

**PLANNING COMMISSION
REGULAR MEETING JANUARY 3, 2011**

Anthony Whelan opened the Regular Meeting at 6:06 P.M. with the following in attendance:

MEMBERS:

Anthony Whelan, Chair
Robert Pease, Vice-Chair
Harry Jancis, absent
Lois E. Braziel, Secretary, absent
Deanna Krzykowski,
Katherine Gabrielson, alternate, absent
Robert Urbano, alternate

OTHERS:

Public: 6
Wayne Zirolli, Boro Engineer
Keith Rosenfeld, Town Planner
Edward Fitzpatrick, Boro Attorney
E. Warren Hess, Boro Attorney
Allison Hurley, Asst. CZEO

1. Anthony Whelan, Chair led with the Pledge of Allegiance. He then took attendance and determined a quorum was present. Anthony Whelan then appointed Robert Urbano a regular voting member in place of Lois Brazil.
2. No Executive Session.
3. Review /Approval of the December Meeting Minutes.

VOTED: Unanimously on a motion by Deanna Krzykowski and seconded by Robert Pease to **APPROVE** the December Regular and Public Hearing Meeting Minutes.

4. **NEW BUSINESS:**

- A. Referral from the Zoning Commission regarding Text Change to Section 23.1 (schedule A.) of the zoning Regulations to allow bowling alleys, Billiard pool halls, indoor rifle range and archery range in an I-2 zone with a Special Permit. Applicant: Lynch, Trembicki and Boyntona.

VOTED: Unanimously on a motion by Robert Pease and seconded by Robert Urbano to **SEND a POSITIVE** referral to the Zoning Commission regarding Text Change to Section 23.1 (schedule A.) of the zoning Regulations to allow bowling alleys, Billiard pool halls, indoor rifle range and archery range in an I-2 zone with a Special Permit. Applicant: Lynch, Trembicki and Boyntona.

- B. Referral from the Zoning Commission regarding a Text Change to Sections 58.2, 58.4.2 and 58.4.11 of the Zoning Regulation. Applicant: Woermer Law Firm.

Attorney Matt Woermer explained to the Commission the intent for the text change. Attorney Woermer is proposing a revision to section 58.2 to include R-45 and R-65. In section 58.4.2 the maximum number of dwelling units in an R-65 or R-45 zone would be three units per 40,000 square feet. And in section 58.4.11, the maximum allowable lot coverage as a percent of the minimum buildable area in either a R-65 or R-45 zones

would not exceed 25%. Robert Pease stated his concerns are with the intent of the R-65 per its restrictions on growth relating to the sewer plant and the water supply systems. He feels the revision should read is allowed by special permit with self contained water and sewer supply.

Attorney Woermer explained this is an appropriate way to develop this town in a nice way and reward the some of the people who have moved here or lived here all their lives and saved a little money and don't want to be stuck together in small units off near the police station, Because that is where it is designated to develop 55 and older. Attorney Woermer said if you'd like to cross the town line to Oxford you can go deep in the woods and apparently that's o.k., you can go out to Middlebury or Beacon Falls and that's o.k. He stated that it's not o.k. for everyone who has worked in the building next door or the buildings that have been torn down. He said he does not see why we are not entitled to this. Attorney Woermer said they talk about the sewer capacity well he has gone to the sewer commission and that commission said they want more because they have the extra capacity. He said at some point we need to get Naugatuck to develop and provide a nicer life in town so people don't have to go to surrounding towns. Attorney Woermer stated it's not a night club or strip zone it is as low impact as he can imagine. Anthony Whelan asked the Borough Attorney if this commission should even be considering the impact on the sewer system seeing they would have to get the permits from another authority. Attorney Fitzpatrick said it is this Commissions duty to consider if the zone change is consistent with the Plan of Conservation and Development (POCD) as intended. He said the POCD document was done in 2001 and is a constantly revolving document. Attorney Fitzpatrick said the Commission should look at what is appropriate for the Borough. He stated he has not had time to review the proposal. Roland Desrosiers, Surveyor for the applicant said they had come in front of this Board and other Boards about a year ago with a feasibility plan when the property was zoned R-30 and most of the Boards were in favor of the project: then the town changed the zone so that is why we are here now. The Commission members were all in agreement to table their decision until next month's meeting. Attorney Fitzpatrick stated this would give the Town Planner a chance to provide the commission with an analysis of the consistency he sees with the POCD.

