

Planning & Zoning Commission
Unapproved Minutes
October 17, 2018

Chairman Graveline called the meeting to order at 7:00 p.m.

Members Present: G. Graveline, J. Crumb, A. Havican, K. Kemp and S. Duffany

Alternates Present: G. Ploski, & Mike Dreher

Absent: Bob Albert

Others Present: Land Use Inspector, Mary Barton

Approval of Minutes:

Motion made by A. Havican, seconded by K. Kemp to approve the minutes of 10/3/18. **Unanimous.**

Correspondence:

Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter Winter 2018

Motion made by S. Duffany, seconded by J. Crumb to place correspondence on file. **Unanimous.**

Public Participation:

M. Barton requested of the Commission to add to the Agenda the following:

Helder Loureiro, 23 Old Schoolhouse Rd, application for a 480 sq. ft Accessory Living Unit and Tammy Zollo of Tesco Resources Inc for Tank Rentals. **Motion** made by A. Havican, seconded by K. Kemp to add to the agenda the application made by Helder Loureiro, 23 Old Schoolhouse Rd for a 480 sq. ft Accessory Living Unit and the discussion with Tammy Zollo of Tesco Resources Inc for Tank Rentals on 105 Waterbury Road. **Unanimous.**

-Helder, Loureiro, 23 Old Schoolhouse Rd - application for a 480 sq. ft Accessory Living Unit – M. Barton advised that H. Loureiro is looking for approval as he is looking to sell his home and a after a few calls from appraisers it was found that an accessory living unit permit was not obtained; the permit would be for a 480 sq. ft accessory living unit for his father-in-law. Chairman Graveline questioned if this was originally part of the house or an add on. M. Barton advised that it was not an add on, the overall sq ft of the home is 3,121 sq. ft. and that the request complies with the accessory living unit regulations. Chairman Graveline asked for further comments. No other comments were made. **Motion** made by S. Duffany, seconded by K. Kemp to accept and approve the application made by Helder Loureiro, 23 Old Schoolhouse Rd for a 480 sq. ft Accessory living unit. **Unanimous.**

-Tammy Zollo of Tesco Resources Inc appeared and presented to the Commission a brochure for Tank Rental and a GIS site map of the location. T. Zollo made a request for approval to rent space for Tank Rentals at 105 Waterbury Road in the back, where the bus company had once parked. T. Zollo advised that they are currently renting space in Waterbury and would like to relocate. The inventory would be tanks from 500 gallons to 20,000 gallons; the larger tanks would be across the back and the smaller would be in the front, with 2 ft between each tank. J. Crumb questioned if the tanks are on skids and was advised that they are. G. Ploski questioned where were the tanks rented out to, to which T. Zollo commented the oil tanks are rented out, most customers are in NYC and are transported empty and clean. T. Zollo commented that the tanks are rented for temporary periods, for heating of housing and buildings, job sites; once the season is over they are cleaned and removed from premise by a transportation company. The transportation confirms that the tanks are cleaned and empty before removal. T. Zollo commented that the tanks are double walled; if outside punctured cannot leak through to interior and if inner wall punctured cannot leak through the outside of the tank. G. Ploski commented on the tanks being empty and cleaned as the location is so close to the reservoir, the Town had had a problem prior. Chairman Graveline commented on the location being in the business zone. M. Barton commented that the use was more for an Industrial Zone; the property is also within the Gateway Zone. T. Zollo commented that the area would be fenced in. M. Dreher commented that the area has established businesses and they would probably not want to see this area disturbed. A. Havican commented to consider the request at the next meeting. Commission members recommended a Site Plan application or Special Permit. M. Barton requested a Special Permit application as the applicant would be requesting fencing. The Commission recommended that T. Zollo request a Special Permit application.

New Business:

Request for to set 2019 Calendar Dates:

Motion made by A. Havican, seconded by K. Kemp to accept the meeting dates for the 2019 calendar year. **Unanimous.**

Motion made by A. Havican, seconded by S. Duffany to approve the cancellation of the meeting date for the PZC for Wednesday, November 21st, 2018. **Unanimous.**

Old Business:

Members of the Prospect Gun Club and neighbors of Tress Rd and Joe Fattore of VibraScience, Inc. was in attendance. Chairman Graveline asked read into the record the following letter from A Real Estate Appraiser: John W. Nitz & Associates LLC dated 8/17/18 provided by Alice Magnarella

The following letters of support:

-Anita Allen, Naugatuck, CT dated 10/12/18; David Genest Jr, dated 10/10/18; James & Kimberly Tompkins, dated 10/12/18; Edward Covill, dated 10/16/18

