

**ZONING COMMISSION
PUBLIC HEARING MEETING MARCH 18, 2009
FOR AMENDMENTS TO THE SIGN REGULATION, SECTION 27 OF THE
NAUGATUCK ZONING REGULATIONS.
APPLICANT: THE NAUGATUCK ZONING COMMISSION.**

Mike Ciacciarella opened the Public Hearing Meeting at 7:45 P.M. with the following in attendance:

MEMBERS:

Mike Ciacciarella, Chair
Diana Raczkowski, arrived at 7:30pm
Stanley Jaroneczyk, absent
Neil Mascola
Matthew Katra
Jeffrey Litke, alternate
Joseph Savarese, alternate

OTHERS:

Public: 7
Steve Macary, CZEO
Allison Hurley, Asst. CZEO
Jim Stewart, Boro PE

Mike Ciacciarella asked Jim Stewart if he had done a report for them. Jim Stewart said he put the finalized draft together for the Commission to review and comment. Mike Ciacciarella stated there have been some problems with enforcing the sign regulations in the past. The regulations were written to give the Commission and Staff a clearer definition of what and where signs are allowed and not allowed. This would make it easier for the ZEO to enforce the regulation. Allison Hurley stated the Planning Commission took no action at their meeting this month. Jim Stewart stated the Commission had commented on Section 27.3.1 and the word "Purpose". Jim Stewart realized after reading it, it means you can't have a sign somewhere in town that directs people to a business somewhere else, unless that business is in the Business District 1 or a Special Development District. Mike Ciacciarella said to take out the word "Purpose" and leave it like that. Mike Ciacciarella asked Steve Macary if he had any comments. Mr Macary said no it looks fine. A discussion ensued regarding temporary signs. Mike Ciacciarella suggested the commission review it and take a look around town to see if there are any signs they might want to discuss at the next meeting. The Commission continued the Public Hearing until April 15, 2009 at 6:45 P.M. There was no Public Comment.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary, ah

**ZONING COMMISSION
CONTINUED PUBLIC HEARING MEETING MARCH 18, 2009
FOR A TEXT AMENDMENT TO THE NAUGATUCK ZONING REGULATIONS
REGARDING THE NHRDD AND RADD, TWO AND MULTI-FAMILY
RESIDENTIAL DWELLING UNITS SECTION 23.1 SCHEDULE A.
APPLICANT: ATTORNEY EDWARD FITZPATRICK.**

Mike Ciacciarella reconvened the Public Hearing Meeting at 7:20 P.M. with the following in attendance:

MEMBERS:

Mike Ciacciarella, Chair
Diana Raczkowski,
Stanley Jaroneczyk, absent
Neil Mascola
Matthew Katra
Jeffrey Litke, alternate
Joseph Savarese, alternate

OTHERS:

Public: 7
Steve Macary, CZEO
Allison Hurley, Asst. CZEO
Jim Stewart, Boro PE

Charles Spath, Engineer for the applicant stated they are proposing the amendment for residential use over a retail store in the Design Districts allowed by a special permit, allowing the Commission to have plenty of input on any application. Charles Spath showed the Commission the plans for the site located on New Haven Road and owned by Scott Dudas. Mr. Spath stated the Planning Commission has given a positive referral and noted that there is ample parking for the residents. A discussion ensued in regards to the proposed amendment and if it would conflict with any other part of schedule B. Diana Raczkowski asked Steve Macary to contact Dick Harrall and get his opinion. Jim Stewart asked the Commission if there were certain uses they would not want to put residential on top of. Diana Raczkowski would like Dick Harrall to comment on, if they should limit the types of business, if any should be allowed also for the Rubber Avenue Design District, and how many units per acre should be allowed. Charles Spath commented that the Commission should not limit themselves to certain types of businesses because you don't know what businesses will be around in the future. There was no Public Comment. The Commission continued the Public Hearing until April 15, 2009 at 6:30 P.M.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary, ah

**ZONING COMMISSION
REGULAR MEETING MARCH 18, 2009**

Mike Ciacciarella opened the Regular Meeting at 6:05 P.M. with the following in attendance:

MEMBERS:

Mike Ciacciarella, Chair
Diana Raczkowski, absent
Stanley Jaroneczyk, absent
Neil Mascola
Matthew Ktra
Jeffrey Litke, alternate
Joseph Savarese, alternate

OTHERS:

Public: 4
Steve Macary, CZEO
Allison Hurley, Asst. CZEO
Jim Stewart, Boro PE
E. Warren Hess, Boro Attorney

REGULAR MEETING

1. Mike Ciacciarella opened the meeting and took attendance. At this point, it was determined that a quorum was present. He appointed Jeffrey Litke and Joe Savarese as regular voting members in place of Diana Raczkowski and Stanley Jaroneczyk. The Commission proceeded to 5A.

