

**PLANNING COMMISSION  
PUBLIC HEARING AUGUST 4, 2008  
TO CALL PERFORMANCE BOND MELBOURNE ESTATES, LOCATED  
ON MELBOURNE COURT. APPLICANT: JPW MANAGEMENT.**

James Jordan opened the Public Hearing at 6:35 P.M. with the following in attendance:

**MEMBERS:**

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

**OTHERS:**

Public: 2  
Keith Rosenfeld, Town Planner  
Jim Stewart, Boro PE  
Allison Hurley, Asst. ZEO

James Jordan asked staff what the status was. Keith Rosenfeld stated that on July 3, 2008 the Land Use Office received a letter from Naugatuck Savings Bank requesting the original Letter of Credit by September 30, 2008 at which time the Letter of Credit would be considered canceled. Keith Rosenfeld said the Public Hearing notice was placed in the paper twice. Jim Stewart stated that the Commission should have received a copy of items and estimated cost of remaining work to be done. Jim said that Keith and himself did a site walk with the applicants Engineer. Mr. Stewart noted that they have done additional work over the last several weeks but there are still items to be completed as listed. Jim Warren the applicant said his Attorney is on vacation and will have him contact the bank when he returns. Mr. Warren stated that the bond should have been reduced \$25,000.00 by the Borough Engineer when certain items were completed. He said that he has made attempts to complete everything on Mr. Stewart's list. He wants to meet with him to get a list of what is left to complete. James Jordan stated that the Commission has until the 30<sup>th</sup> of September. He asked Jim Warren if it is possible to complete the work that is left before that date. Mr. Warren stated he could not due to the milling of the road and curb issues. He said to achieve the grade needed they still have several damaged areas that need to be removed and Jim Stewart suggested they mill the road first. Mr. Warren said that he has been constantly doing work up there and getting nothing in return. Jim Stewart asked Mr. Warren if he got the Bond reduced would he apply for a new Letter of Credit. Jim Warren said he would have to get the exact amount that would be left. James Jordan said that although they are not in any hurry to pull the bond, they do have to protect the interest of the town. He has submitted a question to Attorney Hess regarding the original agreement, which is out dated at this point. James Jordan recommends that they identify the items that need to be done in 30 days and get a final completion of the project by next month's meeting. The Commission needs to have a better idea of what needs to be done, what needs to be released and what needs to be pulled and what does not. Jim Warren said if he gets the bond reduced, he could get either a bond extension or pass book savings. James Jordan said he is willing to work with the applicant as long as he is willing to work with them and they both will come out where they want to be in the end. The Commission continued the Public Hearing until September 8, 2008 at 6:15 P.M.

RESPECTFULLY SUBMITTED

Anthony Whelan, Secretary, ah

**PLANNING COMMISSION  
REGULAR MEETING AUGUST 4, 2008**

James Jordan opened the Regular Meeting at 6:00 P.M. with the following in attendance:

**MEMBERS:**

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

**OTHERS:**

Public: 6  
Jim Stewart, Boro PE  
Keith Rosenfeld, Town Planner  
Allison Hurley, Asst. ZEO

1. James Jordan took attendance, it was determined a quorum was present. James Jordan appointed Katherine Gabrielson a regular voting member in place of Harry Jancis and Robert Urbano in place of Patricia Marino.

2. At 6:02 P.M. the Commission went into Executive Session:

**VOTED:** Unanimously on a motion by Katherine Gabrielson and seconded by Robert Pease to go into Executive Session inviting in Jim Stewart, Keith Rosenfeld and Allison Hurley to discuss matters involving litigation for Country Hollow Estates, Section Five located on Country Hollow Rd. and Donovan Ct. Applicant: City Hill Associates, Inc.

At 6:08 P.M. the Commission resumed the regular meeting.

3. Review /Approval of Minutes.

**VOTED:** Unanimously on a motion by Katherine Gabrielson and seconded by Robert Urbano to **APPROVE** the July Regular and Public Hearing Meeting Minutes.

4. **OLD BUSINESS:**

- A. Commission discussion/decision regarding Country Hollow Estates, Section Five located on Country Hollow Rd. and Donovan Ct. Applicant: City Hill Associates, Inc.

