

**PLANNING COMMISSION
REGULAR MEETING November 5, 2012**

Anthony Whelan, Chairman, opened the meeting at 6:00 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

OTHERS:

Public: 0
Sue Goggin, Secretary
Keith Rosenfeld, Town Planner

1. Tony Whelan led with the Pledge of Allegiance. He took attendance, and noted there was a quorum. He appointed Robert Urbano a regular voting member in place of Lois Braziel.
2. Executive session with Borough Attorney regarding Planning Commission of the Borough of Naugatuck v. Primrose Companies LLC.

There was no executive session.

3. Review /Approval of the September 10, 2012 Public Hearing and Meeting Minutes and the October 1, 2012 Meeting Minutes.

VOTED: Unanimously on a motion by Deanna Krzykowski and seconded by Robert Pease to **ACCEPT** the September 10, 2012 Public Hearing and Meeting Minutes as written.

VOTED: Unanimously on a motion by Deanna Krzykowski and seconded by Robert Urbano to **ACCEPT** the October 1, 2012 Meeting Minutes as written.

4. OLD BUSINESS:

- A. Commission discussion/ decision regarding Planning Commission of the Borough of Naugatuck v. Primrose Companies, LLC.

This item was tabled to the next meeting. Attorney Fitzpatrick said it should stay on the agenda.

- B. Commission discussion/decision regarding Fawn Meadow Subdivision Phase III, located near the intersections of Fawn Meadow Dr., Warm Earth Rd., Longwood Dr. and Morning Dove Rd. Applicant: Northeastern Development

A discussion ensued regarding the applicant's request for a waiver of Sections 4.1.8 and 4.1.9. Keith said that he concurred with the applicant's request. The commission agreed it was best to use the old set of subdivision regulations in this case and grant the request for waivers.

VOTED: Unanimously on a motion by Robert Pease and seconded by Robert Urbano to **APPROVE** the request by Fawn Meadow to waive Section 4.1.8 of the subdivision regulations and revert to the prior edition.

VOTED: Unanimously on a motion by Robert Pease and seconded by Robert Urbano to **APPROVE** the applicant's request for a waiver to Section 4.1.9 of the subdivision regulations with the exception of paragraph 4.1.9.6 and revert to the prior edition of the subdivision regulations.

Robert Pease made a motion to approve Fawn Meadow Subdivision with conditions, but withdrew the motion after some discussion with the Borough Attorney.

VOTED: Unanimously on a motion by Robert Pease and seconded by Harry Jancis to **APPROVE** the Fawn Meadow Subdivision Phase III with the following conditions:

1. Prior to recording of the Record Subdivision Plan, the applicant shall provide to the Planning Commission all final executed easements and deeds.
2. Prior to the recording of the Record Subdivision Plan, the applicant shall provide proposed formats for easements and deeds for review and approval by the Borough Engineer and the Borough Attorney.
3. Prior to the recording of the Record Subdivision Plan, applicant shall submit to the Land Use Office the currently accepted subdivision performance bond and appropriate Letter of Credit to be reviewed for form and content by the Borough Engineer and Borough Attorney and approved by the Planning Commission.

5. NEW BUSINESS

- A. Commission discussion/decision regarding a request by the Board of Mayor and Burgesses for a CGS 8-24 referral for temporary access and construction easement and maintenance agreement between Patrick and Cynthia Franzis, 235 Millville Ave. and the Borough of Naugatuck.

Borough Attorney Ned Fitzpatrick explained that the Borough owns a drainage system under the homeowner's swimming pool. He praised Wayne Zirolli, Borough Engineer, for identifying the many drainage issues in the Borough. He also said recent case law suggests that the Borough has a responsibility to maintain these drainage sites. A discussion ensued regarding permanent maintenance to the drainage and the borough's responsibility.

VOTED: Unanimously on a motion by Harry Jancis and seconded by Robert Pease for the Planning Commission to give a favorable recommendation, under CGS 8-24, to the Borough Board regarding the storm drain the Borough is going to install on Millville Avenue property and that we execute a construction easement agreement with the Franzis family.

