

**ZONING COMMISSION
PUBLIC HEARINGS
December 16, 2015**

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

MEMBERS:

William Stopper, Chair
April Slauson, Secretary
Richard Cool
Neil Mascola
Wendyann Fowler, Alternate - absent
Matthew DeBarber, Alternate - absent

OTHERS:

Sue Goggin, Town Planner, ZEO, WEO
Lori Rotella, Assistant ZEO
Jim Stewart, Public Works Director
Attorney Fitzpatrick, Borough Attorney
Kathleen Donovan – Burgess Liaison
Public - 4

6:15 P.M. - PUBLIC HEARING: for special permit for athletic field on Open Space in Apple Hill Estates Subdivision at the end of Wisteria Drive, Applicant: Borough of Naugatuck

Jim Stewart, Public Works Director for the Borough of Naugatuck, representing the Borough of Naugatuck, explained to the commission that the open space was provided to the town from Morgan Development. The open space is located between Osborn Road and Wisteria Drive and they are proposing to have an athletic field on that space housing a baseball, softball and a possible soccer field. There will be 36 parking spaces with access from the cul-de-sac on Osborn Road. They are also proposing future irrigation, bathhouse, concession stand, dugouts and field lighting with granite signs at the Wisteria Drive and Osborn Road entrances. The entire field will be fenced with access gates to restrict access when the field is not in use. They are also proposing a berm to protect the homes on the north side of Wisteria Drive. The field was placed as far away as possible from the homes in that area. The commission had questions regarding the lighting, the number of parking spaces and what size the field will be. Jim responded that the town is proposing to use the old lights from the high school, the original plan called for 36 parking spaces which should be enough for 1 field and currently the field is 230 feet to right field but would like to eventually extend it to 300 feet at right field. William Stopper asked the public for their comments. Trevor Fuller, 246 Osborn Road, had a concern with the dirt bikes and ATV's and would like to know if a fence will be installed. He was also concerned with lights shining into his house. Jim explained the whole field will have a chain link fence around it and the lights will be aimed down at the field, similar to Breen Field. He also further explained that typically the coaches shut off the lights after the games. When the lights are on timers and the game runs late, people are going to their cars in the dark. There was also a question on who would be using the field. It would be open to Naugatuck teams and they will not be renting out the field space to other towns. Anna Chmielewska, 8 Wisteria Drive, also had a concern with the lights shining into her bedroom windows and would like the lights to stay off when no games are being played. Jim explained that the lights will only be on during games and the coaches will be turning the lights on and off. Jim can also give a key to the police department in case the lights were left on. Trevor Fuller wanted to know if anything was going to be done to slow down the cars in this area. Jim responded that there was nothing planned at this time but it can be brought up to the Police Commission. Susan Goggin

reported what she has received from the commissions to date; there is no wetlands on the property so only an administrative approval was needed, it has to go before WPCA in January 2016 due to the fact there was no meeting in December 2015, the Police Commission report is pending, the Fire Commission's report states they want to have access to the field if the gate is a locking one and the Planning Commission gave a positive referral.

Public Hearing continued until January 20, 2016 at 6:20 p.m.

6:45 P.M. - PUBLIC HEARING: for proposed text change to Section 59 SDD #1, Applicant: Borough of Naugatuck

Susan Goggin explained to the commission that this was discussed at the last meeting. April Slauson clarified that it is not to add in the wording market rate but to revise the wording back to what it was originally. Sue sent the proposed text change to the Council of Governments which they replied that it is of minimal regional significance. The Planning Commission wanted advice from the Borough Attorney before giving a positive or negative referral. April noted that her reason for this proposed revision is that the regulations were changed for one project and she was against the change from the beginning. She believes the commission's job is to interpret the regulations, not change them for every project that is submitted. The commission had a discussion on why they believed the regulations were changed for the project. Attorney Fitzpatrick didn't see any legal reason why the regulations couldn't be revised back to the wording "Market Rate" housing. He did explain that an applicant has the right to ask for affordable housing per state law. Currently, Naugatuck has less than 10% affordable housing units. We are around 9.7% which equates to approximately 30 housing units. Attorney Fitzpatrick discussed in detail affordable housing laws. You need to have valid reasons to deny an affordable housing project when you do not meet 10% of your housing stock. The reason needs to prove it is not good for the public's health and safety. The POCD does call for mixed use development in our downtown area.

Public Hearing continued until January 20, 2016 at 6:45 p.m.