**VOTED:** Whereas, City Hill Associates Inc. has previously filed an application to subdivide 30.84 acres of land referred to as Country Hollow Estates, Section 5 in Naugatuck, Connecticut, as depicted on subdivision maps and plans dated September 13, 2006, and;  
Whereas, the Naugatuck Planning Commission voted to deny said application on February 5, 2007 and stated nine (9) reasons for denial, and;  
Whereas, City Hill Associates Inc. appealed said decision to the Superior Court in Docket #CV-07-4012617S, and;  
Whereas, subsequent to said appeal, City Hill Associates Inc. has either corrected the deficiencies in its plans or has agreed to rectify said issues to the satisfaction of the Naugatuck Planning Commission as set forth hereinafter;

**Now, Therefore, BE IT RESOLVED that the Planning Commission of the Borough of Naugatuck agrees to approve Section 5 of Country Hollow Estates as depicted on the plans dated September 13, 2006, as revised and in strict conformance to the conditions set forth hereinafter. The conditions of the approval are as follows:**

#### **CONDITIONS FOR PRIOR SECTIONS**

1. This settlement is subject to approval by the Superior Court pursuant to Section 8-8N of the Connecticut General Statutes;
2. The Applicant shall convey the soccer field open space to the Borough of Naugatuck within thirty (30) days of the approval of this agreement. The two other open space areas will be conveyed to the Borough together with the conveyances for all prior sections as set forth herein;
3. The applicant shall pay the sum of \$6,000.00 to the open space fund in lieu of installing sixty (60) trees on Skyview, Windview and City Brook Road;
4. The applicant shall resolve drainage issues between 540 May Street and Lot 15 Pembroke Road at the applicant's expense in accordance with a design to be provided by the Borough Engineer;
5. The applicant will provide the correct MH # for TV inspection reports submitted and modify Lateral location on As-built drawings; Sewer logs will be provided to applicant;
6. The applicant will provide additional as-built information for the drainage and sewer easements on Windview Drive, and uncover the MH in lot #32 Windview for inspection. Additional work may be required following inspection of this area. Any additional work will be discussed with City Hill Associates and agreed upon by the parties.
7. Detention Basin #2 – outlet invert not accessible, applicant will clean pipe and show invert on As-built;
8. As-built drawings for all completed roads shall be submitted;
9. The applicant shall repair the paving area of lot 1 & 2 Donovan Estates;
10. The applicant shall resolve outstanding issues with the owners of 208 Donovan Road in accordance with an agreement between City Hill Associates Inc. and the owners of 208 Donovan Road;
11. Motor vehicles and other items of personal property will be removed from open space.

#### **CONDITIONS FOR SECTION 5**

1. Prior to the recording of the Record Subdivision Plan, a Letter of Credit and a Performance Bond in an amount approved by the Planning Commission which contains a Sediment and Erosion Control Bond will be placed with the Borough of Naugatuck, with the approval of both the Borough Engineer and the Naugatuck Planning Commission;
2. Prior to the recording of the Record Subdivision Plan, the applicant shall submit all required easements and deeds;
3. All drainage systems shall be installed and made fully functional prior to the paving of the driveways;
4. The applicant shall properly demarcate the edge of disturbance limits in the field prior to the commencing of site clearing;

5. Prior to the commencement of any site work on the entire subdivision property, the applicant shall notify the Wetlands Enforcement Officer and Zoning Enforcement Officer, to ensure the installation of the required erosion and sedimentation controls;
6. No equipment or material including without limitation, fill, construction materials, or debris, shall be deposited, placed, or stored (temporarily) within fifty (50) feet of an inland wetland or watercourse;
7. Prior to the issuance of a Certificate of Occupancy, all work within regulated areas shall be permanently stabilized;
8. Prior to the recording of the Record Subdivision Plan, all Naugatuck Inland Wetlands Development Fees and Regulated Area Fees will be paid to the Borough of Naugatuck;
9. The construction shall comply with the Borough of Naugatuck Ordinances and the Water Pollution Control Authority "Standard Conditions for Sanitary Sewer Extensions and Sanitary Sewer Construction" and all conditions of its WPCA approval;
10. Applicant shall show that work required to eliminate the constructed intersections will no longer be required because of the revised subdivision plans;
11. Applicant shall provide the required guide rails to protect vehicles at the east side of the road at the connection with Donovan Court and details of the proposed guide rail system;
12. Applicant shall provide the required retaining walls or obtain required grading rights to construct the connection to Donovan Court, specifically on the east side of the road;
13. Applicant shall show sidewalks on Donovan Court at N/F Desaulnier and N/F Danziger and show handicap ramps at the same location as required;
14. Applicant shall specify the water quality unit from the table on the detail and support the unit selection with sizing calculations;
15. An appropriate amount of stone wall material, found on the property's non-wetland soil areas, shall be relocated from their present location to the area between the proposed extension of Donovan Court to the Southeast corner of the proposed Borough drainage easement, between the roadway and the existing wetlands to enhance the protection of said wetland area;
16. Prior to the recording of the Record Subdivision Plan, applicant shall submit final construction drawings to be approved by the Borough Engineer. These drawings shall include detailed cross sections of the connection to Donovan court. Cross Sections shall be shown at 50' stations from 8+00 to 11+00. Required easements shall be acquired and necessary retaining wall, fencing, guide railing, and grading shall be shown;
17. Prior to the recording of the Record Subdivision Plan, the applicant shall submit approved Sediment and Erosion control plans meeting current Department of Environmental Protection Guidelines for Soil and Erosion Control, as approved by the Borough Engineer. The approved plan shall include the requirement that at no time may more than five acres be un-stabilized and exposed to erosion;
18. Prior to the recording of the Record Subdivision Plan, the applicant shall submit proof that an application has been submitted to the Department of Environmental Protection for a Phase I storm water discharge permit;
19. As indicated by Section 3.7.4, a Professional Engineer shall be hired by the developer to inspect the Sediment and Erosion controls and the construction of the

