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SEYMOUR PLANNING & ZONING COMMISSION

Regular Meeting Minutes
March 10, 2011
Norma Drummer Room, Town Hall

Members Present: A. Yagovane, J. Jaffer, A. Ermer, Jim Baldwin, W. Birdsell,
T. Lavranchuk, Alt.

Member Absent: D. Bitso, Alt.

Others Present: Bob Looker, Town Planner, Bill Paecht, ZEO

The meeting was called to order at 7:30 p.m. by Chairman, Al Yagovane

1. Executive Session, Atty. Fred Stanek, Blakeman Construction LLC vs Planning and Zoning Commission of the Town of Seymour

MOTION: Jaffer/Birdsell, move that the Commission enter into Executive Session for the purpose of discussing strategy and negotiations with respect to pending litigation to which the Commission is a party regarding the matter of Blakeman Construction, LLC v. Planning & Zoning Commission of the Town of Seymour in accordance with Connecticut General Statutes Sections 1-200(6)(B) and 1-225(f); and to allow Town Planner Robert Looker and Attorney Frederick D. Stanek to participate in the Executive Session.
Motion Carried 5-0

The Commission went into Executive Session at 7:35 p.m.

MOTION: Baldwin/Jaffer to come out of Executive Session and resume The regular meeting at 8:10 p.m.
Motion Carried 5-0.

2. Fieldstone Woods Subdivision, Modification of Conditions of Approval.

Atty. Dominick Thomas stated that he filed a letter application to modify the conditions of approval for this subdivision. He stated that when this subdivision was approved it was represented that there would be city water and the map contains a notation that all lots will be serviced by city water and sewer. All lots have sewers. There was a letter submitted from Aquarion Water Company indicating that they could provide water to those lots. The water main would have to be extended up Mountain Road and the Town never responded and this was never done. They are making the request to modify the condition regarding city water for Lots 4 and 5. They have received a letter from Naugatuck Valley Health Department stating that there could be wells on those lots. Atty. Thomas stated that the jurisdiction is with Valley Health but since it was a condition of approval P&Z needs to modify the conditions of approval.

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Mr. Looker stated that when the subdivision application was filed on the form there is a question about public water service or wells. It is up to the applicant to indicate which will be provided and if the public water supply is near they can elect to do that; but it is not required one way or the other. This application stated that they were going to provide public water to all lots and the Commission agreed.

Atty. Thomas stated that the project was never bonded for the water service. He stated that it became a note on the map and therefore became a condition of approval. The subdivision has been sold to his clients and they are asking to have the condition modified for Lots 4 and 5 for wells.

Atty. Tim Dillon representing Mr. and Mrs. Costanzo, the original owners of the subdivision stated that he spoke with them and also Mike Horbal who was the engineer on the project. He stated that at the time the application was filed it was checked off that city water would be provided because of the close proximity of the water line. His clients felt that the City would require city water to all lots and it was their full intention to provide it. He stated that there was no discussion regarding the water during the approval process. He stated that they feel that because it was a condition of approval for them and it would be unfair to change it now and the other two lots already have city water. He stated that when the property was sold there was no condition to modify that condition and it has existed since the project was approved.

Mr. Ermer asked if the project would have been approved if wells were used and Mr. Looker stated that it would have been. Mr. Dillon stated that his clients had based the application on the premises that the town would require city water. Mr. Baldwin stated that they had made assumptions that they would be required to provide city water and would have been allowed to come back to the Commission and ask to have that modified. When they sold the subdivision there was nothing stating that no conditions could be changed. Atty. Dillon stated that they felt that the project may not have been approved with wells. Mr. Baldwin stated that it appears that the applicant has the right to ask for a modification and Valley Health states that these two lots can sustain wells.

Brian Nesteriak, engineer, stated that no water line is shown going from Mountain Road on the plans; only two laterals going nowhere from those two lots are shown. There is nothing on the plans about putting a water line in. Atty. Thomas stated that if the water line is shown a bond would have to be placed for that since it is a public improvement and no bond was required.

Mr. Looker stated that it would be legal either way and town counsel simply indicated that it was a condition of approval and they would have to come to the Commission for a modification.

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MOTION: Jaffer/Birdsell to approve the request for modification of conditions of approval for Fieldstone Woods Subdivision regarding wells on Lots 4 and 5.
Motion Carried 5-0.

3. Sign Regulations

Mr. Looker asked the members to provide him with their comments and he will prepare a draft of the regulations.

4. Ethics Form

Mr. Looker asked the members to submit their completed ethics form.

5. Zoning Enforcement

The members reviewed the report from the Zoning Enforcement Officer.

5. Minutes Regular Meeting 02-10-11

It was noted that Mr. Paecht, ZEO did submit his report at the February meeting.

MOTION: Jaffer/Birdsell to approve the minutes of the 02/10/11 meeting with the noted correction.
Motion carried 5-0.

MOTION: Ermer/Baldwin to adjourn the meeting.
Motion carried 5-0.

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,



Maryanne DeTullio, Recording Secretary