

SEYMOUR PLANNING & ZONING COMMISSION

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

Members Present: A. Yagovane, J. Jaffer, A. Ermer, Jim Baldwin, W. Birdsell, D. Bitso, Alt.

Others Present: Bob Looker, Town Planner, Dave Nafis, Nafis & Young

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

1. Request to Accept William Lane Extension

Mr. Catone was present and requested that the matter be moved to the end of the agenda in order to give his attorney time to arrive.

MOTION: Jaffer/Birdsell, to move this item to the end of the agenda
Motion Carried 5-0

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

Atty. Dominick Thomas was present represent the current owners, KTY LLC. He stated that the filed a request to modify the conditions of approval which was sent out for an opinion from town counsel. This is concerning having to provide public water which was a condition of approval. This was done because when the application was filed in 2006 it was checked that city water and city sewers were available. A letter had been 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 would like to put in wells for Lots 4 and 5 and he submitted a letter from Naugatuck Valley Health Department stating that there could be wells on those lots. Atty. Thomas stated that they are making a motion to have that condition removed from the map. He stated that P&Z can request a new map showing that Lots 4 and 5 have wells.

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 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 and the Commission agreed. He also indicated that Naugatuck Valley Health is the final authority regarding this matter. Town Counsel ruled that it was a P&Z decision whether it should be changed. Mr. Looker stated that it was strictly up to the applicant and he chose public water.

Atty. Thomas stated that town counsel indicated that based on the application filed in 2006 and that it is on the map it is a condition of approval and because of that they now have to have it modified.

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Atty. Tim Dillon representing Mr. & Mrs. Costanzo, the original owners of the subdivision stated that he has spoken with Atty. Thomas regarding this issue and asked that the Commission table any decision one month to give him time to review and research the matter. He stated that he has just become aware of the request to modify. Mr. Looker stated that he spoke with town counsel and it was her recommendation that it be tabled so that she may have more time to review it.

Mr. Baldwin asked if there was any reason or if there were wetlands on those lots that would encroach any wells. Atty. Thomas stated that Lots 4 and 5 have substantial wetlands but Naugatuck Valley Health reviewed the maps and verified where the lines are and that wells could be on the lots.

MOTION: Birdsell/Jaffer to table the matter to the March meeting.
Motion Carried 5-0.

3. Request to Accept William Lane Extension

Atty. Fran Teodosio was present for the developer. He stated that there were five issues that needed to be addressed and those have all been handled with the exception of the utility station being moved and the puddling issue. He stated that his client has paid CL&P to move the utility station and the work was scheduled for the end of January. The snowstorms cancelled the work. The cost is approximately \$2,500.00.

Atty. Teodosio stated that a report from the engineer regarding the puddling issue was done. Don Smith in his report that DOT has a way to determine if there is a depression and if remediation is necessary. Mr. Catone has hired a contractor to do the work and the cost of that is estimated to be \$2,000.00. Atty. Teodosio stated that if the road is accepted there is a \$300,000.00 bond which would be reduced to a maintenance bond of \$30,000.00 which would be more than enough to cover these two items. These are the only two items remaining and everything else has been done and the road could be accepted. Mr. Ermer asked if there was any documentation from CL&P regarding the moving of the utility station. Mr. Yagovane stated that he requested a report from the town engineer of what has been done and also if the road is acceptable. Mr. Nafis stated that the only items remaining are the puddling issue and the moving of the utility station. He also stated that both of these issues will have to be done when the weather is warmer. Atty. Teodosio stated that these two items have a cost factor and the maintenance bond would be more than enough to cover them. Mr. Looker stated that the Commission can only make a recommendation to the Board of Selectmen that the road be accepted. Mr. Birdsell stated that there has been some issue with this project and getting work done. Atty. Teodosio stated that the last two items are maintenance items.

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Mr. Yagovane stated that he has an issue with the fact that the road is in and no report was done by the town engineer. He also stated that it will probably be another two months before the work is done. Mr. Nafis stated that the work was scheduled to be done but the weather prevented it from getting done.

Mr. Baldwin stated that when the road is accepted the maintenance bond will be in effect for another year. He also stated that the town engineer has stated that they have checked everything and the only two items are the moving of the utility station and the puddling issue. He was concerned with what caused the puddling. Atty. Teodosio stated that the report addressed how it can be corrected. Mr. Baldwin stated that the Commission could consider accepting the road with the conditions that the CL&P utility station be moved and when the puddling is corrected the town engineer issue a final report. Atty. Teodosio stated that they are asking for a recommendation that the road be accepted and the bond be reduced.

MOTION: Baldwin/Jaffer to recommend to the Board of Selectmen the acceptance of William Lane with the conditions that all easements are in place; the CL&P utility station is moved as soon as possible and the puddling correction be done under the direct supervision of the town engineer and the developer's personal engineer as soon as possible and the existing performance bond be reduced to \$50,000.00.

Motion Carried 3-2 with Mr. Yagovane and Mr. Birdsell opposed.

3. Fawn Woods Estates Subdivision.

Mr. Looker stated that the five completion date for this subdivision expired in June, 2008. There are still three lots left and the developer has experienced financial problems. He stated that the final paving was to be done in October and it has not been done. He stated that the Commission will need to take some action in the spring if nothing is done. Mr. Yagovane stated that the Commission needs to make sure that the bond is still in place.

4. Zoning Enforcement

There was no report submitted from the Zoning Enforcement Officer.

5. Minutes Regular Meeting 01-13-11

MOTION: Ermer/Jaffer to approve the minutes of the 01/13/11 meeting.
Motion carried 5-0.

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

The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Maryanne DeTullio, Recording Secretary