7:00 P.M. - PUBLIC HEARING for proposed text change to Section 44 of the Naugatuck Zoning Regulation, Applicant: Borough of Naugatuck

Susan Goggin noted that the Planning Commission sent a positive referral for the proposed text change to Section 44 regarding outdoor seasonal sidewalk dining with one change. The change is to leave 5 feet of the sidewalk for pedestrian travel instead of 4 feet. Attorney Fitzpatrick explained that if the commission votes on this tonight, it will then go on the Borough Board's agenda. They will then change the Borough Ordinances. William Stopper had concerns with several sections of the text changes regarding the public's safety. Attorney Fitzpatrick explained how this would be handled with the land use office. A plan, drawn to scale, will have to be submitted to the Liquor Commission. Zoning will also receive a copy of that. After Sue receives the plan, she will then send a copy to the Fire Marshal for their approval. It was decided that shading will be allowed as well as outdoor heaters, provided they do not interfere with the public's safety.

There was no public comment. William Stopper closed the Public Hearing.

**NAUGATUCK ZONING COMMISSION
REGULAR MEETING
December 16, 2015**

William Stopper opened the meeting with the following in attendance:

MEMBERS:

William Stopper, Chair
April Slauson, Secretary
Richard Cool
Neil Mascola
Wendyann Fowler, Alternate - absent
Matthew DeBarber, Alternate - absent

OTHERS:

Sue Goggin, Town Planner, ZEO, WEO
Lori Rotella, Assistant ZEO
Jim Stewart, Public Works Director
Attorney Fitzpatrick – Borough Attorney
Kathleen Donovan – Burgess Liaison
Public - 4

1. At 6:00 p.m., William Stopper opened the meeting with the Pledge of Allegiance, took attendance and noted there was a quorum.
2. Executive session with the Borough Attorney and the Zoning Commission.

VOTED: Unanimously on a motion by Neil Mascola and seconded by April Slauson to go into executive session at 6:10 p.m. Susan Goggin was invited into Executive Session.

The commission came out of executive session at 6:30 and the public entered the room.

3. Approval of the October 21, 2015, November 18, 2015 and November 30, 2015 Public Hearing and Meeting Minutes. The secretary will sign previously approved minutes as written.

VOTED: Unanimously on a motion by Neil Mascola and seconded by April Slauson to **APPROVE** the October 21, 2015, November 18, 2015 and November 30, 2015 Public Hearing and Meeting Minutes.

4. **OLD BUSINESS:**

- A. Commission discussion/decision for proposed text amendments to allow for the creation of Prospect Street Design District and a zone change to the current zoning map for properties along Prospect Street, Applicant: Borough of Naugatuck. **Public hearing continued to 1/20/16 at 6:15 p.m.**

Susan Goggin passed out Prospect's proposed zone change overlay to the commissioners. The Council of Governments sent a letter to Susan asking that both Prospect and Naugatuck work together on the Prospect Street zone change. Susan expressed that Prospect's change is not to the extent that Naugatuck's proposed changes will be. It appears that Prospect is trying to maintain the looks of the buildings and not the particular use of the building. Susan believes the stretch of area along Route 68 in Prospect is of mixed use design which is similar to Naugatuck's current design. Prospect was sent our Design District

proposal, which they did not comment on. William Stopper feels we should set up a time to meet with Prospect's Planning and Zoning Commission to discuss both towns' new zone change proposals. Susan will put this on a future agenda. The Public Hearing will reopen on January 20, 2016 at 6:15 p.m. Letters will be sent out to the neighbors. They do not have to be sent by certified mail.

B. Commission discussion/decision regarding special permit for Fox Hollow Adult Community, Mill Street

Attorney Fitzpatrick reported that he had a meeting with the current home owners in the development, Susan Goggin and Wayne Zirolli to discuss the home owner's options at this time. There were suggestions made on how they may proceed. The Borough is retaining a \$41,000 bond which will not be released until all of the improvements are completed per the special permit. A lot of the improvements cannot be done until the other units are built. Attorney Fitzpatrick believes the special permit has not expired. Once construction is started under a special permit, it cannot expire. The homeowners appeared to be satisfied with what was suggested at the meeting.

C. Commission discussion/decision regarding special permit for proposed open space recreation field at Apple Hill Estates, Applicant: Borough of Naugatuck

There was no discussion.

D. Commission discussion/decision regarding proposed text change to Section 59 SDD #1, Applicant: Borough of Naugatuck

There was no discussion.

E. Commission discussion/decision regarding special permit for Self-Storage facility and earth excavation activities at 1480 New Haven Road

The commission went into executive session. No action was taken.

5. NEW BUSINESS

A. Accept application, refer to planning commission, set public hearing for special permit for hair salon at 24 Golden Court & 451 North Main Street, Applicant: Vesel Nasufi

VOTED: Unanimously on a motion by Neil Mascola and seconded by Richard Cool to **ACCEPT** the application, **REFER** it to the planning commission and to **SET** a Public Hearing for January 20, 2016 at 6:30 p.m. for proposed hair salon at 24 Golden Court & 451 North Main Street, Applicant: Vesel Nasufi.