- C. Discussion regarding the Update to the 2001 Plan of Conservation and Development. The Commission tabled this item until next month's meeting.
- D. Commission Discussion/Decision regarding temporary Access and Construction Easement and Agreement for 144 Graham Ridge Rd. Naugatuck, CT, Applicant: Borough of Naugatuck. Wayne Zirolli asked the Commission to Table this item until next month's meeting. The Commission agreed.

- E.** Commission Discussion/Decision concerning 8-24 Referral from the Board of Mayor and Burgesses regarding proposed Access Easement with Chemtura Corporation.
VOTED: Unanimously on a motion by Robert Pease and seconded by Deanna Krzykowski to send a **POSITIVE** for a 8-24 referral to the Board of Mayor and Burgesses regarding proposed Access Easement with Chemtura Corporation.
- F.** Commission Discussion/Decision concerning 8-24 Referral from the Board of Mayor and Burgesses regarding First Amendment to Discharge and Access Agreement with Chemtura Corporation.
VOTED: Unanimously on a motion by Robert Pease and seconded by Deanna Krzykowski to send a **POSITIVE** for a 8-24 referral to the Board of Mayor and Burgesses regarding First Amendment to Discharge and Access Agreement with Chemtura Corporation.
- G.** Commission Discussion/Decision regarding Amendments to the Naugatuck Subdivision Regulations, Sections 3-6. Applicant: Borough of Naugatuck.
The Commission tabled their decision until next month's meeting.
- H.** Commission Discussion/Decision regarding proposed stipulated agreement between KIMP Enterprise and the Naugatuck Planning Commission.
Borough Attorney Hess reviewed the Stipulation for Judgment regarding Kimp Enterprises, LLC. A discussion ensued between Attorney Pilicy, representing the Plaintiff, Borough Attorney Hess, Commission and Staff regarding the cost of the demolition of the house. Attorney Pilicy asked the Commission to consider making the bond at the lower range of the recommendation of the building official who recommended \$15,000 to \$20,000. Keith Rosenfeld said the Building Official stated to him the cost could be between \$15,000 and \$20,000. Commissioner Robert Urbano recommended splitting the difference and making it \$17,500 the commission agreed. Attorney Pilicy stated yes. The Commission motioned the following:
VOTED: Unanimously on a motion by Robert Pease and seconded by Deanna Krzykowski to **APPROVE** the Stipulated Judgment with the following changes:
1. A Performance Bond of \$47,500 representing \$30,000 for paving and sidewalk and for the demolition of the house \$17,500.
 2. Plaintiff shall maintain the existing home and take all appropriate action to prevent the home from falling into disrepair including but not limited to lawn care, snow removal, and other maintenance during the duration of this agreement.

3. There shall be no further appeals, requests for modification or other efforts to change or modify this agreement.

I. There were no Additional items to be discussed or added to the agenda.

5. No Correspondences

6. No Report of Burgess Liaison

7. Adjournment

VOTED: Unanimously on a motion by Deanna Krzykowski and seconded by Robert Urbano to adjourn the meeting at 7:30 P.M.

RESPECTFULLY SUBMITTED:

Deanna Krzykowski, Acting Secretary/ah

**PLANNING COMMISSION
PUBLIC HEARING MEETING JANUARY 3, 2011
TO CONSIDER A NUMBER OF AMENDMENTS TO THE NAUGATUCK
SUBDIVISION REGULATIONS, SECTIONS 3-6.
APPLICANT: BOROUGH OF NAUGATUCK, CT.**

Anthony Whelan reconvened the Public Hearing Meeting at 7:25 P.M. with the following in attendance:

MEMBERS:

Anthony Whelan, Chair
Robert Pease, Vice-Chair
Harry Jancis,
Lois E. Braziel, Secretary, absent
Deanna Krzykowski,
Katherine Gabrielson, alternate, absent
Robert Urbano, alternate, absent

OTHERS:

Public: 0
Wayne Zirolli, Boro Engineer
Keith Rosenfeld, Town Planner
Edward Fitzpatrick, Boro Attorney
E. Warren Hess, Boro Attorney
Allison Hurley, Asst. CZEO

Keith Rosenfeld stated everyone should have received the final draft. He said there is some formatting that still needs to be corrected but the content will stay the same. Anthony Whelan asked if there was any public comment. There was none. The Commission closed the Public Hearing.

RESPECTFULLY SUBMITTED:

Deanna Krzykowski, Acting Secretary/ah