

**PLANNING COMMISSION**  
**September 9, 2013**  
**CONTINUED PUBLIC HEARING ON PONDVIEW ESTATES**

Anthony Whelan, Chairman, opened the Public Hearing at 6:15 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  
Robert Urbano, Alternate, Absent

**OTHERS:**

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

Mark Pereira said he was there representing his father and AFP Construction, with regards to Pondview Estates. He explained that it is a 6 lot subdivision at the corner of Wooster Street and Donovan Road, with 5 of the lots developed. He said major improvements within the right-of-way include 580 linear feet of sidewalk and curbing to Donovan Road, some sidewalk improvements to Wooster Street and the re-grading and re-paving of the Wooster Street right-of-way. He said they are proceeding with the roadway improvements and they are working with Mr. Stewart in regard to the roadway construction. He said they would like to continue the public hearing so they can continue to work on the improvements. Mark said their intent is to finish by the September 30<sup>th</sup> deadline, but they will definitely have it done by October 30<sup>th</sup>. Harry said for the record he listened to the whole tape of the last meeting. Keith said his office is monitoring the work through the Inland Wetland permit. He said erosion and sedimentation controls are being used. The public hearing was continued to October 7<sup>th</sup> at 6:15 P.M.

**PLANNING COMMISSION  
REGULAR MEETING September 9, 2013**

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  
Robert Urbano, Alternate, Absent

**OTHERS:**

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

1. Anthony Whelan led with the Pledge of Allegiance. He took attendance, and noted there was a quorum. He appointed Kathy Gabrielson 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 August 5, 2013 Meeting Minutes.

**VOTED: 4-0-1** on a motion by Harry Jancis and seconded by Deanna Krzykowski to **ACCEPT** the August 5, 2013 Meeting Minutes with changes.

**FOR**

Anthony Whelan  
Robert Pease  
Harry Jancis  
Deanna Krzykowski

**AGAINST**

**ABSTAIN**

Katherine Gabrielson

**4. OLD BUSINESS:**

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

Attorney Fitzpatrick said they had a calendar call two weeks ago and the case was continued until later in the fall for a conference. He said there is no action pending and no applications pending. There was no further discussion.

- B. Commission discussion/decision regarding a Referral from the Naugatuck Zoning Commission for amendments to Section 27 (Signs) of the Naugatuck Zoning Regulations, Applicant: Naugatuck Zoning Commission.

The commission wanted to read the proposed revisions to the sign regulations more thoroughly before making a referral. The commission will read them and send comments to Sue in the Land Use office to pass on to the Zoning Commission. Sue will e-mail the sign regulations to the commission for those who choose to incorporate comments directly into them.

## **5. NEW BUSINESS**

- A.** Commission discussion/decision to set Public Hearing to expire the Pondview Estates Subdivision, file on the land records a notice of such expiration and call the surety on said subdivision to the extent necessary to complete the bonded improvements and utilities required to serve those lots.

**VOTED:** Unanimously on a motion by Kathy Gabrielson and seconded by Harry Jancis to **CONTINUE** the Public Hearing to October 7, 2013 at 6:15 P.M.

- B.** Commission discussion/decision regarding a Referral from the Naugatuck Zoning Commission for a Special Permit regarding wholesale auto sales at 38 Cherry Street; Applicant 38 Cherry Street, LLC.

Attorney McVerry, 35 Porter Avenue, explained that this is an application for a special permit for wholesale auto sales at 38 Cherry Street. He said the property is in an I-1 zone and is approximately .4 acres. He said they received wetlands approval with conditions. One of the conditions is that they cannot have more than 5 cars at any one time on site. The cars will be stored inside the building. Another condition of the wetland approval was that there is no repairing, no detailing, no washing and no work at all allowed there. Attorney McVerry said it is a wholesale operation by appointment only. The vehicles would be prepared off-site. Mr. Baranowski clarified that he would not be selling retail, only dealer to dealer.

**VOTED:** Unanimously on a motion by Kathy Gabrielson and seconded by Deanna Krzykowski to send a positive referral to the Naugatuck Zoning Commission for a Special Permit for wholesale auto sales at 38 Cherry Street; Applicant: 38 Cherry Street, LLC.

- C.** Commission discussion/decision regarding a Referral from the Naugatuck Zoning Commission for amendments to Section 25 (Treehouses, Playscapes and Playhouses) of the Naugatuck Zoning Regulations; Applicant: Naugatuck Zoning Commission.

