



RECORD OF MEETING

REGULAR MEETING

Regional Planning Commission (RPC)
of the Naugatuck Valley Council of Governments (NVCOG)
49 Leavenworth Street – Suite 303, Waterbury, CT
6:00 p.m. Tuesday, December 1, 2015

Attendance: Joseph Jaumann, Ansonia; Gary Giordano, Bethlehem; Marie Chasse, Bristol; Gilbert Lindner, Cheshire; Ken Long, Middlebury; Margus Laan, Plymouth; Ruth Parkins, Shelton; Nancy G. Clark, Southbury; Tom Mueller, Thomaston; Robert Clarke, Woodbury.

Staff: Joanna Rogalski, Regional Planner NVCOG; Max Tanguay-Colucci, Regional Planner NVCOG; Sean Kelleher, Policy Coordinator, NVCOG; Arthur Bogan, Environmental Planner NVCOG/RBP.

The meeting opened at 6:13 PM.

1. Pledge of Allegiance, Roll Call, Introductions, Public Participation

The pledge of allegiance was recited. RPC members, NVCOG staff and the guest speaker introduced themselves. At roll call nine (9) RPC members and/or alternates were present.

The public was invited to make comments. No comments were made.

Another RPC representative joined the meeting. A quorum of ten (10) RPC members and/or alternates were present.

2. Guest Speaker

Arthur Bogan, environmental planner with the Regional Brownfields Partnership (RBP) and NVCOG discussed the RBP program and its services for municipalities. Past 20 years, RBP has been building capacity and helping communities with former mill sites and small scale industrial shops along the Naugatuck River valley. Brownfield was defined as a site that had commercial or industrial use at one time, has been abandoned or is significantly tax delinquent, might be blighted, and no one wants to work with the site because of the perception of contamination. There may also be known contamination and the cost associated with it does not attract investment. RBP sees these sites as potential reuse sites for a community. State and federal governments have grant programs available to determine extent of site contamination. Over past 20 years many communities have successfully reused these sites. One example is Shelton, CT which has converted a site of arson into parkland and open space, and taken mills and converted them to residential reuse. RBP looks at a site and considers can be done. RBP offers assessment funding and support through the process of moving a site forward from contamination to remediation. RBP sees itself as a resource for the Towns helping them parse challenging issues about site remediation. A site's land use may change if it is redeveloped.

Q: Funds from state or federal government may be managed by COG?



A: Yes, that service is available. RBP may be considered as an adjunct environmental department. RBP has extensive relationship with the Environmental Protection Agency (EPA) and CT Dept. of Energy and Environment (DEEP) and is often able to work with them on thorny issues without identifying a particular site.

RBP services, including legal counsel, is available to towns for \$800 per year per town. The RBP is a separate entity from NVCOG.

Q: Is there a size limit to the sites the RBP works with?

A: There are no longer programs funds that will help residential oil fuel tank contaminated sites, but RBP may help a property owner with questions about such a site. Old gas stations are an eligible size. Commercial sites may range from a small parcel to 40 acres. Many sites are former tool and die shops operated out of a residential buildings; these shops may have poured contaminants in the ground.

RBP not just interested in taking a site and fixing it. They feel it is a privilege and duty when they are asked to look at these dormant assets, where there is investment in public infrastructure, and devise low-impact actions toward reuse. For example a Pittsfield site was reused as a solar farm. RBP would like to be a voice at the table whenever they are invited to do so.

Q: Funds are by grant, loan and sometimes matching funds?

A: State programs, some have matching funds. Revolving loan fund has a 20% overall match with state funds and no federal funds other than Community Development Block Grant (CDBG) money (EG CDBG money helped fund the caps for basketball courts). There is a diverse group of funding sources: Housing and Urban Development (HUD) programs, Economic Development Administration.

If you have any questions, please feel free to call Max Tanguay-Colucci or Art Bogan at NVCOG.

Since a few representatives needed to leave the meeting early, the Chairperson asked for a motion to amend the agenda to skip to agenda item number 5.

