

**PLANNING COMMISSION
PUBLIC HEARING FEBRUARY 4, 2008
AMENDMENT to the NAUGATUCK SUBDIVISION REGULATION
Pertaining to the creation of (NEW) SECTION 3.5.2.C, CONDITIONAL
APPROVAL. APPLICANT: ATTORNEY FRANKLIN G. PILICY.**

James Jordan reconvened the Public Hearing at 7:04 P.M. with the following in attendance:

MEMBERS:

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

OTHERS:

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

Attorney Franklin Pilicy, representing Primrose LLC, holder of an approval of Huntington Hills Subdivision, stated during the application proceedings that the application is a sizeable subdivision. It is proposed to be constructed in specific phases that were identified carefully throughout the proceedings and were modified somewhat in the actual approval documents. As a result, the applicant asked during the application proceedings that the Commission approved the opportunity for the project to be bonded on a phase to phase basis. Attorney Pilicy said that during that process, a correspondence was received by Robert Fuller, the Borough Attorney. Attorney Fuller stated the General Statutes in Connecticut with respect to subdivision bonding contemplate the ability of the Commission to bond subdivisions in phases. Attorney Pilicy said the Naugatuck subdivision regulations do not contain that option or opportunity, but the regulations at the discretion of the Planning Commission could be amended to provide for what the General Statutes calls for. Attorney Pilicy stated that there was a letter from Attorney Fuller dated 11/1/07. He read a pertinent part which was section 8-25 of the Connecticut General Statutes. Attorney Pilicy stated that he is asking the Commission to amend their regulation so when they get to the point where they are discussing the actual bond, we can propose a bond in phases that would be approved by the Borough Engineer and would be posted before any work starts in a particular phase. The Statute contemplates that this can be done. Attorney Fuller has indicated that this is something that is provided in the statutes but must be placed in the Town regulations in order to do it.

John Guedes, Primrose Development said that Attorney Pilicy said it very well. Mr. Guedes stated his concern in development is the economics and the market of the whole situation. He said that in a phase program this limits his exposure on the property. Keith Rosenfeld stated when we are talking about phasing and bonding we are also talking about filing of the Mylar. How does this affect it, when phase 1 may include a number of lots and parts of the lots in a future phase?

Attorney Pilicy said that the Commission would have to put a note on the Subdivision map showing what lots are included in phase 1 and the Statute contemplates this. Then a note would be place on the map with a conditional approval that no lots are to be sold in

these phases. Then after the bond is posted for that phase, you would record a new map for that phase saying Final Approval.

A discussion ensued between the Commissioners and Staff in regards to re-noticing the Public Hearing.

There was no Public comment.

James Jordan asked Keith to send a copy of the Amendment to Borough Attorney Hess to review and comment on. He then recessed the Public Hearing until March 3, 2008 at 6:30 P.M.

RESPECTFULLY SUBMITTED:

Anthony Whelan, Secretary, ah

**PLANNING COMMISSION
PUBLIC HEARING FEBRUARY 4, 2008
CHEMTURA CORPORATION SUBDIVISION, LOCATED ON SPENCER ST. &
ELM ST. APPLICANT: ALAN FLECTCHER.**

James Jordan reconvened the Public Hearing at 8:05 P.M. with the following in attendance:

MEMBERS:

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

OTHERS:

Public: 4
Keith Rosenfeld, Town Planner
Jim Stewart, Boro PE
Pat Scully, Burgess Liaison
Allison Hurley, Asst. ZEO

James Jordan and Keith Rosenfeld reviewed the application. Keith Rosenfeld stated that all fees have been paid and that the Public Hearing was noticed in the paper six different dates. He said that Inland Wetlands is pending, The Police and Fire Commissions have given their approval and no additional sewer service is needed for WPCB. Attorney Greg Weaver, representing the Applicant stated that this is a 2 lot subdivision, the total acreage is 59 acres and the applicant is proposing to subdivide a 3.35 acre parcel with an existing building on it from the 59 acre parcel. He stated that there are no planned improvements as part of this application. Attorney Weaver noted that the applicant believes a sidewalk waiver should be granted because the public safety will not materially affected by such due to the subdivision property is located within an Industrial zone. Attorney Weaver said that in regards to the proposed Open Space the Commission has the right to require the donation of 10% of the land to be used for parks, recreation or open space. It was certainly an option that the applicant considered, but in light of the location of this land and some of the comments received by the Open Space Committee, the Borough seemed to be more interested in having the land donated for municipal use to the town. He stated that he has submitted a Non Binding Term Sheet proposal regarding the land grant for Municipal Use. Attorney Weaver stated that 8 acres would be given to the borough and the 5 acres next to it, the applicant would be willing to sell to the Borough if they want it, as long as this applies to all future subdivision proposals not only this parcel but all land Chemtura owns in town. James Jordan stated that what ever the land is used for is irrelevant to the Commission. He said they could take it as a credit to the open space contribution for municipal use. The applicant would dedicate it to the town and the Commission would waive the open space requirement. Attorney Weaver said that is what he is client is asking for and if the commission could read through the proposal of the non-binding contract. The Commission asked for a report from the Steve Macary, ZEO in regards the zoning compliance of the parcel and buildings that exist. The Commission scheduled a site walk for February 10, 2008 at 1:00 P.M.