2. No Executive Session.

3. Approval of minutes and the secretary will sign previously approved minutes.
VOTED: Unanimously on a motion by Matthew Ktra and seconded by Neil Mascola to **APPROVE** the February Regular and Public Hearing meeting minutes.

4. **OLD BUSINESS:**

A. Commission Discussion/Decision for a Special Permit application for Commercial Storage facility and earth excavation activities in the location of Clark Road and New Haven Road. Applicant: Nichols Realty.

VOTED: **4-1-0** on a motion by Jeffrey Litke and seconded by Neil Mascola to **APPROVE** a Special Permit application for Commercial Storage facility and earth excavation activities in the location of Clark Road and New Haven Road.

Applicant: Nichols Realty with the following conditions:

The Naugatuck Zoning Commission, having accepted an application from Nichols Realty dated December 21, 2004 for a special permit and site plan with plans revised through 1-20-09, hereby approves said site plan and special permit on the following conditions:

1. The detention pond shall be completely dredged of all sediment at the completion of the excavation activities and prior to the Landscaping of the water quality basin.

2. The Stormwater control structures including catch basins, dry wells, oil water separator and detention pond shall be inspected and maintained twice yearly as stated on the submitted plans.
3. The storage of any chemicals, pesticides or other hazardous materials shall be strictly prohibited at the facility.
4. The applicant shall submit evidence to the Town Engineer that all necessary CTDEP Stormwater Permits have been submitted to CTDEP for approval.
5. The applicant shall submit evidence to the Town Engineer that all necessary CTDOT permits have been submitted to CTDOT for approval.
6. Soil borings shall be completed to determine the seasonal high ground water elevation of the site. The number and location of the borings shall be witnessed with ample notice and approved by the Borough Engineer.
7. The project design shall be modified as required to maintain a minimum 5 foot vertical separating distance between excavation and the seasonal high water table and a minimum 10 foot separation from bedrock. Any significant changes in the site plan as determined by the ZEO shall be reviewed and approved by the Commission.
8. If it is determined by the Borough Engineer that the detention pond must be constructed within the 5 feet from the high groundwater elevation the pond shall be lined with an impervious liner of either a synthetic or clay material as approved by the Borough Engineer.
9. Outdoor storage at the facility is not permitted.
10. A landscaping and soil and erosion control bond shall be provided to the Borough in an amount approved by the Borough Engineer and in a form approved by the Borough Attorney.
11. Six (6) Additional white pines shall be planted along the west property line adjacent to the access drive and sixteen (16) additional trees to be planted along the east and northern property lines, the second line of trees shall be a species to be determined by a Landscape Architect and 10 feet from the property line shall not be disturbed.
12. The applicant shall comply with all Connecticut Water Company requirements.
13. The hours of excavation shall be between 8:00 A.M. – 5:00 P.M., Monday through Friday. No work will be done on Holidays.

14. The applicant shall maintain a watering truck on site at all times during excavation activities to control dust.
15. A minimum 4' safety fence shall be installed around the proposed detention pond.
16. The total amount of earth removal shall not exceed 141,775 cubic yards.
17. The applicant shall submit quarterly reports to the Zoning Commission to have reviewed at the regular scheduled meetings, from a Professional Engineer or Surveyor. The reports shall include at a minimum the current site activities, total volume of material removed from the site, estimated time of completion, condition of sediment erosion control measures, adequacy of dust control procedures as well as any other pertinent information as required by the Zoning Commission.

A Roll Call Vote was called:

FOR

Neil Mascola
 Matthew Katra
 Mike Ciacciarella
 Jeffrey Litke

AGAINST

Joe Savarese

ABSTAINED

Recessed at 7:15 P.M.

Resumed at 7:32 P.M.

Commissioner Diana Raczkowski arrived at 7:32 P.M., at this time Joe Savarese was no longer a voting member.

