

**PLANNING COMMISSION
REGULAR MEETING JULY 6, 2009**

Anthony Whelan opened the Regular Meeting at 6:05 P.M. with the following in attendance:

Anthony Whelan, Chair	Katherine Gabrielson, alternate
Robert Pease, Vice-Chair	Robert Urbano, alternate-absent
Harry Jancis	Keith Rosenfeld, Town Planner
Lois E. Braziel, Secretary-absent	James Stewart, Boro Engineer
Deanna Krzykowski, arrived at 6:15	Rachel Brainard, Secretary

REGULAR MEETING AGENDA

1. Anthony Whelan took attendance and it was determined a quorum was present. Commissioner Whelan appointed Katherine Gabrielson as a regular voting member in place of Deanna Krzykowski.
2. No executive Session with Borough Attorney regarding pending litigation on Realrock Associates vs Naugatuck Planning Commission.
3. Review /Approval of the May and June Meeting Minutes.
VOTED: Unanimously on a motion by Harry Jancis and seconded by Robert Pease to **APPROVE** the June meeting Minutes.
VOTED: Unanimously on a motion by Katherine Gabrielson and seconded by Harry Jancis to **APPROVE** the May Meeting Minutes.
4. **OLD BUSINESS:**
 - A. Commission Discussion/Decision regarding pending litigation on Realrock Associates vs. Naugatuck Planning Commission.
Keith Rosenfeld noted there will be no session with the attorney and it will stay on the agenda for next month's meeting.
5. **NEW BUSINESS:**
 - A. **VOTED:** Unanimously on a motion by Robert Pease and seconded by Katherine Gabrielson to add Special Permit Application regarding an Office Park located on lot 3 Great Hill Rd. Applicant: Bethline Associates.
Steve Macary, Zoning Enforcement Office, stated he received information that the Planning Commission was confused on whether this application fit into the Plan of Conservation. He said that the Zoning Commission asked him to bring this back in front of the Planning Commission so that it is sure on what they are voting on. He stated that he included all this information in the packet that he sent them. Anthony Whelan said this Commission voted that Lot 3 was in compliance with the Plan of Conservation and Development. Harry Jancis said at the start of the last meeting it was a little unclear because there was no letter from the Zoning

Commission. The vote taken was specific on the subject of excavating the earth. So they actually took the vote on the correct subject matter

VOTED: Unanimously on a motion by Harry Jancis and seconded by Robert Pease to **RE-AFFIRM** the Planning Commission's vote (positive referral to the Zoning Commission) that the plan for removing earth does not conflict with the Plan of Conservation and Development re: Special Permit for Lot 3 Great Hill Road, Naugatuck, CT. Bethline Associates.

Commissioner Jancis stated that since the last meeting he has reread the entire Plan of Conservation and Development and there was nothing in there that he could find would conflict.

Steve Macary asked if they could have public comment on this. Commissioner Whelan stated they just voted on it. Mr. Macary stated there are interveners here that wanted to comment on it. Harry Jancis stated they have not filed any intervener status with them and they can only intervene on matters of environmental concerns. Anthony Whelan stated they have already voted twice on this and voted clear that it meets the Plan of Conservation of Development.

Harry Jancis stated that Diana Raczkowski said he called her asking her about why they were voting. He stated the fact was that Diana Raczkowski called him and wanted to know if they had taken into consideration the documents from South West District. He then asked her why they did not send them a document telling them what the Zoning Commission wanted, which they have not done.

Steve Macary stated that when they get a referral from Zoning it is in regards to the Plan of Conservation. Commissioner Jancis noted they were not sure if it was for the whole plan or just the earth removal and that is why they voted only on the earth removal. They were not asked to recommend if the plan was good or bad. Harry Jancis said they did the right thing. Steve Macary said he wanted to make sure that everyone was on the same page.

Alan Thompson asked if he could approach the Commission. Anthony Whelan answered no; they are not accepting public comment. Mr. Thompson said he has intervener status. He was registered as an intervener with Planning, Zoning and Wetlands. Chairman Whelan said they did not receive any information regarding that. Harry Jancis suggested asking the lawyer that was present his opinion.

Attorney McSherry suggested the Commission not take comment because they have already voted twice. He stated they could always appeal it. Alan Thompson said he just wanted to make sure all the correct information was heard before a decision was made. He doesn't feel the Commission had full disclosure of what was going on before they made their decision. Commissioner Jancis stated they do not need to know everything that is going on. The only thing they need to know is whether removing earth is against the Plan of Conservation and Development, it is the only document that counts. Mr. Thompson asked if it only pertains to the excavation of the 50,000 yards of material. Harry Jancis said that is the only thing they approved. Alan Thompson stated that part of their concern is the 50,000 yards of material and the affect on their property. He stated they were able to bring this up at wetlands, but they can only cover the wetland portion of it. He said the ramifications of that potential excavation on the entire site and their water course is another matter all together. Commissioner Jancis said that

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does not pertain to this Commission it is handled through the Zoning Commission. Alan Thompson showed a copy of his intervener letter to the Commission and stated he believes it pertains to Planning and Zoning. Chairman Whelan stated they have already voted on this. Mr. Thompson stated he was told the Commission might not had all the information that pertained to this when it was voted on. Anthony Whelan said it was referred back to them because they thought they were confused on what they voted on, but they re affirmed that vote and they were not confused on what they voted on. They voted on the approval of the removal of the earth. Anthony Whelan stated they are not going to continue discussion on this because they have already voted and it might put them in jeopardy of hearing information after they voted.

On another matter, Robert Pease asked to add Paddock Ridge lawsuit to the agenda for next month for discussion with the Borough Attorney. Anthony Whelan asked that the staff have a discussion with the Borough attorney regarding this and then report back to the Commission. He asked they get an interpretation from Attorney Fitzpatrick and all the conditions that were approved the last time.

6. No Correspondences
7. No Report of Burgess Liaison
8. Voted unanimously by Katherine Gabrielson and seconded by Deanna Krzykowski to adjourn the meeting at 6:25 P.M.

RESPECTFULLY SUBMITTED:

Lois E. Braziel, Secretary/ah