

**PLANNING COMMISSION
REGULAR MEETING July 11, 2011**

Robert Pease opened the Special Meeting at 6:10 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: 1
Sheryl Kimiecik, Asst. CZEO
Keith Rosenfeld, Town Planner
Edward Fitzpatrick, Borough Attorney

1. Chair Anthony Whelan led with the Pledge of Allegiance. He then took attendance and determined a quorum was present.
2. Executive session with Borough Attorney Edward Fitzpatrick regarding Planning Commission for the Borough of Naugatuck v. Primrose Companies LLC.

VOTED: unanimously on a motion by Harry Jancis and seconded by Deanna Kzykowski to move into Executive Session regarding Primrose Companies, LLC, inviting in staff.

VOTED: unanimously on a motion by Harry Jancis and seconded by Robert Pease to reconvene the regular meeting at 7:45 P.M.

3. Review /Approval of the May and June Regular Meeting Minutes.

VOTED: 3 -0-1 on a motion by Robert Pease and seconded by Harry Jancis to approve the May regular meeting minutes as written.

FOR

Robert Pease
Harry Jancis
Anthony Whelan

AGAINST

ABSTAIN

Deanna Kzykowski

VOTED: Unanimously on a motion by Deanna Kzykowski and seconded by Robert Pease to accept the June regular meeting minutes as written.

4. **OLD BUSINESS:**

- A. Referral request from the Zoning Commission regarding amendments to the PDD#2, Section 61 of the Naugatuck Zoning Regulations, Applicant: Borough of Naugatuck.

Keith said that at the last meeting Harry had a concern about property being divided and not working with the plan and scheme itself. He said they looked back and tried to change everything, but then he looked and said the EDC, in the current regulations, has the right to comment on divisions. He said the EDC already has the power to say if a subdivision is correct or not correct, so he continued with the new language that had been discussed earlier as related to site plan approval, that they need a positive recommendation from the EDC stating that the proposal is in conformance with the purpose of the 1978 Industrial Park Plan. Attorney Fitzpatrick said that the only legal issue is you don't want to make an approval subject to someone else's approval. A discussion took place regarding PDD's. Keith said that this maintains the level that the EDC is in charge of the Industrial Park and if they give a blessing then it works in harmony with the Industrial Park Plan, and then this group approves it at the site plan stage. Harry Jancis commented that Keith did a good job. Deanna asked if the commission is comfortable with it. Harry Jancis said that he is comfortable with it and considers this important because the people who buy a piece of property have two documents to sign, and they have to do it according to the zoning requirements and according to the plan for the industrial park which is much more detailed.

VOTED: Unanimously on a motion by Deanna Krzykowski and seconded by Harry Jancis to SEND a POSITIVE referral to the Zoning Commission regarding the amendments to the PDD #2 section 61 of the Naugatuck Zoning Regulations concerning the Naugatuck Industrial Park Regulations dated July 11, 2011 to be attached to the referral.

- B. Referral request from the Zoning Commission regarding a Special Permit for a Gas Station/Convenience Store/Retail Commercial Building located on 909 Prospect Street, Applicant Fulling Mills Development LLC.
REFERRAL SHOULD BE GIVEN BY August 10, 2011

Attorney Michael McVerry, 35 Porter Ave, Naugatuck, representing the applicant, said that the referral from Zoning is for a special permit for approximately three acres of property on the southerly side of RT 68 just west of the prospect town line for a gas station and a commercial shopping center. He said that the property is in a B2 zone. He said that it does sit on a state highway, and that the use fits the area at this point in time. Robert Pease asked about sizing of the drainage pipe, and that Wayne was supposed to answer that. Harry Jancis said that one of his concerns is for

safety, and he can see a problem coming from Prospect and making a left hand turn into the gas station. Paul Bunevich, Engineer, Land Data Engineers, Waterbury, said that the state DOT has reviewed the driveway entrance and have approved it. He said they are required to widen Rt 68 both ways. A discussion took place regarding the driveway entrances. Deanna asked Keith to review the memo to the commission. Keith said that in the current plan of conservation and development, the area shown on the plans is shown in a yellow color and represents single family homes, residential 15,000 sq feet, and this plan does not reflect the Plan of Conservation and Development. It does however reflect the current zoning in that area. A discussion took place regarding the referral process and the commission's ability to vote. Anthony Whelan asked about the tax issues and the letter from the tax collector. Attorney Fitzpatrick said that they are not issuing a permit, that it is a referral. He said that they are to look at how this proposal fits into a regulatory scheme as a whole, that they are issuing a favorable or unfavorable report, and comments can be made about its position that the taxes owed by the applicant or any related entity should be paid. Anthony Whelan asked the commission if they felt like moving forward. Deanna asked if the area is cleared or if it needs to be cleared. Mr. Bunevich said that it is mostly cleared, about 90-95% of it. Deanna asked when the wetlands permit was issued and if there was a limit on those permits. Keith replied five years.