- B. Commission Discussion/Decision for Amendment to the Sign Regulation, Section 27 of the Naugatuck Zoning Regulations. Applicant: The Naugatuck Zoning Commission.
 The Commission continued the Public Hearing to April 15, 2009 at 6:45 P.M.
- C. Commission Discussion/Decision for a Text Amendment to the Naugatuck Zoning Regulations regarding the NHRDD and RADD, Two and Multi-Family Residential Dwelling Units Section 23.1 Schedule A. Applicant: Attorney Edward Fitzpatrick.
 The Commission continued the Public Hearing to April 15, 2009 at 6:30 P.M.
- D. Discussion for possible zoning violation located on Elm St.
 This item was tabled to the April Meeting.

5. NEW BUSINESS:

- A. Commission Discussion for multi family dwelling units located at 56 Terrace Ave. Applicant: Attorney Edward Fitzpatrick.

Attorney Fitzpatrick stated this is a preliminary discussion regarding 56 Terrace Avenue owned by the Buckmiller family that was used as a group home with 13 rooms in the past. The building is on .51 of an acre. They are now considering using it as a multi family dwelling with 11 individual apartments if zoning permits them too. Attorney Fitzpatrick stated he has spoken with Mr. Macary and according to the town regulations he said it looks to be the same use as a business multifamily in an RA-1. Mike Ciacciarella asked about the parking. Attorney Fitzpatrick stated there is plenty of parking. Attorney Hess commented that it would need a Special Permit. Attorney Fitzpatrick agreed but would be relieved from any of the setbacks of the structure requirements because the building pre dates zoning. Mike Ciacciarella read the RA-1 District definition “shall be restricted to those areas already designated as RA-1, (which this property is) or approved for development as RA-1 without further expansion”. Mike Ciacciarella said unless this falls under pre-zoning and is exempt from falling under this definition. Attorney Fitzpatrick asked if it would be worthwhile to have a discussion with preliminary plans. Mike Ciacciarella said he thinks it would help with plans and it would give the Commission some time to re-read the zoning regulations to see how or if it falls into the regulations. The Commission proceeded to 4A.

B. Commission Discussion / Interpretation for Schedule A of the Naugatuck Zoning Regulations regarding (manufacturing, processing or assembly of goods), as to whether or not processing includes processing of earth materials in I zones. Diana Raczkowski said the question was raised at a previous meeting what the use of the word “processing” in the Industrial zones means. After a brief discussion the Commission agreed to vote.

VOTED: 3-2-0 on a motion by Diana Raczkowski and seconded Matthew Katra that this Commission **INTERPRETS** the use of the term “processing” in our previous and current regulations as it applies to allow uses in the I-1 and I-2 Districts, does not mean sifting, screening, crushing or refining of earth materials including concrete, asphalt or modifications there of.

A roll call vote was called:

<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAINED</u>
Diana Raczkowski	Jeffrey Litke	
Matthew Katra	Neil Mascola	
Mike Ciacciarella		

C. Commission Discussion on Section 44 Alcoholic Beverages of the Naugatuck Zoning Regulations.

Steve Macary asked that this regulation be taken out of the Naugatuck Zoning Regulations. Joe Savarese asked if it could be made or defined in Section 44.1.2, what the difference between a Restaurant and a Bar is. A discussion ensued in regards to changing this section. Mr. Savarese said he would research this and bring more information to the Commission at next months meeting.

D. Commission Discussion/Decision for a modification to a site plan located on 1247 New Haven Rd. Applicant: Thomas J. Shevlin.

Diana Raczkowski recused herself for this item.

Mr. Shevlin stated as detailed in the plans submitted with the site plan application what his proposal consist of 3 panel antennas to a pole that exceeds 15 feet from the top of the roof of an existing building located at 1247 Rubber Avenue in the NRDD zone.

VOTED: Unanimously on a motion by Matthew Katra and seconded by Neil Mascola to **APPROVE** the modification to a site plan located on 1247 New Haven Rd to install antennas on the existing building. Applicant: Thomas J. Shevlin.

6. Commission Discussion for Change of Use applications.

Steve Macary stated he had one Change of Use application at 686 Rubber Ave. to Mega Produce. Mike Ciacciarella asked what was in there before. Mr. Macary said he did not know.

VOTED: Unanimously on a motion by Diana Raczkowski and seconded by Neil Mascola to **RATIFY** a Change of Use Application at 686 Rubber Avenue to Mega Produce.

7. No Public Comment.

8. Additional items to be discussed require 2/3 vote to be added to the Agenda.

9. NO Report of the ZEO.

10. VOTED: Unanimously on a motion by Matthew Katra and seconded by Neil Mascola to adjourn the meeting at 9:12 P.M.

RESPECTFULLY SUBMITTED:

Neil Mascola, Secretary, ah