

**PLANNING COMMISSION  
CONTINUED PUBLIC HEARING SEPTEMBER 8, 2008  
TO CALL PERFORMANCE BOND MELBOURNE ESTATES, LOCATED  
ON MELBOURNE COURT. APPLICANT: JPW MANAGEMENT.**

James Jordan opened the Continued Public Hearing at 9:23 P.M. with the following in attendance:

**MEMBERS:**

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

**OTHERS:**

Public: 2  
Keith Rosenfeld, Town Planner  
Jim Stewart, Boro PE  
Rachel Brainard

James Jordan noted the applicant was not present. He asked if the staff had received a request for reduction of the bond. Jim Stewart answered no. James Jordan asked if he met with Mr. Warren to go over the items that were a cause for concern. Jim Stewart said he met with him briefly to go over some work he had done, but there was no additional work completed. Mr. Stewart said he was out to the site again and did another review today and created one more review of work that needed to be done and the cost. James Jordan stated the Jim Warren is well outside of his contractual agreement with the Commission. Jim Stewart handed the Commission an itemized cost sheet. He stated he was not notified by the applicant that the bank had renewed the bond. James Jordan said the bond had expired, the work is uncompleted, there was no reduction request received, and they will not have another meeting prior to the expiration of the bond.

There was no Public comment.

James Jordan closed the Public Hearing at 9:27 P.M.

RESPECTFULLY SUBMITTED

Anthony Whelan, Secretary, rb

**PLANNING COMMISSION  
REGULAR MEETING SEPTEMBER 8, 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

Anthony Whelan

Robert Pease

Katherine Gabrielson, Alternate

Robert Urbano, Alternate

**OTHERS:**

Public: 6

Jim Stewart, Boro PE

Keith Rosenfeld, Town Planner

Rachel Brainard

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 6:01 P.M. the Commission went into Executive Session:  
**VOTED:** Unanimously on a motion by Harry Jancis and seconded by Robert Pease to go into Executive Session inviting in Attorney Fuller, Jim Stewart, Keith Rosenfeld and Rachel Brainard to discuss matters involving litigation for Huntington Hills Subdivisions, Applicant: Primrose Development LLC.  
At 7:26 P.M. the Commission resumed the regular meeting.  
James Jordan called for a 5 minute recess.
3. Review /Approval of Minutes.  
**VOTED:** Unanimously on a motion by Anthony Whelan and seconded by Robert Urbano to **APPROVE** the August Regular and Public Hearing Meeting Minutes.
4. **OLD BUSINESS:**
  - A. Commission discussion/decision regarding to Call the Performance Bond and Letter for Melbourne Estates, located on Melbourne Court. Applicant: JPW Management.  
**VOTED:** Unanimously on a motion by Anthony Whelan and seconded by Robert Pease to Call the Performance Bond and Letter for Melbourne Estates, located on Melbourne Court. Applicant: JPW Management in the sum of \$69,439.00.
  - B. Commission discussion/decision regarding modification of detention basin for Westover Hills Subdivision, Applicant: Realrock Associates, LLC.  
Barry Knott, lawyer for Realrock Associates. He stated they are here presenting a modified application as requested by the Commission at May's meeting. He stated they do not feel they are required to receive approval from this Commission because these modifications fall under minor modifications in Section 3.8 of the Planning Regulations. He noted in Sect 5.10.3 it is required a 2:1 slope, except in rock. He said field modification were approved by the Borough staff. He stated the reasons why he felt they did not need Planning's approval are as follows: detention basin is in the same location; same detention capacity; no affect on

individual lots; not requesting more lots. Jim Jordan said he feels it is a major modification to the plans, and that the Commission never asked for modified plans, they just wanted to hold them responsible for adhering to your original plans. Mark Lancor, Dymar Engineering 225 Main St. South, Southbury, went over plans with Commission. He noted that it is well vegetated on Graham Ridge Road. The area there is established and well stabilized. He stated they wanted to create a plan with the least amount of disturbance because of the well established areas. He said they have two different suggestions; the first being installing a black vinyl chain link fence along the edge of the detention basin with a gate and pad lock and an ornamental fence along Graham Ridge Road along the outer edge of the rock cut. He stated there will be 370 ft or ornamental fence which would then transition into the vinyl. They both would be 6 ft high. He noted the aluminum fence does not rust, keeps its color, and is a commercial grade. He stated this plan also includes a series of plantings of over 180 shrubs and 8 evergreen trees. A second plan is a grading plan which would consist of 1,050 yards of rock/material to be removed from the site. He noted that trying to bring the rock to a 2:1 is very hard. He said they would just stabilize the slopes, have no planting or fencing and the rock would be cut to 4ft or less. Jim Stewart went over his report. He suggested that the Commission looks at the South West report. James Jordan said he is concerned with the sloping areas. He also stated he didn't know how the fence impacts turning it over to the homeowners association. Mark Lancor said the fence is practically maintenance free. Katherine Gabrielson asked if the grading plan is chosen if blasting will have to be done. James Stewart answered yes. Commissioner Gabrielson asked if the safety issue with blasting is greater than putting up a fence. Steve Cote, 195 Graham Ridge Road, stated they do not have to blast; crack-ite can be used. He noted that Southwest Conservation suggested the proposed approved grade be done. He said that children will climb the fences and could still get hurt, but it will be out of site. He stated the neighborhood association will not be responsible for the fence because it wasn't in the agreement when they purchased the lots.