Motion made to: Address Agenda item #5 ahead of items #3 and #4 to accommodate schedules of RPC representatives who must leave the meeting at 7 PM

Motion made by Ruth Parkins, seconded by Ken Long

VOTE: Unanimous

3. Discussion – proposed Council by-law amendments regarding the RPC

Sean Kelleher, policy analyst at NVCOG, discussed the proposed NVCOG by-law changes pertaining to the RPC. In recent review of NVCOG by-laws some questions surfaced regarding the referral appeal process and the ability for the RPC to adopt their own by-laws. Opinion of NVCOG legal counsel was that RPC is a committee of the COG. Therefore RPC could not write its own by-laws but it could draft its own cooperating policies which would be enacted if approved by the Board of CEO's (Council). Proposed amendments to Article X of the NVCOG by-laws explicitly describe the duties of the RPC, and identify three principles of what the operating guidelines need to include. The RPC may also decide how the Executive Committee will operate. NVCOG staff are available to help draft



RPC operating policies if you need assistance. The Regional Brownfields Partnership (RBP) by-law amendment was used as a guideline for the RPC amendment.

Q: What if the NVCOG by-laws and RPC operating policies are in conflict?

A: The COG will not approve them. All operating guidelines are subject to the approval of the COG. NVCOG staff are happy to work with the RPC to make certain there are no conflicts between the by-laws and the operating procedures. By-law amendments state the operating policies must comply with state and federal law and NVCOG by-laws.

Q: If RPC is advisory in nature, why would there be a need for an appeal process?

A: NVCOG discussed this point. Some staff members felt that the Town meeting gives ample opportunity to voice objection to a referral response. Others pointed out that a referral appeal process may be used as a political tool to declare a challenge and thus appear to be independent of the COG, or as a means to show support for or against an issue.

If the RPC wants an appeal process, it may create one, as long as that appeal process does not involve the NVCOG Council. The existing referral appeal process was carried over from COGCNV by-laws, and involves the Council in the appeal process. If the RPC had recommended or advised the Council about a referral, and the applicant did not like that recommendation or response because it would influence a Commission's decision, the referral process was a way for that applicant to appeal the response before it would go to COG (Council). Another point for the referral process was that it would be a means for an applicant to correct the NVCOG staff and RPC if their referral was misinterpreted. Some people don't like a negative opinion and that was another reason for an appeal process, to counter that negative opinion with more than a letter of disagreement, as done in many municipalities. Removing explicit mention of the referral appeal process in the NVCOG by-laws disconnects the NVCOG Council from the appeal process. The RPC may choose not to have an appeal process outlined within the operating policies. The chair suggested that there should be a time limit for appeals. The appeals process could be handled by an RPC subcommittee or the RPC Executive Committee.

4. Discussion - process for review of regionally significant referrals

Joanna Rogalski led the discussion. At the October 6, 2015 RPC meeting, there were two operating procedures discussed. Regionally significant referrals would be sent to the Executive Committee for comment. All other referrals would be summarized in one document and sent to the full body of the RPC. A five day comment period was supported by the representatives. The referral responses thus far are easy to read, give enough information and are succinct. A request was made that background information be included with the referral to better understand which regulations are being amended and the context of the proposed amendment.

5. Administrative Items



- a. Approval of October 6, 2015 Meeting Minutes (Motion). The floor was opened for discussion and corrections of the meeting minutes. Corrections and amendments were made. On a motion by Ken Long, seconded by Marie Chasse, with abstentions by Ruth Parkins, Gary Giordano, Gilbert Lindner, Bob Clarke, Tom Mueller, it was unanimously voted to approve the October 6, 2015 meeting minutes, as amended.
- b. Schedule for RPC meetings in 2016 (Motion) The floor was opened for discussion regarding the regular meeting schedule options A, B, C and D, as described in the agenda packet. On a motion by Ken Long, seconded by Bob Clarke, it was unanimously voted to approve the regular meeting schedule B with the meeting time of 6:30 PM. Meeting dates for 2016 are as follows: February 2, April 5, June 7, August 2, October 4, and December 6.
- c. Correspondence – there was no correspondence to report upon.

6. Roundtable - Points of Interest/Local Activities

Middlebury – Ken Long

The municipal POCD draft has been accepted by the planning commission. Crematorium zoning change passed; development plans expected soon. Grocery store is being planned at Route 188 gateway. The former Sunoco station has a new owner; use to remain as gas station and convenience store. Adjacent to the Oxford airport there are still five occupied houses; ten to twelve vacant houses ready to be demolished. Waiting for permission to inspect sewer caps. Once sewers are plugged, demolition will begin.

Bethlehem – Gary Giordano

One and two lot subdivisions. This weekend is the Christmas special – all are welcome.

Ansonia – Joe Jaumann

No new applications. There is a grant for village districting. A new planner for the city is reviewing the POCD; update anticipated to begin in 2016.