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

1. **VOTED:** Unanimously on a motion by Richard Cool and seconded by Neil Mascola to **add** to the agenda an executive session with Borough

Attorney Ned Fitzpatrick regarding special permit for Self-Storage facility and earth excavation activities at 1480 New Haven Road.

There was no discussion.

Richard Cool stepped out of the meeting at 6:45 p.m.

2. **VOTED:** Unanimously on a motion by April Slauson and seconded by Neil Mascola to **add** to the agenda a discussion regarding signage at Cumberland Farms on Rubber Avenue.

Richard Cool returned to the meeting at 6:50 p.m.

Carolyn Parker, representing Cumberland Farms explained Cumberland Farm's smart pay program. There are approximately 55 Connecticut locations advertising their smart pay program. There are two ways they would like to advertise the program in Naugatuck on Rubber Avenue. The first way is with the main pylon sign. The square footage would stay the same but they would like to install a 6" by 60 1/2 "smart pay alternator strip within the LED price sign. The tax included went to the bottom of the sign. They are only adding a black strip. This will alternate the price between the regular price and the smart pay price. This is set at 8 seconds. Cumberland Farms has the ability to set anywhere between 0 – 60 seconds. Anything over 30 seconds defeats the purpose. The second way in Connecticut is through the LED pump toppers. Carolyn showed the commission the difference on a sign she brought in the different levels of brightness. The signs dim as it gets darker outside. Currently, there are manual signs which have to be physically changed daily. With the smart pay LED signs, you will be able to change from inside the building. April Slauson feels it is a better looking sign. The pump toppers are not made to be able to see from the street as customers are driving by. These signs are strictly for pricing. Attorney Fitzpatrick reminded the commission that they have two issues to consider, regulations 27.11.4 and 27.11.5. Naugatuck does regulate in terms of size of signs. He explained that we will need exact size of the proposed signs. There was a discussion on what our regulations will allow for signs in regards to size. Carolyn explained that the sign approved at the North Main Street location is considered a message board which is different than the pump toppers that alternate between the regular price and the smart pay price. She also explained that the main sign can stay the same and only the pump topper will alternate. Attorney Fitzpatrick would also like the commission to consider regulation 27.12.3 which is in regards to signs that revolve, blink, flash, etc. The commission had a discussion regarding what is flashing. Carolyn would like to have both signs (the pylon and the pump toppers) alternate between the regular price of gas and the smart pay amount. It was decided that the main pylon would not have the alternate price change only if it could change every 2 minutes, which is not possible. Susan Goggin explained that Carolyn Parker will need to come into the office for a sign permit. Sue will need to verify that only the pump toppers will be alternating every 8

seconds between the regular member price and the smart pay price, the toppers are less than 2 ½ square feet in size and the sign will have 2 coats film on them.

3. **VOTED:** Unanimously on a motion by Richard Cool and seconded by Neil Mascola to **add** to the agenda discussion regarding standalone solar panels

Susan Goggin explained to the commission that she received a call from a resident on Olivia Lane who currently has a 20 X 20 slab in his yard and would like to put solar panels on the slab. There is nothing in our regulations regarding free standing solar panels. The commission had a discussion on the size of the panels. It was noted they do make noise and would be a disturbance to the neighbors and could possibly affect the surrounding property values. Attorney Fitzpatrick's interpretation is that the solar panels should be treated as a structure. Sue noted that if they are allowed to treat them as a structure then they will have to use the setbacks for detached structures. Sue also noted that Zoning does not regulate solar panels on roofs, the building department does. The commission came to the conclusion that since they are currently not in the regulations then they are not allowed in the yard. However, they can be attached to a roof and that would fall under the Building Departments regulations.

4. **VOTED:** Unanimously on a motion by April Slauson and seconded by Neil Mascola to **add** to the agenda the proposed text change to Section 44 of the Naugatuck Zoning Regulations, Applicant: Borough of Naugatuck

There was no discussion.

VOTED: Unanimously on a motion by April Slauson and seconded by Neil Mascola to **ACCEPT** the proposed text change to Section 44.1.4 Seasonal Outdoor Sidewalk Dining of the Naugatuck Zoning Regulations with the addition to section F under Specific Requirements, at the end of that sentence add "as approved by the Fire Marshall" and **SET** the effective date for January 16, 2016.

6. Chairman Report

William Stopper observed there were still chickens at a house next to the golf course and the new bakery located in Union City has a flashing sign. April Slauson would like to know what means do we have to enforce the regulations. Susan responded that she starts by sending a letter out.

7. ZEO Report

There was none.

8. Public Comment
There was none.

9. Adjournment

VOTED: Unanimously on a motion by Richard Cool and seconded by April Slauson to adjourn the meeting at 8:27 P.M.

RESPECTFULLY SUBMITTED:

April Slauson, Secretary/lr