

**PLANNING COMMISSION
REGULAR MEETING APRIL 9, 2012**

Anthony Whelan, Chairman, opened the 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: 0
Sue Goggin, Secretary
Keith Rosenfeld, Town Planner
Attorney Frank Pilicy
Borough Attorney Edward Fitzpatrick

1. Tony Whelan led with the Pledge of Allegiance. At 6:35 he took attendance, and noted there was a quorum. He appointed Robert Urbano as 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.

Borough Attorney Edward Fitzpatrick did not feel that this matter needed to go into executive session, but felt that it would be fine on the public record.

3. Review /Approval of the March 5, 2012 Regular Meeting Minutes.

VOTED: Unanimously on a motion by Deanna Krzykowski and seconded by Robert Urbano to **APPROVE** the March 5, 2012 meeting minutes as written.

4. OLD BUSINESS:

- A. Commission discussion/decision regarding the installation of a gate at its Dunn Avenue entrance to the Hoadley Grove Subdivision to determine compliance to subdivision approval.

Keith said that they had not heard from Mr. Kimmer yet and the gate remains the same. The Borough still has the bond of \$47,500. Attorney Fitzpatrick would like the commission to have 2 motions, one to reconsider the bond vote that the commission took to reduce it and then take another vote to reestablish the bond number to include the actual gate in the bond. A discussion ensued regarding the commission's options.

VOTED: Unanimously on a motion by Robert Pease and seconded by Robert Urbano to **RESCIND** their vote reducing the bond on Hoadley Grove, taken Feb. 13, 2012 and reinstate the \$47,500 bond amount.

VOTED: Unanimously on a motion by Robert Urbano and seconded by Robert Pease that the commission send Mr. Kimmer a notification letter

that from the date of the letter he will have 30 days to complete the said work, meaning put up the emergency gate on Hoadley Grove at Dunn Avenue in the specified location as per subdivision plans in the minutes, subject to approval by the Borough Engineer.

- B. Commission discussion/decision regarding the update to the 2001 Naugatuck Plan of Conservation and Development and the scheduling of potential consultant candidate interviews.

Keith said that he met with Ned and they put together a contract which was sent to the consultant. He expected to have a final contract in the next week or so which would then be approved by Attorney Fitzpatrick. He hoped that by the next meeting he would have a final contract to be signed by the Mayor as well as representatives from FHI.

1. **NEW BUSINESS**

- A. Commission discussion/decision regarding CGS Section 8-24 report concerning 146 acres off Andrew Mountain Road as referred by the Board of Mayor and Burgesses.

Borough Attorney Fitzpatrick explained that the Borough of Naugatuck is interested in purchasing 146 acres of land off Andrew Mountain Road, which consists of 4 pieces. It has been referred to the Planning Commission pursuant to Connecticut General Statute Section 8-24 by the Board of Mayor and Burgesses for either a positive or negative referral. Under the statute it is part of the requirements that it be sent to the Planning Commission due to the fact that part of it may be used for recreation or other purposes. He explained that the land is owned by 19 individuals, represented by one attorney. Keith explained that the piece of land has a great inventory of usable land which is also unspoiled. He recommended that the commission send a positive referral to the Board of Mayor and Burgesses. A discussion ensued regarding access to the property. Bob Urbano asked Keith why they should give a positive referral. Keith said because it gives the Borough the opportunity to acquire land that can be used for passive as well as active recreation which the town needs. It also removes land that could have been destined for residential development. He said it is for the best of the community.

VOTED: 3-1-0 on a motion by Deanna Krzykowski and seconded by Robert Pease to send a positive referral to the Borough Board for the purchase of 146 acres off Andrew Mountain Road.

FOR

AGAINST

ABSTAIN

Anthony Whelan
Robert Pease
Deanna Krzykowski

Robert Urbano

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

Borough Attorney Fitzpatrick explained that the status of the current litigation is that Judge Pellegrino strongly suggested that the applicant and the commission meet under some terms and conditions. The commission set those terms and conditions forth through a letter by Attorney Fitzpatrick to Attorney Pilicy. He said Attorney Pilicy is at the meeting to discuss the applicant's response. Attorney Pilicy explained that some of the conditions from the commission have been done. He has provided the commission with a packet for their review. The commission requested a copy of the meeting minutes from September 10, 2007, October 1, 2007 and November 5, 2007. Attorney Pilicy said that there are 2 additional documents that are referenced in his report that is dated April 4.

1. The Planning Commission hired a consultant, Milone and Macbroom. They provided a written review, part of which discusses the plans on a phase by phase basis.
2. The actual approval, which is a stipulation for judgement, dated April 9, 2009, entered as a court order by Judge Pellegrino. This final approval also discusses the some of the phasing issues.

Tony Whelan suggested that they table this until next month's meeting. They will let Attorney Pilicy know when to come back before the commission. Tony said they will put this number one on the agenda for the May 7th meeting.

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

Keith gave the commission a history of the Fawn Meadow Subdivision. Mr. Bette would like to get the ball rolling to begin Fawn Meadow Phase III. Keith explained that it would be a new application. A discussion ensued regarding the changes to the subdivision regulations and how Phase III would be different from the first 2 phases because of this. Keith explained that the applicant understood the new subdivision regulations.

VOTED: Unanimously on a motion by Robert Pease and seconded by Deanna Krzykowski to **ADD** the request from Fawn Meadow for a new subdivision, Fawn Meadow Phase III.

VOTED: Unanimously on a motion by Robert Pease and seconded by Robert Urbano to set a Public Hearing for May 7, 2012 at 6:30 PM for Fawn Meadow Phase III.

6. **CORRESPONDENCE**
There was no correspondence.

7. **REPORT OF BURGESS LIASON**
There was no report.

8. ADJOURNMENT

VOTED: Unanimously on a motion by Deanna Krzykowski and seconded by Robert Urbano to adjourn the meeting at 6:58 P.M.

RESPECTFULLY SUBMITTED:

Deanna Krzykowski, Acting Secretary/sg