

**PLANNING COMMISSION
SPECIAL MEETING APRIL 6, 2009**

James Jordan opened the Special Meeting at 6:05 P.M. with the following in attendance:

MEMBERS:

James Jordan, Chair
Patricia Marino, absent
E. Harry Jancis, absent
Anthony Whelan
Robert Pease
Katherine Gabrielson, Alternate, absent
Robert Urbano, Alternate, absent

OTHERS:

Public: 3
Jim Stewart, Boro PE
Keith Rosenfeld, Town Planner
Allison Hurley, Asst. CZEO
Robert Fuller, Boro Attorney
E. Warren Hess, Boro Attorney

1. James Jordan took attendance and it was determined a quorum was present.
2. **VOTED:** Unanimously on a motion by Robert Pease and Anthony Whelan to go into executive session at 6:10 P.M. regarding pending litigation for Realrock vs Naugatuck Planning Commission inviting in Borough Attorney Warren Hess, Keith Rosenfeld, Jim Stewart and Allison Hurley.
The Commission resumed the Special Meeting at 6:39 P.M.
3. Review /Approval of Minutes.
The Commission tabled the approval of the Special March 16, 2009 minutes.
4. **OLD BUSINESS:**
 - A. Discussion with Commission regarding Stipulation for Judgment for Primrose Companies, LLC vs. the Naugatuck Planning Commission. (Next mediation Session scheduled for April 9, 2009).
A long discussion ensued regarding the content of the stipulated agreement between Attorney Franklin Pilicy, Attorney Robert Fuller, the Commission and Staff.
VOTED: Unanimously on a motion by Robert Pease and seconded by Anthony Whelan to authorize the Chairman of the Planning Commission to sign the stipulated agreement for Primrose Companies, LLC pending the Chairman's review of the revisions containing the modifications agreed upon at the special meeting dated April 6, 2009.

VOTED: Unanimously on a motion by Anthony Whelan and seconded by Robert Pease for the Commission to authorize Attorney Robert Fuller to settle the case in accordance with the terms of the agreement discussed at the Special April 6, 2009 meeting.
 - B. Request of Bond Release and road acceptance for Country Hollow Estates, City Brook Estates and Donovan Estates. Applicant: City Hill Associates, Inc.
 1. **VOTED:** Unanimously on a motion by Anthony Whelan and seconded by Robert Pease to release the remaining subdivision bonds for City Brook Estates 1,

2, 3b, 3c, 3d and 5 Country Hollow Estates 1, 4a and 4b and Donovan Estates. And recommend to Borough Board to accept the following roads, City Brook Road, Windview Drive, Rosewood Court, Pembroke Road, Cobblestone Court, Applewood Lane and Donovan Road by the Board of Mayor and Burgesses.

2. **VOTED:** **2-1-0** on a motion by Robert Pease and seconded by Anthony Whelan to release the remaining subdivision bonds for City Brook Estates 3a. The bond release is subject to the road acceptance of Skyview Drive, by the Board of Mayor and Burgesses.

A discussion took place. Anthony Whelan stated that he could not vote for this. He is concerned about where Skyview Drive meets Applewood Road it is dangerous during snow conditions.

Roll Call Vote:

FOR

Robert Pease
James Jordan

AGAINST

Anthony Whelan

ABSTAINED

3. **VOTED:** Unanimously on a motion by Robert Pease and seconded by Anthony Whelan to recommend to the Board of Mayor and Burgesses that the Borough accepts three parcels of open space from City Hill Associates Inc, including 8.68 acres south of Country Hollow Road, 3.06 acres at the intersection of Donovan and Applewood Lane and 0.66 acres Northwest of Skyview Drive.

4. **VOTED:** Unanimously on a motion by Anthony Whelan and seconded by Robert Pease that the Subdivision bond for Country Hollow Estates Section 2 be reduced from \$65,383 to \$30,000 as per the stipulated agreement approved by the Planning Commission at the August 2008 meeting.

5. **NEW BUSINESS:**

- A. Set Public Hearing for the calling of the Letter of Credit for Westover Estates, Sections 6, 7 & 8, Applicant: Realrock Associates.
Jim Stewart stated that he had received a loan commitment letter from Danbury Savings Bank saying they would be providing a new Bond or Letter of Credit. James Jordan set a Public Hearing date of May 11, 2009 at 6:30 P.M. for the calling of the Letter of Credit for Westover Estates, Sections 6, 7 & 8. Applicant: Realrock Associates.

- B. No Additional items to be added to the agenda.

6. No Correspondences

7. No Report of Burgess Liaison

8. **VOTED:** Unanimously on a motion by Anthony Whelan and seconded by Robert Pease to adjourn the meeting at 8:05 P.M.

RESPECTFULLY SUBMITTED

Anthony Whelan, Secretary, ah