

DRAFT

**PLANNING COMMISSION
REGULAR MEETING SEPTEMBER 12, 2011**

Robert Pease opened the Special Meeting at 6: 00 P.M. with the following in attendance:

MEMBERS:

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

OTHERS:

Public: 0
Sheryl Kimiecik, Asst. CZEO
Keith Rosenfeld, Town Planner
Edward Fitzpatrick, Borough Attorney
Wayne Zirolli, Borough Engineer

1. Vice Chair Robert Pease led with the Pledge of Allegiance. He appointed Katherine Gabrielson as a regular voting member in place of Lios Braziel, and Robert Jancis in palce of Deanna Krzykowski. He took attendance and noted there was a quorum.
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 Katherine Gabrielson and seconded by Robert Urbano to move into Executive Session regarding Primrose Companies, LLC, inviting in staff.

VOTED: Unanimously on a motion by Katherine Garbrielson and seconded by Robert Ubano to reconvene the regular meeting at 6:50 P.M.

3. Review /Approval of the August Regular Meeting Minutes.
The August Regular Meeting Minutes were tabled to the October meeting.

4. **OLD BUSINESS:**

- A. Discussion/decision regarding performance bond and remaining public improvements for Aeden's Place Subdivision, located adjacent to property listed at 136 Allerton, Road, Naugatuck, CT GMLR properties, LLC

Keith said that they have come up with a figure of \$6000-\$7000 and that a 20,000 certified check is on file at the Borough Clerk. He said that the subdivision expired on 02/06/2011. On behalf of the applicants, he said that he is asking for an extension to 02/06/2012 to finish up the work. Katherine asked if they can do any of the work if it freezes. A discussion took place regarding the cut off dates for when the work is allowed to be done.

VOTED: Unanimously on a motion by Katherine Gabrielson and seconded by Robert Urbano to GRANT an extension to CT GMLR Properties, LLC to 02/06/2012 for the work to be completed.

- B. Discussion/decision regarding performance bond and remaining public improvements for Pondview Estates Subdivision located at the intersection of Wooster Street and Donovan Road, Naugatuck, CT AFP and Sons.

Keith said that there is a \$125,000 letter of credit on file at the Borough Clerk, and Wayne came up with a figure between \$45,750.00 and \$51,750.00 for the remaining items to be done. He said, on behalf of the applicants, he recommends a two year extension for the subdivision to 3/6/2013. Harry Jancis asked what the main work is that needs to be done. Keith replied that the sidewalks and curbs on Donovan road, utility polls and a couple of catch basins and street trees on Donovan Rd, and the widening and repairs on Worcester St. still need to be done. Mr. Jancis asked when the current bond expires. Keith said that it never expires, and that it only expires when they give us a 90 day notification. He said that he recommends that the subdivision be extended to 3/6/2013.

VOTED: Unanimously on a motion by Katherine Gabrielson and seconded by Harry Jancis to extend the expiration date of Pondview Estates Subdivision to March 6, 2013, Wooster street and Donoavan Road, Naugatuck., CT AFP and Sons.

- C. Discussion/decision regarding modification to Paddock Ridge Subdivision, located at the northerly section of King Street, Paddock Ridge LLC.

Keith said there is no action and that Mr. Vieira never came back with any other modifications to be considered by the commission regarding Paddock Ridge Subdivision, so as of September 26, 2011 it will be expired.

5. NEW BUSINESS:

- A. Commission discussion regarding Public Act No. 11-79 concerning bonds and other surety for approved site plans and subdivisions.

