bring his property value down more. Mr. Stopper stated they are not addressing the subdivision tonight.

Skip Baummer, 211 Field Street, questioned on page 2 of the prints the detail of the blasting procedure and asked for clarification on it. He stated that it seems to only relate to those 2 lots and wondered if it would be done on more than just the 2 lots. Wayne Zirolli stated that is a standard clause and is only representing the 2 Lots because that is what is what is in front of the Commission tonight. Mr. Baummer stated he felt the pine trees would be a poor choice and asked if something else could be considered. He asked if a traffic study has been done on Field Street and stated he felt there should be one done. He showed pictures of an accident which happened on his neighbor's property last Easter.

Nadia Wilcox, 7 East Drive, had concerns for the wetlands. She noted she has a water easement in her yard, which she is responsible for. She stated it actively flows, which shows there is active water on the hill. She feels this will affect the environment. She felt if the 2 interior lots didn't go in, a wooded area would remain. She is also concerned with the traffic and water sewers.

Lynn Milazzo, 7 Margaret Circle, stated she is concerned on the impact of this area and feels that it is a jewel of the town. She does not approve of the lots and the impact on the environment, neighbors, wildlife, and traffic.

Attorney McVerry noted the driveway is 193 feet long. He reviewed a copy of the soil report that was done in 2007 and 2008 where all the soils were marked. He pointed out that most of the comments from the public are related to the subdivision plans, but this application is for the interior lots.

Paul Benevich stated that 99% of the drainage does not run toward Field Street it runs toward the wetland corridor behind the lots, where it comes naturally. He stated there are storm water management measures in place.

The commission scheduled a site walk for November 1, 2014 at 10:00 AM, weather permitting. The public hearing was continued to the November 19, 2014 meeting at 6:45 P.M.

6:30 P.M. PUBLIC HEARING – regarding amendment to zoning map from RA-1 to B-2 at 527 North Main Street, Applicant: Cumberland Farms, LLC

Attorney Thomas requested that all three applications be heard at the same time. He handed the certified mailings into the record. He noted that on his notice all three Public Hearings were listed. Attorney Thomas passed out maps showing the area where they are requesting the zone change. He reviewed the hand out. Attorney Thomas noted that he had submitted a generic permission letter to the Land Use Office from the owner of 18 Woodbine St, which covered all applications. Attorney Thomas mentioned that they have received all required approvals from the other commissions. He stated they are enhancing the use by changing it from RA1 to B2.

The public hearing was closed.

6:45 P.M. PUBLIC HEARING – for special permit for proposed expansion and renovation to Cumberland Farms at 527 North Main Street, Applicant: Cumberland Farms, LLC

Attorney Thomas submitted photos that were presented to the Planning Commission of the before and after of the Ansonia building and the existing Cumberland Farms in Naugatuck.

Mark Grocki, Senior Engineer VHB, showed the site plan of the existing site and reviewed the proposed development. He reviewed the excavation and the amounts of material that will be removed.

Maureen Shlebeck (sp?), McMahan Associates, summarized the key components of the traffic study that was done in January. She explained how the study was conducted. Ms. Kelly stated the proposed project will not adversely affect the surrounding street system. Attorney Thomas discussed parking on the site.

Pat O'Leary, VHB, explained why Cumberland Farms is expanding and the life span of tanks on site. He stated this is an opportunity to replace the tanks, as well as renovate the building. Mr. O'Leary stated the construction duration should range from 4 to 6 months. He noted a great deal of material will be removed from this site, which is not unusual. He reviewed the plans for the building. He showed a rendering of what the building will look like. Sally Brouillet asked if vehicles would be able to drive behind the building. Pat answered no; there would just be the retaining wall. They discussed the plantings that would be planted.

Public Comment:

Linda Kisch, 75 Golden Hill St., stated North Main St traffic passes the Cumberland Farms at a high speed. She noted it is a very congested area and will only get worse after the new gas station and donut shop are constructed at Vinny's Pizza site. She said she disagrees with the submitted traffic study. She noted that the only business on North Main Street that is open is the Cumberland Farms. Ms. Kisch is not only concerned with the amount of traffic, but also the amount of crime. She noted the robbery at the Cumberland Farms last week.

Wayne Zirolli read a letter into the record of a resident that had to leave the meeting early. Alam Mohammed Fugan, 46 Proctor Street, Waterbury, opposed the renovation and expansion of the existing store because his tenants who live at 515 North Main St complain about the traffic, loud noise, bright LED lights, gasoline prices and trucks. He said that it is difficult to find tenants due to the amount of traffic and noise.

Mihai Boiesan, 110 Golden Hill St owner of 537 North Main Street, stated there is a lot of traffic and crime in this area. He stated he is concerned with the loud motorcycles. He is concerned that the woods in his backyard will be gone and of the 40 foot drop. Mihai said the loud music from the cars getting gas is a loud nuisance. He feels this will depreciate the value of his property. He asked if a noise study has been done.

Robert Rizzuti, 24 Woodbine Street, noted the current lights are a nuisance to the neighborhood as well as the cars racing on the street. He noted the last 2 years there has been 5 armed robberies at the store and this year alone 3 dozen cars have been stolen out of the lot. He discussed the historic value of his home. Mr. Rizzuti said he is concerned with the height of the proposed building. He did like the proposed rendering of the new building. Mr. Rizzuti asked what would be holding up the wall while they are excavating and what will happen to his garage when the construction starts. He asked if the application is passed if they could shift the trees as well as plant pine trees.