-M. Barton advised that she had met with Joe Fattore and Gun Club President Jerry Williams on October 10, 2018 on Tress Rd and at the Gun Club and found the meeting to be very informative. Bob Chatfield, 25 Cornwall Dr expressed that he would like to alleviate the problem and asked that any Commission members that are a member of the Gun Club excuse himself to which G. Ploski said that he was. Chairman Graveline advised that there were questions that the Commission would like to have addressed and asked Joe Fattore an industrial sound engineer of VibraScience, Inc to come before the Commission. J. Fattore gave the Commission a sound review dated 10/11/18 and showed the members of the Commission the sound level device that was used. J. Fattore explained that he had taken noise levels on 10/10/18, twice at road levels on Tress Rd at the beginning of the driveway to 35A Tress and at the Prospect Gun Club. J. Fattore stated that he had found the following results as shown in his letter dated 10/11/18: Average Ambient Noise Level with 47db:

308 Rifle 60db, 223 Rifle 50db, 22 Rifle 43db, 45ACP Handgun 47db and 12 Ga. Shotgun 45db; findings to be of either standard velocity or below velocity for handguns. Commission members commented on noise criteria and weather for that day. J. Fattore commented that a cell phone was used and the shots that were heard were louder on the cell phone than what was actually heard. Both J. Crumb and A. Havican commented on the number of people shooting at one time and commented on repetition of noise causing upset among the people. M. Dreher commented on the criteria threshold, the expansion of noise and the fact that the gun club is in the valley. J. Williams commented that the competitions every summer consist of one person shooting at a time. J. Williams stated that at a competition, it is 10 rounds to a target. J. Williams advised that a competition is held once a month; the competition is always on Saturdays until 12 noon from the beginning of summer through September. A. Havican commented that by the extra hours, could be adding to the problem. J. Williams stated that when he inquired if there had been any complaints after the extension of the set of hours, he was advised that there was not; he asked for the 2nd extension. J. Williams commented on the noise of lawn mowing and dogs barking as louder than the faint sound from the gun club that he hears on Cook Rd. -Brian Evans, 12 Tress Rd, commented that there is an echo chamber that goes up Chatfield Dr due to it being all open and the annoyance and inconvenience of the new hours that it is causing among the neighbors and asked J. Fattore for recommendations. A handout was given by M. Barton requesting recommendations to various questions to which J. Fattore answered the following: 1) weather's effect on noise: Windy – varies: increases or drowns out noise, on a clear day noise travels farther; humidity slows process down – has minimal effect; 2) noise changes over distance 3) noise mitigation may work if a fence was installed; J. Fattore commented that where a fence would be placed would determine its height; the fencing would also need to have noise absorption material added to it. A barrier placed behind the firing range was recommended. M. Dreher also suggested placing barriers on each side and in the back of the range. - B. Evans commented on the noise coming out the side. J. Fattore commented that he would need to look at the side of the range to consider the height of the barrier. Chairman Graveline advised that the biggest concern is noise coming out the back. Chairman Graveline also questioned weatherproofing the material. J. Fattore commented on 2 types of sound absorption; fiberglass and recycled glass. Comments were made to the types of guns used. J. Williams explained that there are hunting and sporting guns used. J. Williams discussed that they had never had the DEEP to the site but now the DEEP was called. using sound absorption and what would satisfy the neighbors. Chairman Graveline questioned how the Gun Club could get back to the way they were before, in decreasing the noise. J. Williams commented that he had hired professionals to do testing as this was the 3rd test. -Eric Meade, 8 Forestridge commented he thinks the gun club is doing the right thing, but after looking at the results of the testing, the baseline didn't change, the noise was still at the same frequency; the noise level is still the same and there is the problem.- Bob Chatfield, 25 Cornwall Dr commented that the Gun Club is set up to shoot east, no one on Matthew St. can hear it, but a few weeks prior he heard a very loud noise coming from the range and it reached his house; he went to the range and found 2 people leaving the range with targets; they had shot artillery. B Chatfield continued that he has had a good relationship with all the prior presidents of the Gun Club over the past 40 years and has not received any calls, not even for incidents, but currently he is getting calls and because of this he has asked to rescind the Tuesday and Wednesday hours and go back to the previous hours. B. Chatfield also commented that the Police Dept. has curbed their shooting to 1 day a week for 10-15 minutes on a Friday. A. Havican questioned what the loud noise was. B. Chatfield replied that it was a military rifle. Commission members questioned caliber of rifles used at the range to which they were advised were hunting rifles, one type a 308 caliber; questions were also raised as to 50 calibre loaders and the type of ammo, to which gun members explained. Chairman Graveline thanked Bob Chatfield for his time. Chairman Graveline asked if anyone had any questions of J. Fattore. -Don Reilly, 35A Tress Rd gave the Commission a letter dated 10/17/18 and commented on the extra hours of shooting and advised of the High Rock gun range of Naugatuck. J. Fattore commented on a Noise Ordinance to which B. Chatfield explained that the Town's noise ordinance is not recognized and is under renovations until passed by the State as it was previously not-legal. -A. Rossetti, 22 Amber Court commented

