

**PLANNING COMMISSION
REGULAR MEETING JUNE 1, 2009**

Harry Jancis opened the Regular Meeting at 6:05 P.M. with the following in attendance:

Anthony Whelan, Chair
Robert Pease, Vice-Chair
Harry Jancis
Lois E. Braziel, Secretary
Deanna Krzykowski, arrived at 6:30

Katherine Gabrielson, alternate
Robert Urbano, alternate

REGULAR MEETING AGENDA

1. Harry Jancis chaired the meeting. He took attendance and it was determined a quorum was present. Harry Jancis appointed Robert Urbano as a regular voting member in place of Deanna Krzykowski.
2. Elections for Chairman, Vice-chairman, and Secretary.
VOTED: Unanimously on a motion by Robert Urbano and seconded by Lois Braziel to **APPOINT** Anthony Whelan as Chairman of the Planning Commission.

VOTED: Unanimously on a motion by Robert Urbano and seconded by Harry Jancis to **APPOINT** Robert Pease as Vice Chairman of the Planning Commission.

VOTED: Unanimously on a motion by Robert Pease and seconded by Harry Jancis to **APPOINT** Lois Braziel as Secretary of the Planning Commission.

At this point Anthony Whelan Chaired the meeting.
The new Commissioners Lois Braziel and Deanna Krzykowski were sworn in by Attorney Matt Woermer.
3. Executive Session with Borough Attorney regarding pending litigation on Realrock Associates vs Naugatuck Planning Commission.
VOTED: Unanimously on a motion by Harry Jancis and seconded by Robert Pease to go into executive session at 7:00 P.M. with Borough Attorney regarding pending litigation on Realrock Associates vs Naugatuck Planning Commission inviting in Jim Stewart, Keith Rosenfeld and Allison Hurley.
The Commission resumed the Regular meeting at 7:24 P.M.
4. Review /Approval of the March, April and May Meeting Minutes.
VOTED: **3-0-2** on a motion by Robert Pease and seconded by Robert Urbano to **APPROVE** the Special March 16, 2009 meeting Minutes.
VOTED: **3-0-2** on a motion by Robert Urbano and seconded by Robert Pease to **APPROVE** the Special April 6, 2009 Meeting Minutes.
The Commission tabled the May meeting minutes.

5. **OLD BUSINESS:**

- A. Commission Discussion/Decision regarding pending litigation on Realrock Associates vs. Naugatuck Planning Commission.
The Commission tabled there decision until next month's meeting.

6. **NEW BUSINESS:**

- A. Referral from Naugatuck Zoning Commission for a Special Permit Application regarding an Office Park located on lot 3 Great Hill Rd. Applicant: Bethline Associates.

Harry Jancis questioned just what they were referring. Jim Stewart stated the application needed a referral for the earth removal which is a Special Permit. Ted Crawford, representing the applicant explained the site is located in the Industrial Park on Great Hill Rd. They are proposing a two story office building set into a slope due to the significant slope of the property.

The applicant is proposing the following:

- to remove roughly 50,000 yards of material, there will be
- limited storm drainage without the site,
- Construct three detention basins
- parking areas will all flow to grass swales around the property
- they will be taking advantage of the gravel on the site by promoting infiltration.

Katherine Gabrielson asked if the material would remain on the site. Mr. Crawford stated it would not. Anthony Whelan asked if the swales will be permanent. Ted Crawford said they would be there just during construction. Anthony Whelan asked if there were any large trees that could be saved. Ted Crawford said they will be locating the perimeter trees to be saved. Harry Jancis asked if this has gone before the Economic Development Commission. Mr. Crawford said not yet but they do plan on bringing it before them. Robert Pease had concerns in regards to what they are being asked to approve. Keith Rosenfeld explained the special permit is given by the Zoning Commission to take out the amount of soil, a referral from the Zoning Commission to determine if the plan adheres to the Plan of Conservation and Development. Harry Jancis asked if the zoning commission has given the planning commission a letter. Keith Rosenfeld said no but they have given us a vote. Harry Jancis stated it was sloppy of the zoning commission to ask for a referral without telling the commission exactly what they were referring.

VOTED: Unanimously on a motin by Harry Jancis and seconded by Robert Pease to send a **POSITIVE** referral to the Zoning Commission regarding a Special Permit for the excavation of earth material located on Lot 3 Great Hill Road, Naugatuck, CT. Bethline Associates.

- B. Commission Discussion/Decision regarding modification to Country Farm Estates Subdivision located Rubber Ave. & Andrew Mtn. Rd. Naugatuck, CT. Applicant: Cerignola, LLC.

Attorney Matt Woermer reviewed a method of bonding regarding an 83 lot Subdivision which the issue being the 5.8 million bond. He is asking the Commission to consider some alternatives to bonding. Attorney Woermer said the water and sewer would have to be run under any of the ideas. The applicant would own the property free and clear of any mortgages and would give a collateral assignment to the Borough of the entire parcel. The water and sewer

would be constructed first to the two main streets which would provide utilities and services up the mountain. They would be seeking to build in phases. Phase one would require that no Co's are granted, no lots are sold until they are final and completed to the approval of this Commission and the Borough Engineer. At that point they would be prepared to bond the remainder of the project and complete it reducing the bond after each phase. Attorney Woermer feels the pledge of the entire parcel that the Borough would have a collateral assignment gives the Borough quite a bit of strength and power to enforce an obligation of owning roughly 75 acres, in conjunction with that is a possibility of holding a \$100,000 in a CD. Attorney Woermer is looking to explore the methods of bonding. Anthony Whelan asked if the applicant will be bringing in water and sewer to the whole development. Attorney Woermer said he does not know what real benefit it would be to connect the utilities right now. Attorney Woermer said if the Commission allowed the phasing at each end of the subdivision the town would have the whole collateral assignment and then the applicant would sell off the lots after they are completed and bond the middle phases. Anthony Whelan said so the benefit to the Borough is to have the water brought up to Andrew Mountain. Attorney Woermer said he thinks it would be significant gain to the Borough. Katherine Gabrielson asked if Attorney Woermer would speak with the Borough Attorney that will be appointed to Land Use Commission. He should receive a written proposal. Attorney Woermer stated that he will and asked the Commission to put him on the Agenda for next month. The Commission agreed and asked him to submit it to the Land Use Office as well.

C. There were no additional items to be added to the agenda.

7. Correspondences

Keith Rosenfeld handed out a memorandum he had received from Attorney Robert Fuller regarding a decision for Paddock Ridge. He would like the Commission to review it. Keith Rosenfeld also passed out a updated Commissioner's Handbook with a CD including all regulations and links to informational sites. He said the bulk of what the Commission is receiving is a book called "What's Legally Required".

8. No Report of Burgess Liaison

9. Voted unanimously by Katherine Gabrielson and seconded by Robert Pease to adjourn the meeting at 7:40 P.M.

RESPECTFULLY SUBMITTED:

Lois E. Braziel, Secretary/ah