Attorney Fitzpatrick said that it was effective October 1, 2011, and the big changes are that the developer may pose a bond at any time before completing the site, and surety bonds need to be accepted. Keith asked if they could specify that the company does business in Connecticut. Attorney Fitzpatrick said that the statute doesn't say that. Robert Pease said that it could be specified in the regulations. Attorney Fitzpatrick agreed. He said that the bond amount must be capped at 110% and a bond cannot be carried forward such as a maintenance bond. Harry Jancis

asked that given the fact that we now have to accept surety bonds, do we now have to change the regulations. Attorney Fitzpatrick said that they have to now accept surety bonds whether it is in the regulations or not. Robert Pease said that he is concerned about the developers notice to reduce the bond, and that the 65 days includes the date that they ask for it, the commission reviewing it and noticing the surety company, and there is not a lot of time. He said he is also concerned about the 110% cap. A discussion took place regarding the timing. Keith said that he was concerned about how the public is assured when they buy a lot. Attorney Fitzpatrick said that it would need to be required to be on the subdivision map. A discussion took place regarding how to handle this. Katherine Gabrielson asked if they should ask other towns to see that they are doing. Attorney Fitzpatrick said that he will look into it. Harry Jancis said that they should draw up some proposal regulations to be pro-active, and asked Keith to present proposed changes for next month.

B. Commission discussion/decision regarding performance bond of Hoadley Grove Subdivision; KIMP Enterprise.

Attorney Fitzpatrick said he was not familiar with the application. Harry Jancis said it is a long standing issue, and he explained some of the details. Attorney Fitzpatrick asked if the stipulation had been officially recorded. Keith said that he did not know. Harry Jancis asked if Attorney Hess had ever followed up with it. Keith replied that they are following up on the performance bond and the schedule A that goes along with it today. Attorney Fitzpatrick said that he will follow up with Attorney Hess. Harry Jancis said that basically we want to make sure that our agreement gets placed on the land record.

Robert Pease asked for Public Comment. Elisabete Dasilva, 145 Highland Avenue, said she is having extreme problems with water in her back yard. She said she has been to many meetings and would like to know what the town is going to do. There are snakes and she can't even use her back yard. Wayne submitted a map to the commission of the area. Ms. Dasilva showed pictures to the commission. A discussion took place regarding possible solutions. Wayne said that he will be working with the developer to address issues, but it will take some time. Ms. Dasilva said that she would like some type of agreement that we are working together and have an understanding. Harry Jancis suggested they give her a copy of Wayne's report.

C. Commission discussion/decision concerning C.G.S Section 8-24 Referral from the Board of Mayor and Burgesses regarding the Appropriation and Bond Authorization of \$81,000,000 for the Reconstruction and Renovation of the Naugatuck High School.

Harry Jancis asked what would happen if the commission turned it down. Attorney Fitzpatrick said that the commission doesn't turn it down. They

either issue a favorable or unfavorable referral. A discussion took place regarding the Planning Commissions responsibility regarding voting on the issue. Harry Jancis said that they don't know if they even need to do any work. Attorney Fitzpatrick said that it's up to the Board to decide that. Keith said the question is does this type of activity meet the goals of the Plan of Conservation and Development by keeping the high school in its present location, by remodeling it, and keeping it as the center hub for education in the borough of Naugatuck. Harry Jancis said how do they know, there is no one here presenting the information to us. Keith said that it says in the Plan of Conservation and Development that it is the center for education, its shown on the land use plan, and if there was something in there that said a new educational center was needed then you would say no it doesn't meet the Plan of Conservation and Development, but that's not what it says. Katherine Gabrielson asked what exactly are they being asked to do. Attorney Fitzpatrick said that in order for the Borough to authorize bond authorization for the reconstruction of a public building the Board needs to send a referral to the Planning Commission, and the commission's decision to send a positive or negative referral should be based on the plan of conservation and development and whether or not it fits into the surrounding neighborhood.

VOTED: Unanimously on a motion by Harry Janicis and seconded by Robert Pease to send a negative referral to the Board of Mayor and Burgesses regarding the Appropriation and Bond Authorization of \$81,000,00 for the Reconstruction and Renovation of the Naugatuck High School.

Katherine Gabrielson said that she didn't think they were supposed to be voting on moneys. Harry Jancis said that they are voting for a referral, and basically he hasn't seen that any work needs to be done. Attorney Fitzpatrick said that the question is whether or not they are making a positive or negative referral based on the planning aspect of the project and the amount of the money is not the question. A discussion took place regarding the request for a referral from the Board of Mayor and Burgesses, and whether or not an actual referral was ever given. Attorney Fitzpatrick recommended that they have someone come in and explain everything to them.