**VOTED:** Unanimously on a motion by Harry Jancis to table the decision until next month's meeting.

James Stewart suggested the Commission go out and look at the site if they haven't been there in a while.

C. Commission discussion/decision regarding modification of grading plan for Lot B, Farmstead Lane, Westover Hills Subdivision, Applicant: Realrock Associates, LLC.

Mark Lancor went over the history of Lot B. He stated it is made up of excess from the detention basin. He said that during construction wetlands were discovered that were not delineated on the wetland map. Slopes were created in excess of 2:1. He noted the area is well established with vegetation. James Jordan asked how this modification is different from the original approved plans. Mr. Lancor said there is a lot less material there now then what was on the original plan. Katherine Gabrielson asked what type of vegetation is growing on the lot. Mr. Lancor said there were trees, brush, and bramble. James Jordan noted the initial proposed fill was never met. Harry Jancis stated his concern over disturbing the vegetation that is already established. Jim Stewart went over his report with the Commission.

**VOTED:** Unanimously with a motion by Robert Pease and seconded by Harry Jancis to **APPROVE** with conditions the modification of grading plan for Lot B, Farmstead Lane, Westover Hills Subdivision, Applicant: Realrock Associates, LLC.

1. The 584 contour appears to be mislabeled and should be the 586 contour.
2. A note should be added to the plan that disturbed area must be seeded and stabilized.
3. The Engineering Department must be notified prior to starting of the work in order to inspect re-grading activities.
4. Any unsuitable fill discovered during regrading activities must be removed and disposed of properly.
5. Provide a copy of the wetlands report for the area for review by the wetlands officer.
6. The limit of filling and grading should be flagged prior to starting work.

5. **NEW BUSINESS:**

- A. Commission discussion/decision for Zoning Commission referral regarding a Special Permit Application to install a Roxidizer RTO unit on their parking lot located on Bridge St. Applicant: Naugatuck Glass Co.  
Keith Rosenfeld stated this is a special permit application from Zoning to Planning. He noted they need to decide if it falls under the Zoning Ordinance and the Plan of Conservation and Development. Jeff Thomas, Naugatuck Glass Co., went over the definition of a Roxidizer with the Commission.

**VOTED:** Unanimously with a motion by Harry Jancis and seconded by James Jordan to send a **POSITIVE REFERRAL** to the Zoning Commission on the basis that this application adheres to the Plan of Conservation and Development and the Zoning Ordinance.

- B. Field Modification for Pondview Estates, Wooster St. Applicant: AFP & Sons Construction LLC.  
Jim Stewart told the Commission he reviewed the modified plans for the sidewalks and looked at the wetland impact and their placement and concurred with their plans. He stated the new plans would bring the sidewalk to the curb in order not to fill any wetlands.  
The Commission was OK with the modified plans.

- C. Request for a 90 day extension to file the Mylar for Country Farms Estates Subdivision, located on Rubber Ave. Extension. Applicant: Cerignola LLC.  
James Jordan said this was the first request for an extension.  
**VOTED:** Unanimously on a motion by Anthony Whelan and seconded by Robert Urbano to **GRANT** the request for an extension to file the Mylar for County Farms Estates Subdivision, located on Rubber Ave. Extension.  
Applicant: Cerignola, LLC.

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

6. No Correspondences

7. Report of Burgess Liaison:  
Burgess Liaison Patrick Scully reported to the Commission that the town wants to use funds from the Open Space fund to improve existing parks and fields. He is asking the Commission to send a letter to the Burgess's asking that the money not be used for this. He handed the Commission a copy of the report from General Statutes of CT. He said he already got voted down by the Joint Boards Commission. Harry Jancis said they should vote that the money should not be used for anything other than establishing land. Burgess Scully noted that there will be a Public Hearing Thursday night at the high school on the budget.  
**VOTED:** On a motion by Harry Jancis that this Commission will send a resolution to the Joint Boards stating they are opposed to the use of the money in the Open Space fund for anything other than the purchase and preservation of Open Space Land.
8. **VOTED:** Unanimously on a motion by Anthony Whelan and seconded by Robert Urbano to adjourn the meeting at 9:28 P.M.

RESPECTFULLY SUBMITTED

Anthony Whelan, Secretary, rb