Anthony Whelan asked for public comment. Bill Allison, 912 Prospect St, Naugatuck, said that he has a problem getting in and out of his driveway now and putting a gas station in will make it a whole lot worse. He said that Prospect St is 75% residential, not a commercial or business area, and the neighbors do not want this in the area.

VOTED: 3-1-0 on a motion by Robert Pease and seconded by Deanna Krzykowski to SEND a POSITIVE referral on request from the Zoning Commission regarding a special permit for a Gas Station/Convenience Store/Retail Commercial Building from Fulling Mills Development LLC with the following conditions:

1. Zoning Commission to pay particular attention to drainage on the property site, particularly the size of drainage pipes in terms of 50 and 100 year storms.
2. Consult with DOT concerning traffic turning patterns and widening of RT 68 at the entrance to the facility.
3. Zoning Commission to pay attention to the possibility of taxes owed by the company prior to any permits being issued as was stated in the memo from the Tax Collector dated May 23, 2011.

FOR

Robert Pease
Deanna Krzykowski
Anthony Whelan

AGAINST

Harry Jancis

ABSTAIN

5. NEW BUSINESS:

- A. Referral from the Board of Mayor and Burgesses pursuant to CGS Section 8-24 regarding a Temporary Access and Construction Easement for the purpose of repairing clogged catch basins and driveway to the property of Carol Doody.

Keith submitted a letter from Carol Doody, and read it into the record. Attorney Fitzpatrick said that the template that they set up for assisting and remediating drainage issues in Naugatuck where they feel there is a possible Borough liability component, and is something that the Borough can solve within its resources and will be effective, then they need the property owners permission to go on their property and do it. He recommended that the commission does not recommend to the Borough Board the temporary access easement and construction agreement regarding the Doody property in as much as the property owner does not want to grant an easement. Deanna asked how this was presented to her (Carol Doody). Attorney Fitzpatrick said that she came to the meeting and the Borough Engineer, Wayne Zirolli, went out to the property and sized up the property and decided how it could be solved. Attorney Fitzpatrick said that several of these have been done successfully.

VOTED: Unanimously on a motion by Harry Jancis and seconded by Robert Pease to send a NEGATIVE REFERRAL to the Board of Mayor and Burgesses regarding the temporary access and construction easement on the property of Carol Doody of 653 Andrew Mountain Rd in as much as Carol Doody has specifically stated in her letter dated July 11, 2011 that she does not want to grant that easement, and that a copy of the letter be forwarded to the Board of Mayor and Burgesses.

- B. Referral from the Board of Mayor and Burgesses pursuant to CGS Section 8-24 regarding a Temporary Access and Construction Easement for the purpose of repairing the breached drainage ditch to the property of Indian Hills South Homeowners' Association Inc.

Attorney Fitzpatrick explained the easement to the commission. He said that part of the embankment has given way and water is gushing down and flowing into the property owner's house. He explained the process to the commission. Robert Pease questioned maintenance of the repair once it is done. A discussion took place regarding maintenance.

VOTED: Unanimously on a motion by Harry Jancis and seconded by Deana Krzykowski to send a **POSITIVE REFERRAL** to the Board of Mayor and Burgesses regarding a temporary access and construction easement for the purpose of repairing the breached drainage ditch on the property of Indian Hills South Homeowners' Association Inc.

C. Additional Items require a 2/3 vote. There were no additional items.

6. CORRESPONDENCE

There was no correspondence

7. REPORT OF BURGESS LIASON

There was no report.

8. ADJOURNMENT

VOTED: Unanimously on a motion by Robert Pease and seconded by Harry Jancis to adjourn the meeting at 8:23 P.M.

RESPECTFULLY SUBMITTED:

Deanna Krzykowski, Acting Secretary/sk