Keith said currently Section 25, of the Naugatuck Zoning Regulations, regulates accessory uses for residential properties. This includes structures like sheds where tools and things are stored. They also regulate things like pools, decks, hobby sheds, where people hang out. He said the Zoning Commission would like to regulate tree houses, playscapes and playhouses. Keith said they have added them to a list of already permitted activities and put them in under the same regulation as a hobby shop or a

recreation building. Kathy said she thinks it is over regulating. Tony asked the commission if they had a problem with regulating playscapes. Kathy and Deanna said they should not be regulated. Deanna said if the Zoning Commission wanted to group these things and say of they were over a certain size and regulate them, she might be able to listen to that argument. Kathy said if they wanted to regulate a playscape on a public playground that would be fine, but when they want to start regulating what she puts in her backyard, like what she has for her nephews to play on, she said she has a major issue with that. Keith said that the town regulates the pool that they swim in and the deck that you have a barbecue on. Tony said to Keith that those are already on the books and they are talking about adding new stuff. Kathy said she is not going to be swayed on this.

**VOTED:** Unanimously on a motion by Harry Jancis and seconded by Kathy Gabrielson to send a **NEGATIVE REFERRAL** to the Zoning Commission on revisions to Section 25.

A discussion ensued on the over regulation of people's lives.

**D.** CGS 8-24 referral from the Board of Mayor and Burgesses for proposed sale of Prospect Street School.

Attorney Fitzpatrick said that this is regarding the sale of Prospect Street School. He said there is a current signed offer to purchase the property to be used pretty much in the same fashion. It is a school for disabled adults and also a training facility for paraprofessionals. It also would be an employment opportunity for development disabled people. The party who has made the offer has agreed not to use it in a residential manner. Because it is zoned RA-1, it could be used for residential purposes, but it is in the contract that he cannot do that. Attorney Fitzpatrick said they are a for-profit entity. He said it has been determined that the school does not serve its long-term plan which is why it was closed. He said the matter before the commission is an 8-24 referral because the commission needs to see how this fits in with the Plan. It was clarified that it is in the contract that there will be a deed restriction on using it for residential purposes. There was a discussion on how the property would be used and who would benefit by using it. Kathy and Deanna recused themselves from the discussion and vote. Attorney Fitzpatrick explained that the commission is voting as to the use, not a specific applicant. He said it's how the commission feels the use of the property fits in with the Plan of Development. Tony said he has received several e-mails regarding safety issues. He asked if there are any safety precautions that the town intends to put in. Attorney Fitzpatrick said the commission could indicate their concerns in the referral.

**VOTED: 3-0** on a motion by Harry Jancis and seconded by Bob Pease to send a **POSITIVE REFERRAL** to the Board of Mayor and Burgesses for the sale of Prospect Street School with the request that they pay particular attention to traffic safety of the prospective users.

- E.** CGS 8-24 referral from the Board of Mayor and Burgesses for proposed conservation easement to the State of Connecticut for the West Mountain Road property.

Attorney Fitzpatrick showed the commission a map of the property and where the proposed conservation easement is located. There was a discussion on whether or not any of the property was polluted. Attorney Fitzpatrick said that the piece the Borough bought is not contaminated.

**VOTED:** Unanimously on a motion by Kathy Gabrielson and seconded by Deanna Krzykowski to send a **POSITIVE REFERRAL** for the CGS 8-24 referral from the Board of Mayor and Burgesses for proposed conservation easement to the State of Connecticut for the West Mountain Road property.

- F.** All new items will require a 2/3 vote.

**VOTED:** Unanimously on a motion by Kathy Gabrielson and seconded by Harry Jancis to **ADD** to the agenda the request from Attorney McVerry regarding ALX Ventures, the Archway Subdivision at 68 Arch Street, Naugatuck, regarding an extension of the Mylar by 90 days.

Attorney McVerry said his client is in the process of getting his bonding and would like an extension for filing the Mylar. There were no questions or comments by the commission.

**VOTED:** Unanimously on a motion by Harry Jancis and seconded by Kathy Gabrielson to **GRANT** to ALX Ventures a 90 day extension to file the Mylar.

## **6. ADJOURNMENT**

**VOTED:** Unanimously on a motion by Kathy Gabrielson and seconded by Harry Jancis to adjourn the meeting at 7:15 P.M.

RESPECTFULLY SUBMITTED:

Deanna Krzykowski, Acting Secretary/sg