VOTED: Unanimously on a motion by Harry Jancis and seconded by Robert Urbano to WITHDRAW the previous motion regarding a negative referral for bond authorization for the reconstruction and renovation of Naugatuck High School.

The discussion was tabled to the October 3, 2011 meeting.

- D. Additional items require a 2/3 vote.

1. Keith asked that a referral for a special permit regarding community services and facilities run by Well Path, located at 170 Fairview Ave, Applicant: Hillside Covenant Church/Earl Lindgren, Architect, be added to the agenda.

VOTED: Unanimously on a motion by Harry Jancis and seconded by Katherine Gabrielson to add to the agenda Special Permit regarding community services and facilities run by Well Path, located at 170 Fairview Ave, Applicant: Hillside Covenant Church/Earl Lindgren, Architect.

Robert Pease recused himself from the discussion.

Earl Lindgren, 666 Church St, representing Hillside Covenant Church, said that they are looking for a Special Permit to change 170 Fairview Avenue, next to the church, from a rectory into a place for an organization called Well Path. He said the pastor has left and the new pastor lives in town and therefore doesn't need that parsonage to live in, and they have been looking for an organization to occupy it. He said he read the letter from Keith who recommended that it be turned down. Mr. Lindgren that he had read the regulations and said he would call this a transitional area and he thinks this situation and neighborhood is a little different than a residential neighborhood. He said it's a win, win in his judgment, its good for Well Path, for the church, and it's a good fit. Katherine asked what they would do if they did get a pastor that needed a place to live. Mr. Lindgren said that they would just have to deal with it at the time but they are pretty confident that the next pastor would want to buy a house in town. Katherine asked if they would be selling the property to Well Path or renting. Mr. Lindgren said that Well Path would be their tenants. Katherine asked if they would be doing clinical treatment at that facility. Mr. Lindgren said yes they would be. A discussion took place regarding the site plans. Mr. Lindgren said that there would be minimal work and that most of the changes would be inside. Harry Jancis said that what they are asking for then is a special permit to change the use of the building from residential to commercial.

VOTED: 3-0-1 on a motion by Harry Jancis and seconded by Katherine Gabrielson to send a Positive Referral to the Zoning Commission for a special permit regarding community services and facilities run by Well Path, located at 170 Fairview Ave, Applicant: Hillside Covenant Church/Earl Lindgren, Architect.

FOR
Robert Urbano
Katherine Gabrielson
Harry Jancis

AGAINST

ABSTAIN
Robert Pease

DRAFT

2. Attorney Fitzpatrick requested that a commission discussion be added to the agenda regarding a piece of land that the CT Water Co. had given to the Borough of Naugatuck and is now requesting that it be given back.

VOTED: Unanimously on a motion by Harry Jancis and seconded by Katherine Gabrielson to add to the agenda a commission discussion regarding 8-24 referral from the Borough Board for property that is being requested to be given back to the CT Water Co.

VOTED: Unanimously on a motion by Katherine Gabrielson and seconded by Harry Jancis to send a POSITIVE referral to the Board of Mayor and Burgesses to return the .33 acres back to the CT Water Co.

6. CORRESPONDENSE

Keith asked about interviews for the Plan of Conservation and Development. Attorney Fitzpatrick suggested conducting public interviews at a meeting during open session. Robert Pease asked if they should get it down to two prospects and just do the two interviews in a public meeting. Attorney Fitzpatrick said that they need to determine what the scope is of what they want a consultant to do and then come back and decide who they want to interview. Keith was asked to bring to the next meeting the scope of services and suggested that it be available online.

7. REPORT OF BURGESS LIASON

There was no report.

8. ADJOURNMENT

VOTED: Unanimously on a motion by Robert Urbano and seconded by Katherine Gabrielson to adjourn the meeting at 8:35 P.M.

RESPECTFULLY SUBMITTED:

Deanna Krzykowski, Acting Secretary/sk