Attorney Thomas said it is hard to address issues when the public speaks about existing problems and concerns. He noted the reason they want to improve the store is because it is a successful store, because of traffic. He is hoping that the improvements they are making are contagious with surrounding businesses. Mr. Thomas said they cannot do anything about the noise.

Maureen Schlebeck commented on the FHI report and shared a copy of how the trucks will enter the site. She showed the Commission on the rendering. Maureen explained the levels of accident rate. She explained the flow of the pumps in regards to the traffic flow. Mark Grocki explained the curb cuts on North Main Street that are 24 foot cuts. Patrick O'Leary said they are cognizant with the neighbors and will be in touch with them prior to construction. He said the immediate neighbors would be offered a preconstruction survey so if there are any adverse impacts from construction it will be documented before construction. Sally Brouillet asked if there would be blasting. Mr. O'Leary answered no. Ms. Brouillet asked if they would be installing sidewalks. Attorney Thomas said DOT would be in charge of that, but he felt the space they would have available would be best used for landscaping.

The public hearing was closed.

7:00 P.M. PUBLIC HEARING – for special permit for earth excavation at 527 North Main Street, Applicant: Cumberland Farms, LLC

The public hearing was closed.

**NAUGATUCK ZONING COMMISSION
REGULAR MEETING
OCTOBER 15, 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 - 23

1. At 6:07 P.M., Bill Stopper opened the meeting with the Pledge of Allegiance and then took attendance and noted there was a quorum. Neil Mascola was appointed a regular voting member in place of Rick Cool.
2. Executive session with the Borough Attorney and the Zoning Commission.
There was no executive session.
3. Approval of the September 17, 2014 Meeting Minutes. The secretary will sign previously approved minutes.
The September 17, 2014 minutes will be approved at the November 19, 2014 meeting.

4. **OLD BUSINESS:**

- A. Commission discussion/decision regarding special permit for two interior lots located on Field Street, Applicant: Anderson Mills, LLC

There was no discussion.

- B. Commission discussion/decision regarding amendment to zone map from RA-1 to B-2 at 527 North Main Street, Applicant: Cumberland Farms, LLC

VOTED: Unanimously on a motion by Kathleen Donovan and seconded by April Slauson to **APPROVE** the amendments to the zone map from RA-1 to B-2 at 527 North Main Street, Applicant: Cumberland Farms, LLC with the motion amended to include 18 Woodbine Street, effective October 31, 2014.

- C. Commission discussion/decision regarding special permit for proposed expansion and renovation to Cumberland Farms at 527 North Main Street, Applicant: Cumberland Farms, LLC

VOTED: Unanimously on a motion by Kathleen Donovan and seconded by April Slauson to **APPROVE** the special permit application for the expansion and renovation of Cumberland Farms at 527 North Main Street and 18

Woodbine Street with the following condition that they will conduct pre-construction audits for the neighbors surrounding the site.

- D. Commission discussion/decision regarding special permit for earth excavation at 527 North Main Street, Applicant: Cumberland Farms, LLC

VOTED: Unanimously on a motion by Kathleen Donovan and seconded by Sally Brouillet to **APPROVE** the special permit for the earth excavation at 527 North Main Street and 18 Woodbine Street, Applicant: Cumberland Farms LLC, with the conditions that the truck tires are to be washed during excavation to avoid silt from going into the storm drains and that no cement trucks should be washing or emptying their cement trucks out into the sewers or into any wetland area that might be in the vicinity.

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

There was no new information. There is a meeting scheduled between the Borough Attorney, Land Use staff and the consultants, so hopefully there will be new information for the November meeting.

5. NEW BUSINESS

- A. Accept application; refer to planning commission, set public hearing for a special permit for converting an office into an apartment at 174 Meadow Street, Applicant: 174 Meadow Street LLC

VOTED: Unanimously on a motion by Kathleen Donovan and seconded by Sally Brouillet to **ACCEPT** the application, **REFER** to the Planning Commission and **SET** the public hearing for November 19, 2014 at 6:30 P.M. for special permit for 174 Meadow Street.

- B. Additional items require a 2/3 vote of the Commission.
Sue Goggin stated she receive an application this afternoon from Thurston Energy who are proposing to take down their oil and propane tanks from their site and replace with a smaller tank.

VOTED: Unanimously on a motion by Kathleen Donovan and seconded by Sally Brouillet to **ADD** the special permit application to the agenda for proposed propane facility at 410 Rubber Avenue, Applicant: Thurston Energy.

VOTED: Unanimously on a motion by Kathleen Donovan and seconded by April Slauson to **ACCEPT** the application, **REFER** to the Planning Commission and **SET** the public hearing for November 19, 2014 at 6:15 P.M. for the special permit application for proposed propane facility at Thurston Energy, 410 Rubber Avenue.

- 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 Kathleen Donovan and seconded by Sally Brouillet to **ADJOURN** the meeting at 9:04 PM.

RESPECTFULLY SUBMITTED:

April Slauson, Secretary/rp