Cheshire – Gilbert Lindner

The POCD draft is completed and will be sent to Town counsel in two weeks for review. New application: Owners of 45 acre landlocked parcel were requesting a right-of-way to connect from their property into the cul-de-sac of an abutting subdivision. P&Z denied application right of way extension because most of that 45 acres is a watershed for the Meriden reservoir.

Plymouth – Margus Laan

P&Z Commission may adopt a moratorium on gun clubs/ranges to redo regulations. A special permit application for a gun club caused angst in the Town and was responded by a petition from a group of citizens to prohibit all gun clubs and outdoor gun clubs in Town. The P&Z commission did not vote on petition; public hearing was closed.

Thomaston – Tom Mueller

The public hearing is closed regarding a P&Z commission proposal to revise Thomaston's alcohol and adult entertainment regulations. Town may adopt ordinance whereby public safety will have control over how an adult entertainment facility would operate.



Shelton – Ruth Parkins

Shelton is very busy. Two multi-use buildings to be located downtown have been approved; one building was torn down to accommodate new building. Bricks from old building have been preserved and will be incorporated into new building. The reconstruction of the Matto block has been approved as part of a planned development district. Two block study of Maddow area was completed before approval on PDD. PDD gives the P&Z commission more restriction and control over what is built in a certain area. At Canal St. a 68 unit proposal has been approved. Public hearing is closed for another proposal for that area. Luxury apartments are being built along Route 8 and close to corporate buildings. On N. Bridgeport Ave., a supermarket may soon being built on the old Crabtree dealership parcel. There is work being done on the POCD – needs to be updated by July 1, 2016.

Bristol – Marie Chassee

No new applications. The Planning Commission has new members. Through a recent zoning change, a kitchen incubator/start-up company use is allowed in the downtown area; this is part of the initiative to rebuild the downtown area. In an effort to improve the walkability of its downtown area, Bristol has a moratorium on drive-thru's. The Planning Commission has received a zoning change application from a business who would like to build a drive thru facility at the intersection of Route 6 and Main St. Public hearing on this zone change is closed. The Planning Commission recommended denial of this application. The application is now with the zoning board for a public hearing. Funding has been secured from the City finance dept. for a Route 6 corridor study. Middlebury and Shelton (PDD zone) only allows banks to have drive-thru's. This prevents recognized name businesses like Starbucks and Dunkin Donuts from locating in those downtowns which hurts economic development there. Southbury allows banks and prescription drive-ups.

Woodbury – Bob Clarke

Awaiting *Imagine Woodbury* final report from American Institute of Architects (AIA). Public hearing on quarries; approval is likely. Regulations are being updated. The Town will be working on a couple brownfields with Art Bogan of the Regional Brownfields Partnership.

Southbury – Nancy Clark

Two persons have resigned from the Planning Commission: secretary and chairman. Work is expected to begin soon on the foundation for the movie theater complex (8 theaters, about 1200 seats) which will include two retail spaces, a restaurant and possibly a multi-use performing arts area, residential apartments and a tie in to a greenway. A new car repair business was approved: The Harry Dog Garage. A new First Selectman was elected; he served 17 years on the wetlands commission and seems more supportive of open space funding. P&Z Commission objected to the aggressive tree trimming being carried out by Eversource at I-84 exits 14, 15 and 16. The Arts Escape organization, for seniors of all artistic endeavors, has found space in Southbury. Town is working with two brownfield sites: one at the Southbury Training School, and the other a former landfill. Once remediated the sites may become a solar farm.

7. Other

The Water Use and Allocation Ordinance presentation by Len Dejong at the October 2015 RPC meeting was discussed. His first question was addressed: Can NVCOG assist with a more regional



approach in the development of a water allocation and use ordinance within the Pomperaug basin? Regional nature of water resource use and allocation was discussed. The subject of potable water was brought up – a map of potable water locations in CT is desired. DEEP or the health department may have this information. DeJong’s second question was addressed: How could municipalities work together on developing and implementing an ordinance? Point was made that there may be no other regional ordinance in CT; State statute would take the place of a regional ordinance. The State of CT has passed Public Act 14-163 which describes the responsibilities of a water planning council. There are other regional models that work, specifically New York City getting their water from upstate New York and Massachusetts.

8. Adjournment

On a motion by Ruth Parkins, seconded by Ken Long, the meeting was adjourned at 7:25 PM.

Respectfully submitted by

Joanna B. Rogalski

Regional Planner, NVCOG