that per CTST Statute 22a-74a Gun Clubs are exempt from the noise ordinance. -D. Reilly commented the improvements have not made the situation better and advised that he had questioned the shoots taken at the firing line as he had contacted other ranges to where the members are only allowed 5 shoots at the firing line. D. Reilly commented on the disruption of family time, property values and annoyance. D. Reilly made suggestions: 1) move to a more compliant location with 10 acres and is ½ mile from the nearest home; 2) build or purchase an indoor range at the current location or another site; 3) limit the size and caliber of guns on certain days; 4) institute a rule of (5) shots in a row per shooter as the Bristol Rod and Gun Club has. -Rev Boardman Kathan, 229 Cheshire Rd, commented that he is very concerned as the gun club borders his property to the north and west; commented that someone had posted signs on his property without permission; that he had offered the gun club property to place an indoor range on but was refused; that in 1979 B. Wundy advised that the gun club would be just temporary and now it is 40 years later. -A. Rosetti commented on being a member of the gun club; contacting and hiring J. Fattore for recommendations on mitigation at the gun club's expense. Comments were raised as to DEEP notified to come to the property. M. Barton commented that she had spoken with the C. G. from DEEP and he did not have any issues; the ground water is tested and has been done several times a year over many years by the Town; there is no evidence of lead contamination; Mayor Chatfield and M. Capanna are not concerned; the State Statute 22a-74a – gun ranges are not controlled by a noise ordinance. M. Dreher stated that no criteria, no shooting threshold was available; impulse noise, constant noise. -A. Rosetti commented on availability of hours and having the option to use the gun range.- J. Crumb suggested to close the back and sound proof. J. Crumb stated that he does not want to see the hours taken away, but felt that the back and side of the range should be enclosed with soundproofing material.-Robert McCasland, 13 Rosewood Dr commented only the helpfulness of the gun club and their consideration to teach his son to shoot. \-Linda Briglia Brylewski, 22 Cornwall Dr commented that she hears the 6 o'clock horn, the Cheshire Football games, the VFW, the range and to her the range is just another noise. Susan Toman, Tress Road, commented on the gun club noise marring everyday at dinner time, homework time and taking care of her family and grandchildren. -Doug Cowles, 283 Scott St, Naugatuck, CT commented that you cannot compare Prospect Gun Club to High Rock in Naugatuck. D. Cowles advised that the range at High Rock is open to its members, Monday through Friday and on weekends it is open to the public for a fee.-Joseph Rossetti, 22 Arbor Meadow commented on the hours and repetition of noise.-M. Dreher stated that it is simple, the repetition of noise. A sheet of possible solutions was given to the Commission by J. Fattore. Chairman Graveline commented that he was in favor of a barrier with sound mitigation. A. Havican suggested for J. Fattore to go with J. Williams to the gun range site and for J. Fattore to recommend what type of noise mitigation could be put in. J. Williams questioned what they put in, would the neighbors be satisfied and would the neighbors share the cost. Chairman Graveline asked to have J. Williams work with the professional, J. Fattore for suggestions. -Alice Magnarella, 36 Tress Rd, read into the record her letter dated 10/17/18 giving a timeline of the increases of hours; advising that the neighbors are paying for the annoyance due to the noise; asking for a strong and effective sound mitigation system; rollback of hours and basically asking for their lives back to normal. A. Magnarella gave the Commission her handout. -Jack Burton, Cheshire, CT commented that he walks the trail at the linear park in Cheshire and stated that he has heard the gun shots from the State remodeled gun range; the shots are muffled but they are heard. Chairman Graveline thanked all those for coming to the meeting.

Rte 69 Auto Sales – will be at the next PZC meeting.

Text Amendments: Public Hearing at the next PZC meeting.

Public Participation:

Mike Palmerie, 19 Amber Court, commented that he would not be here if Rte 69 Auto Sales were following the rules and regulations and they have not. M. Palmerie continued that in June 2003 they were granted 35 cars to be parked on site; at the June 6, 2018 meeting there were 163 cars on site and had 60 days to comply with the regulations; it is now 120 days and still nothing. They have moved 3 cars to make parking for visitors; and one car space for deliveries but not for big Duracell battery trucks. Commission members discussed the next steps. M. Palmerie advised of parking of customers and off-loading vehicles from delivery trucks on his funeral home property. M. Palmerie, speaking as the Park & Rec Chair, also commented that the cars at Rte 69 Auto Sales have been pushed so far back on the property, to the fence, that they are now on Town property which is part of Hotchkiss Field. Commission members advised that this has been going on way too long and noted that Rte 69 Auto Sales will be at the November 7th meeting.

Adjournment: Motion made by A. Havican, seconded by S. Duffany to adjourn the meeting. **Unanimous.** The meeting adjourned @ 9:43p.m.

E. Gil Graveline
Chairman