- detention pond and associated structures. Monthly reports and a final certification shall be submitted;
20. Upon completion of items 1 through 13 herein, the applicant shall submit final as-built for all Roads in all prior sections together with all required deeds and easements for acceptance by the Borough;
  21. Upon the acceptance of said Roads, all bonds except for Section 2 and Section 5 shall be released. The present bond for Section 2 will be released upon substitution of a new letter of credit or passbook deposit account in the amount of \$30,000.00
  22. No building permits shall be issued for section 5 until items 1 through 13 have been completed.

**AND VOTED:** Unanimously on a motion by Katherine Gabrielson and seconded by Robert Pease to **AUTHORIZE** the Chairman to sign the Stipulated agreement regarding Country Hollow Estates, Section Five located on Country Hollow Rd. and Donovan Ct. Applicant: City Hill Associates, Inc.

- B. Commission discussion/decision regarding to Call the Performance Bond and Letter for Melbourne Estates, located on Melbourne Court. Applicant: JPW Management.  
The Commission Tabled their decision until next month's meeting.

5. **NEW BUSINESS:**

- A. Request for a 90 day extension to file the Mylar for Chemtura Corporation a 2-lot Subdivision, located on Spencer St. & Elm St. Applicant: Chemtura Corp.  
**VOTED:** Unanimously on a motion by Katherine Gabrielson and seconded by Robert Pease to **GRANT** a 90 day extension to file the Mylar for Chemtura Corporation a 2-lot Subdivision, located on Spencer St. & Elm St. Applicant: Chemtura Corp.
- B. Commission discussion/decision for a referral to the Zoning Commission regarding a Special Permit Application for a Church located on 397 N. Main St. Applicant: New Beginnings Ministry.  
**VOTED:** Unanimously on a motion Katherine Gabrielson and seconded by Robert Pease to send a **POSITIVE** referral to the Zoning Commission regarding a Special Permit Application for a Church located on 397 N. Main St. Applicant: New Beginnings Ministry.
- C. Commission discussion/decision for a referral to the Zoning Commission regarding a Zone Change from an R-15 and RA-1 to a B-2 zone located on 573 North Main St. Applicant: Frank Savignano.  
**VOTED:** Unanimously on a motion Katherine Gabrielson and seconded by Robert Pease to send a **POSITIVE** referral to the Zoning Commission regarding a Zone Change from an R-15 and RA-1 to a B-2 zone located on 573 North Main St. Applicant: Frank Savignano.
- D. Commission/discussion for a 90 day extension to file the Mylar for Hayward Subdivision, located on Maple Hill Road. Applicant: John Hayward.

**VOTED:** Unanimously on a motion by Katherine Gabrielson and seconded by Robert Pease to **GRANT** a 90 day extension to file the Mylar for Hayward Subdivision, located on Maple Hill Road. Applicant: John Hayward.

E. Commission discussion of proposed Subdivision Regulation modifications as prepared by Milone & MacBroom.

Jim Stewart explained he had asked Milone and MacBroom to review the Subdivision Regulations specifically related to sections that impact stormwater management for new and redevelopment projects. Mr. Stewart asked that the Commission look over the review and take notes

James Jordan stated that he would like to do a workshop for after the September 8<sup>th</sup> meeting and to ask the Zoning Commission if they would like to attend.

F. 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 Katherine Gabrielson and seconded by Robert Urbano to adjourn the meeting at 7:20 P.M.

RESPECTFULLY SUBMITTED

Anthony Whelan, Secretary, ah