RESPECTFULLY SUBMITTED:

Anthony Whelan, Secretary, ah

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

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

MEMBERS:

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

OTHERS:

Public: 8
Jim Stewart, Boro PE
Keith Rosenfeld, Town Planner
Pat Scully, Burgess Liaison
Allison Hurley, Asst. ZEO

1. James Jordan took attendance, it was determined a quorum was present.
2. No Executive Session
3. Approval of Minutes:
VOTED: Unanimously on a motion by Robert Pease and seconded by Harry Jancis to **APPROVE** the December Regular and Public Hearing Meeting Minutes as amended.
VOTED: Unanimously on a motion by Patricia Marino and seconded by Anthony Whelan to **APPROVE** the January Regular and Public Hearing Meeting Minutes.
4. **OLD BUSINESS:**
 - A. Commission discussion/decision regarding Chemtura Corporation Subdivision, located on Spencer St. & Elm St. Applicant: Alan Fletcher.
The Commission tabled their decision until the March 3, 2008 meeting.
 - B. Commission discussion/decision for John Hayward 2 Lot Subdivision, located on 30 Maple Hill Rd. Applicant: John Hayward.
VOTED: Unanimously on a motion by Patricia Marino and seconded by Harry Jancis to **DENY** the request for a sidewalk waiver regarding John Hayward 2 Lot Subdivision, located on 30 Maple Hill Rd. Applicant: John Hayward.
VOTED: Unanimously on a motion by Harry Jancis and seconded by Robert Pease to **APPROVE** John Hayward 2 Lot Subdivision, located on 30 Maple Hill Rd. Applicant: John Hayward with the following conditions:
 1. Prior the recording of the Record Subdivision Plan, a Letter of Credit and a Performance Bond will be placed with the Borough of Naugatuck, with the approval of both the Borough Engineer and the Naugatuck Planning Commission. (Subject to the requirement to build sidewalk.)
 2. Prior the recording of the Record Subdivision Plan, applicant shall submit all required easements and deeds.
 3. 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.

4. All drainage systems shall be installed and made fully functional prior to the paving of the driveway.
 5. Prior to the commencement of any site work, the applicant shall notify the Wetlands Enforcement Officer and ZEO, to ensure the installation of the required erosion and sedimentation controls.
 6. Prior to the commencement of any site clearing, applicant shall certify to the WEO that all conditions of the wetlands permit have been completed.
 7. Applicant shall increase Right of Way adjacent to the existing home to an amount approved by the Borough Engineer.
 8. Sidewalk alignment shall meet standards contained within the Naugatuck Subdivision Regulations.
 9. Applicant will provide for extra silt fencing and hay bales between the construction and the wetland area.
 10. A note shall be placed on the Record Subdivision plan which states, "This subdivision has been exempted from the open space requirements for fees in lieu of open space upon the express condition that all lots in the subdivision will be transferred by the applicant to persons who are the applicant's parent, child, brother, sister, grandparent, grandchild, aunt, uncle or first cousin for no consideration. No portion of this subdivision shall be deemed a building lot until all of such transfers have been perfected. The Planning Commission and the Zoning Enforcement Officer may require reasonable evidence of the relationship of the transferee to the transferor and the fact that the transfer was made for no consideration before any portion of this subdivision will be treated as a building lot."
- C. Commission discussion/decision regarding Amendment to the Naugatuck Subdivision Regulation pertaining to the creation of (New) Section 3.5.2.c, Conditional Approval. Applicant: Attorney Franklin G. Pilicy.
The Commission tabled their decision until the March 3, 2008 meeting.
- D. Commission discussion/decision regarding Melbourne Estates Subdivision.
Applicant: J.P.W. Management Corp.
A discussion ensued between Mr. Warren, the Commission and the Borough Engineer regarding outstanding items per the Borough Engineer. The Commission decided to allow Mr. Warren to proceed with work and report to the Borough Engineer as needed.
- E. Commission discussion/decision regarding the revised plans of Country Farms Estates Subdivision, located on Rubber Ave. Extension. Applicant: Cerignola LLC as per the court ordered mediation.

The Commission tabled any discussion/decision until the March 3, 2008 meeting.

5. **NEW BUSINESS:**

A. Request for Performance Bond Reduction regarding Apple Hill Estates, Section Two. Applicant Morgan Development Corp.

VOTED: Unanimously on a motion by Harry Jancis and seconded by Patricia Marino to Reduce the Performance Bond to **REDUCE** the bond by \$255,000 and retain a subdivision bond of \$1,335,000, for Apple Hill Estates, Section II. Applicant: Morgan Development Corp.

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

6. No Correspondences.

7. No Report of the Burgess Liaison.

8. At 8:30 P.M. a motion was made by Anthony Whelan and seconded by Robert Urbano to adjourn the meeting. The motion passed unanimously.

RESPECTFULLY SUBMITTED:

Anthony Whelan, Secretary, ah