- B.** Commission discussion/decision regarding a petition for a zone change at 848 New Haven Road from R-15 to NHRDD.

Attorney McSherry explained that about half of the property is zoned R-15 and they would like it to be zoned for business to allow the portion of the lot that is zoned NHRDD to be better developed. Tony Whelan asked Keith if this would be an advantage to the town. Keith said it would provide for more economic development. There was a discussion regarding receiving a referral from the Zoning Commission.

The commission recessed for 5 minutes.
The commission reconvened at 6:44 PM.

VOTED: Unanimously on a motion by Harry Jancis and seconded by Deanna Krzykowski to give a positive report to the Zoning Commission regarding the zone change application by Mr. Rotatori on New Haven Road.

- C.** Commission discussion/decision regarding a request by the Board of Mayor and Burgesses for a CGS 8-24 referral for the Borough of Naugatuck to sell a parcel of land adjacent to property at 33 Brennan Street to Thomas Gold.

Borough Attorney Ned Fitzpatrick said that this involves a very small triangular piece of property next to Mr. Gold's property. He said it is not a piece of property that the Borough will use. Ed Carter showed them where the property is on a map. Ed explained that it was given to the Borough in a land swap with Yo-Farm. He said it is a very small piece of property. Ed said the homeowner would like to put a garage up on the property. Attorney Fitzpatrick said the Borough has no future use for the property.

VOTED: Unanimously on a motion by Robert Pease and seconded by Robert Urbano to submit a positive referral, under CGS 8-24, to the Borough Board regarding a proposal to sell a parcel of town land adjacent to property on 33 Brennan Street to Mr. Thomas Gold.

- D.** Commission discussion/decision regarding a request by the Board of Mayor and Burgesses for a CGS 8-24 referral for the acquisition of Parcels A and B, Rubber Avenue and Maple Street, Naugatuck, CT.

Attorney Fitzpatrick said this request deals with the purchase of the General Datacom property. He showed them on a map where the property is and said the purchase would include the building. He said that GDC may possibly be interested in leasing office space from the Borough.

Terms of all matters are being discussed, including possible lease negotiations and purchase price. The Borough feels that to purchase these parcels and market together with Parcel C would be the best option. Attorney Fitzpatrick said that parts of the property are contaminated and the purchase price is being negotiated based on this knowledge. He said it is a prime piece of property. A discussion ensued regarding the wording of the motion regarding the threat of imminent domain. A first motion by Harry Pease was withdrawn.

VOTED: 4-0-1 on a motion by Harry Jancis and seconded by Deanna Krzykowski to give a positive referral to the Borough Board, under CGS 8-24, for the acquisition of Parcels A and B, otherwise identified as 6 Rubber Avenue (Assessor's account 024-8205) and Parcel B, identified as 0 Maple Street (Assessor's account 024-8204).

FOR

Deanna Krzykowski
Robert Urbano
Harry Jancis
Anthony Whelan

AGAINST

ABSTAIN

Robert Pease

VOTED: Unanimously on a motion by Robert Pease and seconded by Harry Jancis that the report on the acquisition of parcels A & B from the Planning Commission to the Borough Board contain a statement that it was the sentiment of the Planning Commission that the use of eminent domain only occur as a matter of last resort.

- E.** Review/Approval of 2013 Naugatuck Planning Commission Regular Meeting Dates.

The commission changed the May 6th, 2013 meeting date to May 13th, 2013 and cancelled the November 4th, 2013 meeting due to elections.

VOTED: Unanimously on a motion by Deanna Krzykowski and seconded by Robert Pease to **ACCEPT** the 2013 Naugatuck Planning Commission Regular Meeting Dates, as amended.

- F.** Additional items require a 2/3 vote.

6. ADJOURNMENT

VOTED: Unanimously on a motion by Deanna Krzykowski and seconded by Robert Pease to adjourn the meeting at 8:30 P.M.

RESPECTFULLY SUBMITTED:

Deanna Krzykowski, Acting Secretary/sg